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Spain's Europeanist Presidency

Solid starting block for the European Council
President and High Representative?

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1 Introduction

“This will not be a nationalistic Presidency, but europeanist. There will be no competition but support.” (Miguel Ángel Moratinos at the presentation of the Spanish Presidency Programme, 18 December 2009)

With the creation of the two new posts of a semi-permanent President of the European Council (PEC) and a High Representative for Foreign and Security Policy (HR), the Treaty of Lisbon has changed the institutional arrangement of the European Union (EU).¹ The rotating Presidency of the Council (RP) conducted by the Member States² has lost protagonism, transferring competencies and functions to the new figures and their underlying structures. However, concerning these innovations the Lisbon Treaty lacks clearly defined regulations, divisions and job descriptions. This is why the 2010 Spanish Presidency, the first full post-Lisbon rotating Presidency, plays a decisive role interpreting the regulations and establishing political practices to be followed by future Presidencies.³

The consistency of the implementation process and the rigorousness of the Lisbon Treaty’s application, pushed and facilitated by the national rotating Presidency, will determine the future functioning of the EU. As chance would have it, this far-reaching task fell to Spain, a convinced pro-European country, both at governmental and societal level. Immediately after the entry into force of the new Treaty, the Spanish Government emphasised that EU leadership now corresponded to the new figures and the Spanish rotating Presidency would be of support implementing the Treaty of Lisbon “quickly and rigorously”⁴. However, this endeavour is a painful one as Member States are naturally reluctant to give up national competencies, even more if they are to be the first to whom the loss of functions and protagonism is applied to.

Three contextual characteristics of the Spanish Presidency – its domestic political and economic situation, an unpropitious preparation process and its transitional nature at the intersection between two treaties – raise doubts about Spain’s capacity to realise its *Europeanist* ambitions.⁵ Yet the Spanish performance is crucial. Due respectively to government crisis and nationalistic temptations, the succeeding Presidencies of Belgium and Hungary promise little intergovernmental and political push for a consequent and exhaustive implementation of the Lisbon Treaty. The growing endorsement of eurosceptic parties in recent elections across Europe in general, and the new Conservative-dominated Government in Great Britain in particular, will not facilitate this process either.

The present analysis is no classical judgement of a rotating presidency.⁶ It is most concerned with identifying trends in the future institutional functioning in the EU, casting light on the state of play of the implementation

¹ In addition to the electronic and monographic sources listed in the footnotes this analysis draws on anonymous interviews with officials from the Council and national diplomats from several Permanent Representations to the EU.

² The pre-Lisbon Treaty rotating Council Presidencies popularly yet misleadingly were called Presidency of the EU.

³ For a short analysis of the two new figures’ first months in office and the post-Lisbon Council system see also Daniela Kietz/Nicolai von Ondarza, *Willkommen in der Lissabonner Wirklichkeit*, Berlin: Stiftung Wissenschaft und Politik, March 2010 (SWP-Aktuell 29/2010).

⁴ Herman Van Rompuy/José Luís Rodríguez Zapatero, »2010, un buen año para la Unión«, in: *El País*, 03.01.2010.

⁵ The susceptibility of Member States holding the RP to exploit their privileged position to favour national interests is emphasised in Jonas Tallberg, *Leadership and Negotiation in the European Union*, New York: Cambridge University Press, 2006.

⁶ It is not intended to analyse the Spanish rotating presidency by its policy objectives and make a post-Presidency balance of which of them could be achieved and which not. Instead, the analysis concentrates on the institutional ambit exploring the implementation of the Lisbon innovations in the Council and the European Council during the Spanish semester and Madrid’s role in the process. For further information on the analysis and evaluation of Presidencies see Daniela Kietz, *The Presidency in the Council System: Functions, Scope for Manoeuvre and Room for Improvement*, in: Daniela Kietz/Volker Perthes (ed.), *The Potential of the Council Presidency. An Analysis of Germany’s Chairmanship of the EU, 2007*, Berlin: Stiftung Wissenschaft und Politik, January 2008 (SWP Research Paper 01/2008); and Adrian Schout/Sophie Vanhoonacker, *Evaluating Presidencies of the Council of the EU: Revisiting Nice*, in: *Journal of Common Market Studies*, vol. 44, nr. 5/2006, p. 1051-1077.

of the innovations in the Council and the European Council at the end of the first complete Lisbon Treaty Presidency. Therefore, the analysis is limited to Spain's performance in the institutional realm and does not intend to assess other more policy-oriented subjects of the Spanish agenda like economic recovery and strengthening the rights of European citizens. After placing the Spanish semester in context outlining its specific characteristics, Madrid's *Europeanist* objective within its Presidency programme is explained and subsequently empirically examined. As the Lisbon Treaty curtails the national rotating Presidency's powers in two ambits, the Council for External Relations and the European Council, the verification of Spain's implementation record is divided into these two parts. In a further step, some emergent trends of the new institutional configuration are sketched out.

2 Spain's contextual characteristics

The rotating Presidencies of the EU's Council are by nature influenced by their national and European context. In order to enable an accurate assessment of the Spanish Presidency's contribution to the establishment of the new structures, it is therefore necessary to contextualise it. Spain's so-called *européismo*, a general pro-European stance in both society and politics, has functioned as the underlying footing of Spanish EU policy since its accession to the European Communities in 1986.⁷ The positive perception of the EU as a supranational organisation in general, and the recognition of the positive effects of EU membership for Spain in particular⁸, stem nowadays mainly from the favourable social, economic and democratic development the country experienced since then. Consistently, Madrid's *européismo* is also reflected in the Presidency programme 2010 and the public statements of Prime Minister Zapatero and Minister of Foreign Affairs Moratinos prior to the Spanish semester.

Presidency programme: Madrid's Europeanist objective

In the official programme for the Spanish Presidency the "[f]ast and full enforcement of the Treaty of Lisbon" is listed as the first priority.⁹ Although there is no prioritisation between the four main objectives¹⁰ for the Spanish semester, the paramount importance of the rigorous implementation of the Lisbon Treaty had repeatedly been highlighted. Concerning the new figures of PEC and HR, Madrid had announced its full support to consolidate them in their offices. It had been underscored that there would be no competition and the rotating Presidency was at their disposal. Moratinos had made clear at the presentation of the Spanish Presidency programme in Brussels in December that the new Lisbon Europe would be led by van Rompuy and Ashton, and "it will be up to them, to these two people, to manage, to boost, to represent the EU in the first half of 2010". Furthermore, they would "give momentum and steer [the Union] through the first semester of 2010".¹¹

This Presidency programme reflects Spain's European commitment and a *Europeanist* interpretation of the new Treaty. Although the transitional nature of the Spanish Presidency *de facto* would have allowed Madrid to take a

⁷ Ignacio Molina, *25 años después del Tratado de Adhesión: España ya no es un problema pero Europa sí sigue siendo la solución*, Madrid: Real Instituto Elcano, June 2010 (ARI 95/2010).

⁸ In the survey of the Standard Eurobarometer 72 (autumn 2009) 64% of the Spanish respondents viewed Spain's EU-membership as a good thing, and 66% stated that their country benefited from pertaining to the EU, whereas 22% responded the contrary (<http://ec.europa.eu/public_opinion/archives/eb/eb72/eb72_fact_es_en.pdf>).

⁹ *The Programme for the Spanish Presidency of the Council of the European Union*, <http://www.eu2010.es/export/sites/presidencia/comun/descargas/Spanish_Presidency_Program.pdf> (Access February 2010).

¹⁰ The other three priorities of the Spanish programme are economic recovery and new European strategy 2020 for growth and jobs, reinforcing the EU in the new world order, and developing the rights and freedoms of the European citizens.

¹¹ Miguel Ángel Moratinos, *Presentation of the EU Spanish Presidency Programme*, <http://tvnewsroom.consilium.europa.eu/story/index/story_id/15305/media_id/31656> (Access June 2010).

more assertive stance defining its role next to the new supranational figures, by giving management, steering and representation of the EU in the hands of van Rompuy and Lady Ashton the Spanish programme supports a wide interpretation of their competencies in interaction with the rotating Presidency. Concerning Zapatero's role on summits with third countries or regions, the Spanish agenda left all protagonism to van Rompuy, including the decision whether to invite the Spanish Prime Minister to these bilateral gatherings or not.¹² Therewith the role of the Prime Minister of the Member State holding the rotating Presidency is reduced to a minimum, not specified at all in the Lisbon Treaty. However, it is stated that Spain would "not abandon its responsibility" but would do it with "modesty and discretion"¹³. Another linguistic shift illustrates Madrid's understanding of the reduced role of the national Presidencies: with the Lisbon Treaty in force, the Spanish authorities were keen to talk about the Spanish *rotating* Presidency, a refining insertion which before was omitted.

The fact that the Presidency programme was adopted by a bipartisan parliamentary agreement¹⁴ in spite of the elsewhere highly polarised landscape of political parties reflects both Spain's unchanged *europeísmo* and its regained political consensus on basic foreign policy questions. However, in spite of Madrid's EU-favourable fundamental tone, a narrower perspective on the Spanish Presidency's context paying attention to more recent circumstances and developments reveal an unpropitious environment for Spain's performance in implementing the Lisbon innovations in the Council and the European Council and complying with its *Europeanist* objective.

Domestic political and economic situation

The domestic situation put pressure on the government to deal with pressing policy issues like the EU's economic recovery, rather than the establishment of new institutional structures, and even to do so in a nationalistic manner. José Luís Rodríguez Zapatero, Prime Minister and chief of Spain's Socialist Party, is leading a minority government which depends on the benevolence of regional and nationalistic parties to get any legislative act approved. With general elections due in 2012 and the leading opposition party, the People's Party, assuming the lead in the polls¹⁵ in January, Zapatero is under pressure. This is exacerbated if Spain's economic situation is considered. With an unemployment rate risen near to 20%, the second year in a row of negative growth and an ever increasing deficit, Zapatero's competency to overcome the (long rashly denied) crisis is heavily questioned. The Council Presidency was therefore perceived as a possibility to replace the negative domestic news by Spain's protagonism in Brussels on issues such as economic policy.

Moreover, a clear majority of the Spanish populace recognised the importance of the country's EU Presidency.¹⁶ Zapatero, himself a convinced European and institutionalist¹⁷, had to take advantage of the event, which for Spain will not return at least until 2021, without considering future enlargement. The precarious domestic economic situation is reflected in the Spanish Presidency programme where the economic recovery and the new European strategy for growth and job creation occupy a central position. Alongside exiting the economic crisis and the strengthening of the coordination of national economic policies, social inclusion and reduction of unemployment were prominent catchwords of the Zapatero administration presenting the Presidency

¹² Ibid.

¹³ Ibid.

¹⁴ *Diario de Sesiones del Congreso de los Diputados*, Año 2009 IX Legislatura Núm. 131, <http://www.congreso.es/public_oficiales/L9/CONG/DS/PL/PL_131.PDF#page=17> (Access June 2010).

¹⁵ *Barómetro de Enero*, Estudio nº 2.828, Centro de Investigaciones Sociológicas, January 2010.

¹⁶ *Distribuciones Marginales, Barómetro de Noviembre*, Estudio nº 2.820, Centro de Investigaciones Sociológicas, November 2010.

¹⁷ Throughout his two mandates, Zapatero repeatedly made clear that he disposed of a very European vision of Spain and defended since his first day in office the EU as highest priority in his country's foreign policy. The absolute respect of international law and multilateral cooperation in international institutions are further cornerstones in Zapatero's external action. Jiménez Redondo, *De Suárez a Rodríguez Zapatero: La Política Exterior de la España Democrática*, Madrid 2006.

programme to the Spanish public. Besides positive news from Brussels to get things done (particularly in the economic field), a highlighted position and media coverage was expected to be helpful for the Prime Minister. The eagerness to achieve big photos is illustrated by the turf war about the protocol of the expected visit of President Obama and its premature and imprudent announcement.¹⁸

Unpropitious preparation process

The Spanish administration began in earnest with the preparation of the Council Presidency in March 2008. With an initial budget forecast of 97 millions euro¹⁹, more than twice the budget of its last Presidency in 2002, an additional deployment to Brussels of 80 people and the setting up of a special committee in Madrid, the *Unidad de Apoyo*, the Government underlined its ambition not to reduce its actions to a mere Presidency of procedures.

With the Lisbon Treaty signed in December 2007 it was expected that the new legal framework would be in force and consolidated before the Spanish semester. Nonetheless, the Presidency's preparation had to be adapted to the unforeseen event of the first Irish referendum in 2008 and its far-reaching outcome. At the end of October 2009 and due to the objections of the Czech President Vaclav Klaus it was by no means clear that the Treaty would enter into force until the beginning of the Spanish Presidency. Uncertainty predominated in the Spanish institutions.

Consequently, the organisation team had to follow a two-pronged approach for the eventuality of a Lisbon Presidency as well as a Presidency ruled according to the Nice Treaty. A working group dealing with the implementation of the Lisbon Treaty was established. The two months delay of the approval of the new European Commission further complicated the undertaking of early initiatives. Altogether, the preparation process was immersed in uncertainty and required a high degree of flexibility and anticipation. The tracking of different Presidency scenarios made the preparation process more costly and demanding, and impeded a streamlined and target-oriented organisation.

Transitional nature of the Presidency

As several innovations of the Lisbon Treaty were expected to enter into force during or after the first semester of 2010 containing transitional periods (e.g. the period for setting up the European External Action Service and for the work of Council preparatory bodies), the Spanish Presidency popularly was called a *Presidency of transition*. As Spain's Secretary of State for the European Union Diego López Garrido pointed out, the "Spanish presidency is a special one because it is a presidency of transition [...] This is a time of transition, but that will not be the case for the next countries to hold the presidency".²⁰ The delayed approval of the new Commission and the necessary period of consolidation of the new figures of HR and PEC have further accentuated the transitional character requiring transitory and ad-hoc solutions. This exceptional status of the Spanish semester offered leeway and justification for Madrid to draw on exceptional practices with certain susceptibility to be applied in an

¹⁸ The first handshake with President Obama and the sitting position either to his right or opposed to him were subject to discussions between officials from Madrid and Brussels. However, according to officials of the Obama administration, the US President never had intended to attend such a summit in Europe in the first half of 2010. Hans-Jürgen Schlamp, »Protokollzoff in Brüssel. EU-Bosse streiten um ersten Handschlag mit Obama«, in: Spiegel online, <<http://www.spiegel.de/politik/ausland/0,1518,674897,00.html>> (Access June 2010).

¹⁹ Luis Ayllón, »Zapatero gastará el doble que Aznar en la presidencia española de la UE«, in: ABC, <<http://www.abc.es/20090920/nacional-politica/zapatero-gastara-epoca-crisis-20090920.html>> (Access June 2010).

²⁰ Diego López Garrido, in: Pouyeh Ansari, »Background: Spain's EU Presidency«, in: Euranet, <http://www.euranet.eu/eng/Today/News/English-News/Background-Spain-s-EU-Presidency> (Access June 2010).

exaggerated manner and be exploited by the Spanish government making their Presidency rather the last Nice Treaty Presidency than the first Lisbon one.

Overall, these special contextual characteristics of the Spanish semester are adverse and cast doubts on both Madrid's ability and determination to push forward their priority, the implementation of the Lisbon Treaty. For one thing, the Zapatero administration would have a strong motivation to retain protagonism and dominate the European media due to domestic reasons. For another, Madrid could draw on the justification for exceptional, pre-Lisbon Treaty practices due to the transitional character of its Presidency. The unpropitious preparation process and Zapatero's undermined external credibility provoked by the severe economic crisis in Spain further increased the uncertainty over the Spanish performance.

3 Implementation record in the Council

As regards the Council²¹, the Lisbon innovations affecting the rotating Presidency are primarily limited to the new Foreign Affairs Council (FAC), its underlying structures and external representation. All other nine Council configurations, including the General Affairs Council (GAC) which constitutes the other part of the former General Affairs and External Relations Council, remain to be handled by the rotating Presidency.

The Spanish performance in this ambit was mainly positive with some reservations. Madrid ceded the FAC's responsibility to the HR, cooperated closely with her within the Council's foreign affairs structure and in the establishment process of the EEAS, and supported her in office stepping in when asked to. However, in this supportive role making up for the absence of the diplomatic service, Moratinos occasionally both gave himself and was given by circumstances a too prominent and assertive role.

Summary of the main innovations concerning the RP, Council and European Council

Ambit	Structures and procedures to be established (timetable)	Ideal-type behaviour of the RP
FAC	- Chairmanship, agenda setting and follow-up of its meetings by HR as opposed to the Minister of Foreign Affairs from the Member State holding the RP (by entry into force of the Lisbon Treaty ²²) (art. 18 and 27.1 TEU; art. 2.5 Council Rules of Procedure).	- Minister of Foreign Affairs renounces competencies - Deputise the HR when asked to (art. 2.5 Council Rules of Procedure) - Drafting of operational programme for the RP-semester jointly with HR (art. 2.6 Council Rules of Procedure)
PSC	- Chairmanship, agenda setting and follow-up of its meetings by representative of the HR as opposed to Ambassador to the PSC from the Member State holding the RP (by entry into force of the Lisbon Treaty/after extended until the start of functioning of the EEAS) (art. 19.4 Council Rules of Procedure).	- Renounce competencies
Preparatory bodies of FAC	- Chairmanship of 20 working parties in three different categories by representatives of the HR as opposed to representatives from the Member State holding the RP (after transitional periods): <i>Geographic</i> , cat. 2: all eight preparatory bodies (up to 12	- assume chairmanship during transitional period - cooperate closely with HR in order to ensure coherence among the preparatory

²¹ On the role and functions of the RP in the Council in the pre-Lisbon EU: Fiona Hayes-Renshaw/Helen Wallace, *Taking Turns at the Wheel: The presidency*, in: Fiona Hayes-Renshaw/Helen Wallace, *The Council of Ministers*, 2nd ed., Houndsmills, Basingstoke: Palgrave 2006, p. 133-161; on the powers and influence of the RP in the Council in the pre-Lisbon EU: Jonas Tallberg, *The agenda-shaping powers of the EU Council Presidency*, in: Journal of European Public Policy, 2003, 10:1, p. 1-19; and Robert Thomson, *The Council Presidency in the European Union: Responsibility with Power*, in: JCMS 2008 Vol. 46, Nr. 3, p. 593-617.

²² Although legally strictly speaking the new rules of procedure of the European Council, of the Council and the Council Decision on the chairmanship of the Council's preparatory bodies entered into force the 1 December 2009 (day of the entry into force of the Lisbon Treaty), they started largely to be applied only after the end of the Swedish Council Presidency starting the Spanish semester as from beginning January 2010.

	months after the adoption of a Council decision on organisation and functioning of EEAS) <i>Horizontal</i> , cat. 3: majority of preparatory bodies ²³ (up to 6 months) <i>CSDP-related</i> , cat. 4: majority of preparatory bodies ²⁴ (up to 6 months) (Council Decision on the chairmanship of preparatory bodies of the Council)	bodies and the FAC (Council Decision on the chairmanship of preparatory bodies of the Council)
EEAS	- concluding stage I of the establishment of the EEAS and adopting Council decision on organisation and functioning of EEAS and reaching agreement on its staff and financial regulation until the end of April - entering in stage II of the establishment of the EEAS which lasts until the EEAS is running completely (art. 34 Swedish Presidency report of 23 October 2009 to the European Council on the European External Action Service, endorsed by the European Council on 30 October 2009)	- support the HR in its preparatory work - facilitate agreement among the Member States
European Council	- Convening, organisation, agenda setting, chairmanship and follow-up of its meetings by PEC as opposed to the Head of State or Government from the Member State holding the RP (by entry into force of the Lisbon Treaty). - Establishment of Brussels as venue and reduction of attendance to Heads of State and Government as opposed to holding each semester one European Council meeting in the Member State holding the RP and the participation of Ministers of Foreign Affairs (by entry into force of the Lisbon Treaty). (art. 15 TEU and European Council Rules of Procedure)	- Renounce competencies - Support the PEC in drafting the agenda and ensuring the follow-up of the meetings (art. 3 European Council Rules of Procedure).
External representation	- Takeover of the EU's external representation within the CFSP by the PEC and HR as opposed to the RP (by entry into force of the Lisbon Treaty) (art. 15 and 27.2 TEU).	- Renounce competencies

Partial implementation, ambivalent status quo

On the highest level, the monthly FAC meetings, the HR Lady Ashton has assumed her designated tasks to the full, e.g. agenda setting, chairmanship and drawing up conclusions.²⁵ In the underlying structures of the FAC, though, the changes of the Lisbon Treaty have not yet been implemented. The Council Decision of 1 December 2009 on the chairmanship of preparatory bodies of the Council, in response to the entry into force of the new Treaty, stipulates that after a transitional period “most” of the FAC's preparatory bodies have to be chaired by representatives of the HR. Precisely, this applies to all geographic preparatory bodies (category 2), the majority of the horizontal preparatory bodies (with the most prominent exception of the working group of Foreign Relations Counsellors; category 3) and all Common Security and Defence Policy-related preparatory bodies (except the EU Military Committee and its working group). However, the transitional period is still valid and all these working parties have been prepared and chaired by Spanish representatives. A special case constitutes the Political and Security Committee (PSC): It was also chaired by a Spanish official, its Ambassador Carlos Fernández-Arias Minuesa. But since he collaborated very closely with Lady Ashton and her Cabinet, he was considered double-hatted, representing Spain and deputising the HR at once.²⁶

²³ Nicolaidis Group, Working Parties on Global Disarmament and Arms Control, on Non-Proliferation, on Conventional Arms Export, on Human Rights, on OSCE and the Council of Europe, on CFSP Administrative Affairs and Protocol, on United Nations and Ad hoc Working Party on the Middle East Peace Process.

²⁴ Politico-Military Working Party, Committee for Civilian Aspects of Crisis Management and Working Party on European Arms Policy.

²⁵ Two informal Council meetings of the CFSP's ambit were chaired by Spanish Ministers, e.g. the Gymnich meeting, biannual informal gathering of the EU Ministers of Foreign Affairs, held in Córdoba and chaired by Spain's Miguel Ángel Moratinos and an informal Defence Ministers meeting in Palma de Mallorca chaired by Carme Chacón Piqueras, Spanish Minister for Defence.

²⁶ Francisco Penalva, *Spanish Presidency of the EU, Mid-Term Review: 'Game Over' for Rotating EU Presidencies on CSDP*, ISIS Europe, European Security Review, No. 49, May 2010.

This ambivalent status quo – HR in charge of the foreign affairs structure's top but national representatives in charge of its preparatory bodies – requires additional coordination efforts between the two sides. For the RP, its task was made more complicated as it did not dispose of the whole chain of command any more but had to push initiatives from the bottom up and forge agreements on early stages among the Member States. As a consequence, the organisation and thematic preparation of FAC meetings was not as thorough as was expected and especially the agenda setting process happened to lack structure and continuity.

It was Madrid's declared objective to support the HR in her work and consolidate her in the new office giving the steer of the EU's foreign policy into her hands. Due to the fact that the Spanish administration was in charge of chairing all preparatory bodies, it could retain strategic competencies just as setting up agendas, leading negotiations and facilitate agreements. By providing steer in preparatory documents, Madrid was able to take over a more assertive role within the Council's foreign affairs structure than future Presidencies will have. However, the HR was highly dependent on the Spanish support and fortunate that she could draw on Spain's foreign policy capacities.

The coordination and communication between the two sides was conducted on a bilateral basis without mediation by the Council and said to run smoothly. Moratinos since the very beginning ceded the handling of the FAC to the HR and stepped in representing the EU externally when requested by Lady Ashton. As provided by the Council Decision of 1 December 2009 on the chairmanship of preparatory bodies of the Council, Spain complied with its duty to chair them during the transitional period. Madrid in this section fulfilled its proposition and facilitated the Lisbon innovations to the extent it was possible.

Establishment of EEAS proves crucial

The ambivalent situation in the foreign affairs structure caused by the partial implementation of the Lisbon innovations will not change until the EEAS is set up.²⁷ The Proposal for a Council decision establishing the organisation and functioning of the EEAS from 25 March 2010 stipulates that the chairmen of the PSC as well as of the preparatory bodies shall originate from the new service. In its role of assisting the HR, it provides the personnel, structures and procedures Lady Ashton will draw on. During the Spanish term her resources were limited and her Cabinet had to cope with a heavy workload while the establishment of the EEAS consumed important capacities. Hence at the end of the first half of 2010 it is premature to draw long-ranging conclusions from the present functioning of the Council's foreign affairs structures. Yet there is broad consensus that the current situation has to be overcome quickly and the sooner the new service will be running less coordination issues and structural flaws have to be coped with. But after the delay of the Council decision's approval, due to the EP's objections, it will still last some time until the EEAS will start functioning. Although a political agreement with the EP's negotiators on the EEAS could be reached at the end of June and the Belgian Permanent Representative Jean de Ruyt wants to proceed to appointment of the positions in July²⁸, it is still optimistic to have the new figures into place until the end of 2010. At all events, the incoming Belgian rotating Presidency will go on chairing the PSC and the preparatory bodies.

In its Presidency programme, Spain had stated the swift launching of the EEAS as one of its priorities. The timeframe for adopting the final Council decision for its setting up until the end of April 2010, agreed on at the

²⁷ For further information on the establishment of the EEAS see Martin Kremer/Julia Lieb, *Empowering EU Diplomacy: The European External Action Service as an opportunity for EU foreign policy*, Berlin: Stiftung Wissenschaft und Politik, February 2010 (SWP Comments 02/2010).

²⁸ Andrew Rettman, »Belgium outlines ideas on EU diplomatic appointments«, in: Euobserver.com, 20.05.2010, <<http://euobserver.com/18/30110>> (Access June 2010).

European Council meeting in October 2009, was welcomed by Moratinos.²⁹ Just as in many European capitals the Zapatero administration underestimated the complexity and complicity of setting up a European diplomatic service and satisfying the differing interests of the various parties implicated in the negotiation process. Therefore, neither Madrid nor the EP can be blamed by the delay but the imprecise reference to it in the Lisbon Treaty and the concurrent establishment of an unrealistic deadline make up for that. Although the temporal objective was not met, relating to substance Madrid's stance of an independent service *sui generis* with own funds and personnel and single geographic and thematic desks³⁰ seem to be mainly delivered.

Although Madrid's substantial implication in the EEAS' establishment process can be questioned and the protagonism was left to other stakeholders, Spain had two representatives³¹ in the preparatory group of the new service and the political agreement with the EP's chief negotiators was concluded in Madrid.³²

External representation: Ashton engages Moratinos

In the ambit of EU's external representation within the CFSP, both on ministerial and presidential level, the Lisbon Treaty does not envisage any specific role for the RP, assigning this task to the HR and PEC.³³ With the Minister of Foreign Affairs from the Member State holding the RP being no longer responsible for chairing the FAC, he has lost the formal capacity to represent externally the views of this Council configuration. However, with the EEAS still in the making, it is not yet clear if and which external functions will be assigned to that figure, who besides is the Chair of the GAC. The Council Rules of Procedure establish that the HR may ask the FAC representative of the country holding RP, e.g. its Minister of Foreign Affairs, to deputise her in the FAC meetings in her absence.³⁴ Yet, external representation is not referred to.

For the Spanish semester it had been informally agreed that Moratinos deputised Lady Ashton whenever her agenda made attending an event impossible. This held true for several Association Councils and ministerial meetings, where the Spanish Minister of Foreign Affairs operated as chair, e.g. the EU-Egypt Association Council and the EU-Central Asia ministerial meeting, both in Brussels. Furthermore, the deputisation was extended to missions abroad. In doing so, Moratinos visited on behalf of the EU, amongst others, the Balkan countries, the South Caucasus and México. The Spanish Minister of Foreign Affairs not only in representative and procedural matters took an active role the Lisbon Treaty does not provide, but repeatedly acted as EU spokesperson. His generous position towards EU membership prospects of Turkey³⁵ and his remarks on considering the lifting of the EU arms embargo on China³⁶ are just two examples where he spoke on behalf of the EU without displaying a common position on the topic and without having consulted his EU partners previously. The Balkan Conference in Sarajevo at the beginning of June is another illustration of Spanish ministerial activity: It was organised by Spain and in spite of Ashton's presence chaired by Moratinos, concluding with a declaration drafted by Madrid.

²⁹ Miguel Ángel Moratinos during a hearing in the Joint EU Committee of the Cortes Generales. *Diario de Sesiones de las Comisiones Mixtas*, Año 2009 IX Legislatura Núm. 91, <http://www.congreso.es/public_oficiales/L9/CORT/DS/CM/CM_091.PDF> (Access June 2010).

³⁰ Ibid.

³¹ Carlos Bastarache Sagües, Permanent Representative of Spain to the EU and Carlos Fernández-Arias Minuesa, Ambassador of Spain to the Political and Security Committee.

³² Following the meeting in Madrid on 21 June 2010 where the political agreement was reached, the Spanish Ministry of Foreign Affairs and Development was the first to release the corresponding communiqué.

³³ Art. 15 TEU.

³⁴ Council Decision of 1 December 2009 adopting the Council's Rules of Procedure, art. 2.5.

³⁵ At the press conference after the EU-Turkey Association Council, Moratinos, who were also chairman of the meeting, insisted that the goal of negotiations were full EU membership of Turkey. However, there is no consensus among the 27 Member States if the objective of the ongoing negotiations is necessarily a full membership or it could also lead to a special, privileged partnership. <<http://www.eu2010.es/en/documentosynoticias/noticias/may10turue.html>> (Access June 2010).

³⁶ Moratinos declared in January that the EU had agreed to reconsider the decision of the arms embargo on China. However, there is no majority within the EU which would approve to lift the ban. <http://www.economist.com/blogs/charlemagne/2010/02/eu_china_arms_embargo> (Access June 2010).

Overall, in deputising Lady Ashton, Moratinos conferred himself a role the new Treaty does not foresee. While some too outspoken statements, acting on behalf of the EU, reflected Spain's determination to push through its previously set objectives³⁷, the taking over of additional representative and procedural tasks was triggered by compelling circumstances, i.e. the still missing structure to provide by the EEAS which would allow the HR to delegate these tasks to internal deputies. The RP, in person of its Minister of Foreign Affairs, filled the gap which the missing EEAS left, though its mandate for doing so was questioned. However, the Spanish efforts to support the HR's consolidation are generally recognised within the EU, being it the practical need rather than national ambition which gave Moratinos a role Minister of Foreign Affairs from future RP will not have. Although Madrid did not achieve the implementation of all Lisbon innovations in the Council and steer and external representation were not exclusively Ashton's but frequently shared with the Spanish administration, Madrid complied with its previous announcement to facilitate their implementation and ease the starting period of the HR by offering her its loyal support and availability.

4 Implementation record in the European Council

The Lisbon Treaty changed the status, organisation and leadership of the European Council and, *sensu stricto*, left the RP in this ambit without any responsibilities. Being an independent institution, the European Council now has its own budget and president. The first incumbent, Herman van Rompuy, pointed out that he perceived his role as a "facilitator", exceeding the functions of a mere chairman but clearly delimiting himself from a President with executive functions in its own right. The Prime Minister from the member state holding the RP remains without any visible functions.

The Spanish performance in this ambit was consistently positive and facilitated the PEC's fast consolidation in his office. Since the very beginning Madrid accepted van Rompuy's protagonism in that institution leaving the organisation and leadership of the European Council meetings and the visible handling of issues highly covered by the media as the eurozone crisis to the PEC. Zapatero's absence regarding EU's external representation at presidential level (except the summits with thirds held in Spain), reinforced both the PEC's internal position and external perception.

European Council meetings, van Rompuy consolidated

The PEC has assumed fully his primary responsibilities of organising, setting the agenda and ensuring the continuity of the European Council meetings, as well as convening extraordinary summits if he esteems necessary. As provided by the Lisbon Treaty, van Rompuy changed the format by inviting only the Heads of State and Government to the gatherings excluding the Ministers of Foreign Affairs. Furthermore, he keeps the conclusions short and intends to increment the total number of European Council meetings, be it formal or informal, to between six and eight a year.³⁸

Van Rompuy's start was courageous. On his first working day in January he convoked an informal European Council meeting for mid February to deal with the new post-Lisbon economic strategy. He changed schedule (morning instead of evening session) and venue (Bibliothèque Solvay instead of Justus Lipsius Building), and although the earthquake in Haiti and the Greek economic crisis forced him to extend the agenda, the PEC made

³⁷ E.g. promote EU membership of Turkey and conclude new agreements with Latin America's regions and countries.

³⁸ Van Rompuy's initial proposal was to celebrate an European Council meeting each month. This frequency was rejected by some European leaders. However, by planning an informal foreign policy summit for September and a further one on energy policy in February 2011, the Heads of State and Government are convened by the PEC at least six times a year.

clear his intentions to keep the agenda short in order to maximise the results on each topic. All these slight but swift changes demonstrated van Rompuy's willingness to provide from the very beginning his own tone in the presidency of the European Council, using his organisational powers to the full. The further two formal European Council meetings followed the same pattern, although back in the Justus Lipsius building, and were confidently led by the PEC. However, he left clear that his role in the meetings was that of a broker, trying to forge agreement between the Member States and delivering weighty preparatory documents. He would never go on record with his own personal opinions but express the ideas of the European Council as a whole. He was present at all press conferences during and after the meetings, delivered the conclusions and presented them to the EP.

Zapatero was eclipsed. His input was hardly more visible than that of other Heads of State and Government - certainly less visible, indeed, than that given by politicians like President Sarkozy or Chancellor Merkel from other large member states. Although in their preparation process he had regular contact with the PEC, during the meetings he did not even attend all special format meetings and press conferences, whereas van Rompuy was always present and occasionally invited some of the leaders to his office in the 50th floor.³⁹ As the programmatic discourse announced it before the beginning of the Spanish Presidency, Zapatero left the show for van Rompuy. The absence of competition with the RP facilitated the PEC's start and enhanced his position hereinafter.

Summits with third countries: Zapatero's retreat (with exceptions)

The Spanish semester was crammed by Summits with third countries or regions and Zapatero was determined to retain some protagonism in these fora, as the premature protocol tussle around the planned EU-US Summit illustrated.⁴⁰ What was supposed to become the most visible and impactful moment for the Spanish PM during the Spanish semester ended up in an embarrassing misunderstanding highlighting Spanish organisational imprudence.⁴¹ Two more highly expected gatherings to provide media attention for the Zapatero administration, the second Summit of the Union for the Mediterranean and the EU-Egypt Summit, both to be held in Barcelona, had also to be cancelled because of increased Israeli-Arab tensions.⁴²

As the Lisbon Treaty hands the responsibility of EU's external representation over to the permanent structures (HR, PEC), in the realm of the European Council van Rompuy is in charge of the meetings with third countries and regions. However, it is not quite clear if the function of external representation besides presiding the summits and acting as EU's spokesperson includes all kinds of organisation and preparation. Thus the institutional rules for these summits differ from the internal European Council meetings. As they require a long organisational process with a heavy load of preparatory and diplomatic work to be done previously, Madrid was already strongly engaged with the summits' preparation before the Lisbon Treaty entered into force. Moreover, the fact that Spain could draw on special expertise in some of the countries and regions to convene with (particularly Latin America and North Africa) van Rompuy's team could not easily deliver, led to increased

³⁹ At the morning of the first informal European Council meeting in February van Rompuy convened in an emergency meeting Merkel and Sarkozy at his office, where Zapatero was not present. At the formal European Council meeting in March, the Spanish Prime Minister did not attend a spontaneous gathering between the PEC, the President of the European Central Bank Trichet, Merkel and Sarkozy. During the meeting in February, the public statements were given by van Rompuy, Barroso, Merkel and Sarkozy, at the formal meeting in March Zapatero did only attend the press conference after the second day of negotiations, not the first (which was held by van Rompuy and Barroso).

⁴⁰ Cf. 16.

⁴¹ According to Washington, there were never any plans for a trip by President Obama to Madrid during the Spanish term. The U.S. State Department also indicated that EU's somewhat unclear leadership and governance arrangements after the entry into force of the Lisbon Treaty had contributed to the decision.

⁴² The EU-Egypt Summit was supposed to take place in the sidelines of the wider Summit of the Union for the Mediterranean and was postponed due to the cancellation of the latter.

Spanish protagonism during the preparatory process and its realisation of at least some summits. These reasons and the transitional character of Spain's Presidency allowed to hold several of them in Spain and not in Brussels.

From the eleven summits, counting the EU-Latin America and Caribbean Summit (EULAC) and its sub-regional configurations⁴³ as one, seven were planned to be held in Spain, two in Brussels⁴⁴ and two in the respective third country⁴⁵. Due to the cancellation of three of them⁴⁶, Spain finally remained with four on the peninsula. Although the discussions in Brussels are ongoing if the RP should continue to host Summits with thirds and, if so, how many⁴⁷, it will not reach the same quantity as during the Spanish semester.

Whereas the Spanish PM did not even attend the Summits which were held outside his country, he acted as host in all others, firstly received the guests and supported the PEC as co-spokesperson at the press conferences. However, the formal lead in all summits, be it in Spain or outside, was van Rompuy's. He chaired the meetings and gave the main conclusions, relegating Zapatero to a second place. The special case of the EULAC and the gatherings with Morocco, Mexico, Chile and its various sub-regional configurations in terms of preparation, steer and internal negotiation was demonstrated illustratively by the background banner used for the final press conferences and family photos: In bold white Spanish letters it was recorded: "Spanish Presidency of the *European Union*", displaying the pre-Lisbon state of play.

In other aspects of external representation exceeding the format of EU Summits with Thirds, the PEC assumed fully EU's representation on international conferences at presidential level, e.g. Nuclear Security Summit in Washington in April and the G20 meeting in Toronto in June (in the latter case shared with Barroso). The Spanish PM did not participate, or if so, not on behalf of the EU.

Overall, along with some exceptions of Summits with its former colonial territories, Zapatero and his administration retreated from the arena of external representation at European Council level.

EU 2020 initiative and eurozone crisis reaction

The adoption of a post-Lisbon strategy, later called Europe 2020, had been one of the priorities in the Spanish Presidency Program. Madrid previously had made efforts to assure that the new strategic economic paper would be released during the Spanish semester and coquetted with the denomination *Madrid Strategy*. However, the Spanish visibility in its developing process was reduced in favour of the PEC. Van Rompuy, not Zapatero, presented a non-paper with broad guidelines for the new economic strategy at the informal European Council in February.⁴⁸ The Spanish were forced to do the spadework, leading discussions over specific issues in the Council's preparatory bodies. A draft with the main elements presented at the European Council in March and the final adopted in June was not based on a Spanish proposal but rested on the interplay between van Rompuy and Barroso.

The reaction to the eurozone crisis was another field which yielded proof of van Rompuy's institutional consolidation: He convened with Merkel and Sarkozy in an emergency meeting in his office in the Justus Lipsius

⁴³ Besides the EU-Latin America and Caribbean Summit the held sub-regional meetings with the countries from the Common Southern Market (MERCOSUR), the Andean Community (CAN), Central America and the Caribbean Community (CARIFORUM).

⁴⁴ The EU-Pakistan and EU-Canada summits.

⁴⁵ The EU-Japan summit in Tokyo and the EU-Russia summit in Rostov-on-Don.

⁴⁶ The EU-US summit, the Second Summit of the Union for the Mediterranean and the EU-Egypt summit.

⁴⁷ As regards to the Belgian Council Presidency in the second half of 2010, the 8th Europe Asia meeting is foreseen to be hosted by Belgium and to take place in the King's residence as opposed to the Justus Lipsius building. Concerning the Hungarian Presidency in the first semester of 2011, it seems probable that the 2nd Eastern Partnership summit will be held in Hungary, as at first summit in 2009 partners agreed that Budapest would be the host of the next meeting.

⁴⁸ Jim Brunsden/Jennifer Rankin, »Van Rompuy looks for more informality«, in: European Voice online, 04.02.2010, <<http://www.europeanvoice.com/article/van-rompuy-looks-for-more-informality/67038.aspx>> (Accession June 2010).

building before the informal European Council in February to forge a basic agreement between the two leaders about how to help Greece and, speaking in his words, to avoid a “catastrophe”⁴⁹; he firstly reacted to the Greek request to activate the rescue mechanism in April⁵⁰; he convened and presided two informal meetings of the eurozone’s Heads of State and Government; and advanced to the position of head of the Task Force on economic governance, which reasonably could have been among the competencies of the eurogroup president.

5 Emergent trends of the new institutional arrangement

The structural reshaping of the EU is still in a transitional period and the new institutional configuration and governance structure in a state of evolution. Part of the structure is still missing, e.g. the EEAS and the HR’s deputies. Therefore it is premature to make an assessment over the Lisbon Treaty’s functionality at the end of the Spanish semester.

However, the first months after the introductions of innovations have a constituent character and many aspects of the new institutional *modus vivendi* will find lasting application as it will prove costly to change once established practices. It is therefore timely to grasp some trends and feel the pulse of the new institutional arrangement after the first Lisbon Presidency.

Growing protagonism of the European Council

It is generally assumed that EU policy making over time has become increasingly presidential attributing growing importance to the decisions made during the gatherings of Heads of State and Government at the European Council. This tendency is further strengthened by the implementation of the new Treaty’s innovations. The introduction of a more permanent structure, e.g. the semi-permanent President, and the conferral of being an official EU institution per se enhance the European Council. The role of that institution in the development of the Europe 2020 strategy usurping competences from the Commission and its protagonism in handling the eurozone crisis reaffirmed its strong position. Sidelining the Commission, the Member States on the basis of the European Council and its special Task Force have taken the lead in the discussions over increased economic governance in the EU and surveillance of the economies of the Member States. The ability to draw on the resources of the Council Secretariat in the preparation process of the European Council meetings as well as in external functions (trips abroad), makes the European Council ever more powerful. The intention of further increasing the number of European Council meetings, the planning of more single-issue meetings like the foreign policy summit in September and the question of setting up a permanent eurozone council with an own secretariat reflect the tendency of a presidentialisation of EU politics with van Rompuy and the Heads of State and Government coming to the fore.

PEC as enhanced broker

The imprecise provisions of the Lisbon Treaty concerning the role of the PEC left leeway for interpretation regarding the question if he would rather act as a President in terms of executive powers or as a mere chairman

⁴⁹ In a conversation with the Frankfurter Allgemeine Zeitung, published 9 April 2010, the PEC made clear that not reaching an agreement at the informal European Council on 11 February would have meant a “catastrophe” for Europe. The principle of agreement and the common text agreed on in the emergency meeting at his office was the essential basis for the subsequent agreement among the 27 Member States.

⁵⁰ Statement by Herman van Rompuy President of the European Council on the Greek request to activate the mechanism agreed by the European Council <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/113954.pdf> (Access June 2010).

of the European Council meetings. He characterises himself as none of the two but a broker, facilitator, who “enhance[s] a shared sense of direction”⁵¹ among the Heads of State and Government. This intermediate position has been confirmed during the first half of 2010. Although he plainly stuck to his intentions to speak only on behalf of the European leaders, he tried to influence the discussions by the weight of the preparatory documents and preliminary bilateral conversations. It was in his office that Merkel and Sarkozy finally reached agreement over the general outline of the Greek support mechanism in February. Van Rompuy tries to take full advantage of the three basic gains with the semi-permanent presidency, e.g. continuity, full-time dedication to the job without the additional burden of presiding a member state and the legitimacy of being chosen by the Heads of State and Government. On occasion, he also tried to articulate independent analysis of the changing international system and the arising challenges for the Union⁵², as well as the EU’s biggest internal threats⁵³. He started to provide the format of the European Council meetings a new tone making them shorter, more frequent and more focused on single issues. He assumed without hesitation (and without a formal empowerment) the chairmanship of the meetings of the Heads of State and Government of the eurozone and presides the Task Force on economic governance reporting regularly back to the European capitals. Overall, no small number of Council officials and national diplomats in Brussels were surprised by the strength and determination of van Rompuy and his consequent approach.

*Shrunken RP in scope, steering capacities and visibility*⁵⁴

The RP is now limited to the Council and has mainly withdrawn from the foreign policy arena. Although Madrid could retain some residual representative and organisational tasks hosting and preparing several European Council Summits with thirds and Moratinos deputising the HR in several occasions, this will be reduced to a minimum once the transitional period is over and the EEAS working. The development of the Europe 2020 strategy and the handling of the eurozone crisis have revealed decreased steering capacities by the RP, in favour of the PEC. Furthermore, due to the growing activity and protagonism of the European Council, fewer decisions are being taken at the level of sectoral Council configurations. The loss of visibility represents another reality of the post-Lisbon Treaty RP. The Head of State or Government from the Member State holding the RP remained without any established role, while his cabinet’s Ministers continue to chair their Council configurations. Though this was evident when the Lisbon Treaty had been hammered out, van Rompuy’s internal strength and independence from the RP might have opened the eyes of some Member States. The discussions are already ongoing in Brussels how the Head of State or Government of the RP can be provided with an adequate niche in the post-Lisbon Treaty EU.

Squeezed and incoherent GAC

The GAC is responsible for guaranteeing consistency in the work of the different Council configurations and, in liaison with the PEC, prepares and ensures the follow-up of European Council meetings. After the introduction of a semi-permanent president, the chairman of the European Council and the chairman of the GAC, a representative of the country holding the RP and normally its Minister of Foreign Affairs, no longer belong to

⁵¹ Speech by Herman van Rompuy President of the European Council at the European Parliament Brussels, 24 February 2010 PCE 32/10.

⁵² Address by Herman van Rompuy President of the European Council to the Collège d'Europe, Bruges Concert Hall 'tZand , »The Challenges for Europe in a Changing World«, <http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/113067.pdf > (Access June 2010).

⁵³ Herman van Rompuy, »El peligro de Europa es el populismo«, in: El País, 09.04.2010.

⁵⁴ This emergent trend is opposed to the historic development of an increasingly more important role of the RP in the pre-Lisbon EU; Fiona Hayes-Renshaw, *From Procedural Chore to Political Prestige: Historic Development and Recent Reforms of the Presidency of the Council*, in: Österreichische Zeitschrift für Politikwissenschaft, ÖZP 2/2007, p. 107-124.

the same national administration, which causes an unprecedented need for cooperation between the two sides. Nonetheless, the requirement of close collaboration and communication is not fully met in practice.

In the GAC meetings preparing the European Council gatherings neither van Rompuy nor a member of his Cabinet is present. In the GAC's preparatory bodies, e.g. the Permanent Representatives Committee (COREPER) and its working party Antici, the summits' preparation has become more informal.⁵⁵ By contrast, the communication with the capitals seems to run smoothly with information about the informal Council meetings first reaching the 27 government administrations than the Permanent Representatives in Brussels, which shows van Rompuy's preference for a direct line of communication to the Heads of State and Government.

Another aspect which undermines the GAC's coherence is the difference in rank and area of expertise of the national representatives. Among the various participants in GAC meetings are Ministers of Foreign Affairs, Ministers of European Affairs, their deputies, Permanent Representatives and Secretaries of State. This cacophony of offices lowers the quality of the discussions and the decision taking capacity. Whereas some Member States harbour the idea of introducing more horizontal issues in its agenda (grabbing them from other Council configurations), officials from the Council secretariat happen to question the GAC's overall utility since the statements made during its meetings are largely known previously among the representatives as they were discussed in preparatory meetings.

This all shows the GAC has not yet found its place in the post Lisbon Treaty EU getting squeezed by COREPER, the European Council and the national chancelleries.

6 Conclusion

“José Luis Zapatero and I have set an excellent precedent for the collaboration between a rotating Presidency and the permanent Presidency” (Herman van Rompuy after the second formal European Council meeting, 17 June 2010)

The full enforcement of the Lisbon Treaty was one of the four main objectives of the Spanish Presidency programme. Due to the unexpected delay of the EEAS agreement, not all Lisbon innovations, particularly in the Council's foreign affairs structure, have been put into practice at the end of the Spanish semester. However, the preceding analysis has shown that Madrid, in spite of a difficult context forged by the precarious domestic political and economic situation, unpropitious preparation process and exceptional, transitional Presidency nature, complied with its programmatic announcements to facilitate the consolidation of the new figures by yielding loyal support and ceding protagonism to van Rompuy and Lady Ashton.

Indeed, the facilitation of the implementation of the new rulebook will most likely be considered as the most successful sphere of activity of the Spanish term since the Zapatero administration in all other three priority areas suffered major flaws: The objective of economic recovery was eclipsed by the fierce eurozone crisis, the foreign policy agenda branded by the failures in its attempts to create a new transatlantic agenda and promote

⁵⁵ The Anticis are not always being briefed before each European Council meeting as first instance and the COREPER meeting which prepares the summit only occasionally is assisted by van Rompuy's Head of Cabinet, Frans van Daele. Instead, van Rompuy has established the practice of having dinner with the Permanent Representatives of the Member States in the course of the preparations of the gatherings with the Heads of State and Government.

the Union for the Mediterranean⁵⁶, and the promotion of the European citizens' rights was hampered by the failure to adopt a European Protection Order for the victims of domestic violence.

By analysing the two ambits where the powers of the RP were curtailed by the new provisions, the Council and the European Council, this analysis showed that the implementation record in the two institutions is differing, which directly reflected the distinction in protagonism and visibility between Zapatero and Moratinos with the Prime Minister having widely disappeared from the European stage and its Minister of Foreign Affairs travelling around the world representing the EU. Whereas in the Council both internally (preparatory bodies and PSC) and externally (association councils and the HR's deputisation) still pre-Lisbon practices are applied and the new provisions only partly implemented (FAC), the European Council is already completely working according to the Lisbon regulations (with the exception of summits held in Spain). Consequently, the office of the HR is still in a state of evolution while the PEC has consolidated himself firmly. Restrictively it has to be admitted that the PEC's consolidation was more feasible and facilitated by the general trend of growing presidentialisation of EU policy making, while the Member States do not show the same disposition for the HR's ultimate objective, creating a true European common foreign policy speaking with one voice on external matters. The personal diffidence and moderation of Zapatero related to the Spanish Council Presidency, as opposed to Moratinos' inclination to certain activism in Brussels, further contributed to the difference in the assessment of the consolidation of the two figures. On the side of the RP, Moratinos in deputising Lady Ashton conferred himself an exposed role the Lisbon Treaty does not provide for, while Zapatero's invisibility symbolised the decreased importance and steering capacities of the RP in the EU's institutional system.

The institutional tectonic plates of the EU have moved and this affects such crucial issues of the European integration process as the provision of leadership and the institutional balance. Regarding the former, the new format of the RP reduces substantially the intergovernmental push and steering functions of the Member State in charge. The loss of competencies and functions, accompanied by less media attention and "jobless" heads of state and government, reduce the sense of ownership and duty of the Member State presiding the Council. The PEC is supposed to make up for that loss of leadership, being endowed with strategic comparative advantages. He not only brings in a hitherto unprecedented element of continuity in the European Council allowing for more prospective thinking, but also is temporally and conceptually more focused on his office since he does not have to run a country at the same time. Furthermore, he is elected by the Member States, in this case even by consensus, which increases the European capitals' confidence in and identification with van Rompuy. However, the PEC's strengths entail also his weakness. Without disposing of a state behind him, he is limited in what he is able to offer in negotiations, notably in financial aspects. Therefore, to provide the EU with leadership, he is highly dependent on the Member States, as witnessed in the handling of the eurozone crisis and the German-French dominance.

Concerning the institutional equilibrium between the Community method and the intergovernmental approach impeding the emergence of two parallel Europes, the Spanish semester has unveiled a further trend of increased intergovernmentalism. At a first glance this may surprise as with the HR/VP and PEC the Lisbon Treaty has introduced two more stable and powerful supranational figures. Yet the increasing number of European Council meetings and gatherings of the Heads of State and Government of the eurozone as well as the composition of the Task Force on economic governance chaired by the PEC indicate a power shift in EU's economic policy making from the European Commission towards the European Council and therewith the intergovernmental approach.

⁵⁶ On the difficulties and limits of Spain's performance in the foreign policy agenda: Natividad Fernández Sola/Alicia Sorroza Blanco, *La UE en el mundo: actuaciones y limitaciones de la Presidencia española 2010*, Real Instituto Elcano, May 2010, ARI 82/2010, Madrid.

For the further development of both the provision of leadership in the EU and its institutional balance, the relation between the President of the Commission Barroso and van Rompuy proves crucial. Their portfolios in several issues such as external representation, speaking on behalf of the EU in international conferences, economic governance and EU internal crisis reaction are not clear-cut separated and their arrangement is still in a state of evolution. A smooth and efficient cooperation between the two is essential for the future functioning of the EU and their way of collaboration impinges directly on the institutional equilibrium. Until now, they arranged breakfast meetings each week and have come through the first common semester without any major visible infighting, having solved pragmatically the question about who spoke about which topics at the first informal European Council meeting and at the G 20 conference in Toronto.⁵⁷ Yet subliminally the question is raised if the two presidential posts of Commission and European Council could merge into one after the second term of both incumbents in 2014.⁵⁸

The Spanish RP has made its contribution enabling the two new figures to get off the starting blocks. Their success will depend on if future RPs approach their terms with the same loyalty and disposition as Madrid providing support but avoiding competition. As to that, the first Lisbon Presidency was a valuable precedent.

⁵⁷ At the first informal European Council meeting in February both Barroso and van Rompuy spoke on economic policy issues. At the G8 and G20 summits in Toronto, the EU was represented by a single delegation which was jointly headed by Barroso and van Rompuy. Each of them was expected to speak on matters belonging to his own legal and political competence and therefore the President of the European Council was considered to be “first” President at the G8 summit while the President of the Commission should be more prominent at the G20.

⁵⁸ Richard Corbett, a member of van Rompuy’s cabinet, expressed his doubts that the two posts after the second legislature of Barroso will remain just as separated as they are now, stating that “it will be interesting to see if these two posts are merged [in 2014]”. (Honor Mahoney, »A Van Barroso?«, in EUobserver.com, 15 April 2010, [<http://blogs.euobserver.com/mahony/2010/04/15/a-van-barroso/>], access May 2010).

Annex I

Main provisions of the Treaties, Rules of Procedure and established practices regarding the RP

RP under the Nice Treaty	RP under the Lisbon Treaty
➤ Convene, draft the agenda, chair and ensure the follow-up of the European Council meetings ➤ Preside all Council configurations, the PSC, all Council preparatory bodies and Coreper I and II ➤ Convene extraordinary Council and European Council meetings ➤ organise all those meetings, prepare documents, conduct consultations and forge agreement between the Member States ➤ Present an operational programme for all Council configurations during the six months term ➤ Represent the EU externally within the CFSP ➤ Act as EU's spokesperson in international conferences within the CFSP ➤ Open negotiations with third countries or regions after authorisation by the Council and recommend their conclusions	➤ Preside all Council configurations other than the FAC ➤ Preside Coreper I and II and all Council preparatory bodies except the ones to chair by representatives of the HR ➤ organise those meetings, prepare documents, conduct consultations and forge agreement between the Member States ➤ Substitute PEC if necessary, cooperate with PEC concerning the drafting of the agenda of the European Council meetings and their follow-up, report to the European Council on the work of the Council; present to the European Parliament the priorities of its Presidency and the results achieved during the six months period ➤ Present an operational programme for all Council configurations during the six months term