



The Lisbon Treaty: choosing a President of the European Council

Standard Note: SN/IA/5220

Last updated: 12 November 2009

Author: Vaughne Miller

Section International Affairs and Defence Section

There has been much speculation as to who will be appointed to the new post of President of the European Council as and when the *Treaty of Lisbon* comes into force. Now that all 27 Member States have ratified the Lisbon Treaty, the Swedish EU Presidency is holding an extraordinary meeting on 19 November 2009 to decide on the post-holders for the three new top jobs created by the Treaty. This Note looks at one of these posts - that of President of the European Council.

The other two posts, the High Representative for Foreign and Security Policy and the Secretary-General for the Secretariat, will be considered in a separate note.

This information is provided to Members of Parliament in support of their parliamentary duties and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as being up to date; the law or policies may have changed since it was last updated; and it should not be relied upon as legal or professional advice or as a substitute for it. A suitably qualified professional should be consulted if specific advice or information is required.

This information is provided subject to [our general terms and conditions](#) which are available online or may be provided on request in hard copy. Authors are available to discuss the content of this briefing with Members and their staff, but not with the general public.

Contents

1	Background	2
2	Role of the European Council President	3
3	Method of appointment	5
4	Possible candidates	6
4.1	Hermann van Rompuy	7
4.2	Tony Blair	9
4.3	Jean-Claude Juncker	12
4.4	Jan-Peter Balkenende.	13
5	Further reading	15
	Extracts from Lords Report “The Treaty of Lisbon: an impact assessment”	16

1 Background

Article 15 of the consolidated European Union Treaty (incorporating the Lisbon Treaty amendments)¹ concerns the European Council and its President.

There will be a President of the European Council with a 2½ year term of office, renewable once. There is a bar on him/her having a national mandate. This is a new position and replaces the six-monthly EU Presidency. The President will “ensure the external representation of the Union” on CFSP issues, but without interfering with the mandate or powers of the High Representative of the Union for Foreign Affairs and Security Policy.

In 2004 the British Government supported the creation of a full-time President of the European Council, which, it believed, would mean “greater accountability to national parliaments, as well as greater efficiency”.² They did not think that either the European Council President or the new High Representative represented any great change from existing procedures.

Only the European Council and the Foreign Affairs Council will have permanent chairs. The rotation of the Presidency is retained for Council configurations other than the Foreign Affairs Council. The Council of Ministers will meet in two formations: either as the General Affairs Council, which will “ensure consistency in the work of the different Council configurations, ... prepare and ensure the follow-up to meetings of the European Council, in liaison with the President of the European Council and the Commission”, or as the Foreign Affairs Council, which will “elaborate the Union’s external action on the basis of strategic guidelines laid down by the European Council and ensure that the Union’s action is consistent”. Under Article 201 TFEU there will be a decision by QMV on other Council formations. These will be led by groups of three Member States for 18 months. The groups will be made on the basis of equal

¹ Cm 7310, January 2008

² HL Deb 18 March 2004 c 329 at

http://pubs1.tso.parliament.uk/pa/ld199697/ldhansrd/pdvn/lds04/text/40318-01.htm#40318-01_star0

rotation among Member States, taking into account their diversity and geographical balance within the Union. Each Member will chair all Council configurations, except the Foreign Affairs Council, for six months, assisted by the other group Members. Members of the team may decide alternative arrangements among themselves. The Government argues that: "This change should provide a longer-term, more stable perspective to help deliver policy outcomes through the sectoral Councils".³

The Government remains committed to the Lisbon posts. David Miliband told the International Institute For Strategic Studies (IISS) on 26 October 2009:

The Lisbon Treaty provides the opportunity and responsibility to rethink and redefine the EU's external action. The principles, the framework and the policy decisions will still be decided by unanimity, so every country retains its veto. What Lisbon does do is create the right vehicles for us to implement a serious common policy where countries decide to do so. It strips out duplication, by creating a High Representative representing both the External Relations Council of nation states and the Commission. It ensures continuity and consistency by providing for strong leadership through a President of the European Council in office for up to 5 years, who can represent the EU at events like the EU/China and EU/Russia Summits throughout that period.

To my mind, these are self-evidently sensible, pragmatic, reforms.⁴

Commenting in 2005 on the Union President provision in the Constitution, Kirsty Hughes, of the European Institute and London School of Economics, was more sceptical: "[T]he new president will only be held accountable behind closed doors to the European Council so no democratic breakthroughs with this potentially powerful new post".⁵ She continued:

Nor looking forward is it clear that the new president will anyway act in the way the UK hopes. As a new permanent and full-time position in Brussels, with the Council secretariat at its service, it is quite possible that such a new president may prove more pan-European and less biddable than the current rotating part-time presidency.

One of the main criticisms of the full-time Presidency in 2003-4, when the *Treaty Establishing a Constitution for Europe* was being negotiated, came from the smaller States. They believed it suited the aspirations of the large Member States and would marginalise their influence.⁶

The Government has been positive about the new post, stating: "It will bring much greater coherence and consistency to the EU's actions. Moreover, it will give the Member States, through the European Council, much greater capacity to give direction and momentum to the EU's agenda".⁷

2 Role of the European Council President

The job-description has not yet been completed but the main Treaty-based tasks of the EU President are:

³ Cm7174 July 2007 at http://www.fco.gov.uk/Files/kfile/CM7174_Reform_Treaty.pdf

⁴ <http://www.iiss.org/recent-key-addresses/david-miliband-address-oct-09/watch-the-address/>

⁵ Kirsty Hughes, Associate Fellow, Birkbeck College; Visiting Fellow, European Institute, London School of Economics, "The British debate on the EU Constitution: Can the Referendum be Won?", January 2005.

⁶ According to a report in the *EUObserver* 22 October 2007, Tony Blair, the Luxembourg Prime Minister, Jean-Claude Juncker, the Danish Prime Minister, Anders Fogh Rasmussen, and Poland's former president ,Aleksander Kwasniewski, are likely candidates for the post. <http://euobserver.com/9/25009/?rk=1>

⁷ Government White Paper, July 2007, at http://www.fco.gov.uk/Files/kfile/CM7174_Reform_Treaty.pdf

- To chair the European Council and drive it forward;
- To ensure the preparation and continuity of the work of the European Council with the Commission President, on the basis of the work of the General Affairs Council;
- To try to facilitate cohesion and consensus in the European Council;
- To present a report to the European Parliament after each meeting of the European Council;
- To ensure the external representation of the EU on CFSP issues - without affecting the High Representative;
- To work with the rotating Presidency's head of state or government.

The Treaty does not provide details of the budget, accommodation or staff that will go with the new post, although these were the subject of some speculation when the first draft of the 2009 EU budget was being considered in 2008. According to reports there was agreement among EU ambassadors that the EU President would have the same sort of salary as the President of the European Commission, meaning a salary of "around €270,000, a chauffeured car, a housing allowance and a personal staff of around 20".⁸ More recent reports put this at around 15 staff.⁹ *The Times* reported in early October that the President would be handed the keys of the *Résidence Palace*, continuing:

The £280 million showcase complex, being built to accommodate the offices of the European president and new EU foreign minister created by the Lisbon treaty, is only one of the prizes on offer. The remuneration package is expected to include a €267,000 (£242,000) salary, chauffeur-driven car and a personal staff of about 20.¹⁰

Some thought the job would be largely administrative, involving little more than chairing the European Council, while others thought it would be - or become - a more high-profile, powerful role in important external fora. There has remained a fundamental disagreement, largely between large and smaller Member States, as to whether the President should be a high profile leader or a low-profile manager. One report states that "smaller member states have voiced preference for the new EU president to be more of a committee chair than Europe's answer to Barack Obama".¹¹ The Polish Government has said in a position paper that the EU President should be "a quiet consensus-builder who will not try to aggrandise the post".¹²

The House of Lords European Union Committee published an impact assessment of the Lisbon Treaty in March 2008 and expressed concern about the role of the President in relation to that of the High Representative:

4.36. Concerns have been raised about the relationship between the European Council President and the other senior leaders of the Union, particularly the High Representative, the rotating presidency of the Council of Ministers, and the President of the Commission. There is little in the Lisbon Treaty itself to indicate how these relationships will work; only experience will show. While

⁸ *EUObserver* 14 April 2008 at <http://euobserver.com/9/25968/?rk=1>

⁹ *EUObserver* 9 November 2009 at <http://euobserver.com/9/28964/?rk=1>

¹⁰ 2 October 2009

¹¹ *EUObserver* 9 November 2009 at <http://euobserver.com/9/28960/?rk=1>

¹² *EUObserver* 22 October 2009 at <http://euobserver.com/18/28870>

some progress towards clarifying this may be made before the Treaty's provisions come into operation, much will depend on practice.¹³

By the time of the European Council meeting on 29-30 October a view was emerging from Member State leaders that the post should be that of a “chairman not a chief”, appearing to rule out high profile figures like Tony Blair.

3 Method of appointment

The Lisbon Treaty states in Article 9B that the European Council President will be appointed by a qualified majority vote (QMV) of European Council members. Under Article 3 of the Lisbon Treaty *Protocol on Transitional Provisions*, there must be a majority of States in favour, meaning a minimum of 255 votes out of a total of 345, representing at least two-thirds of the members, and Member States can demand a check that the majority represents at least 62% of the EU's population.

There has been much speculation over many months as to who might fill the two new posts, but it has always been clear that no decisions could be made until the Lisbon Treaty had been ratified by all Member States and entered into force. The Treaty is to enter into force on 1 December 2009, following the last ratification by the Czech Republic on 3 November. The Swedish EU Presidency has the task of making the appointment and promised to start formal consultation on both the President of the European Council and the High Representative on the day following Czech President Vaclav Klaus's signature.

On 5 November the Swedish Prime Minister, Fredrik Reinfeldt, began a first round of “confessionals”, or telephone conversations with the 27 EU governments, with a view to drawing up a shortlist of candidates. Reinfeldt said in a press statement on 9 November, when he was half way through the consultations, “When I have spoken to everybody and have a better overview of the situation I will invite my colleagues for an extra summit in Brussels”.¹⁴

Reports suggested informal talks were held among EU leaders visiting Berlin on 9 November for the celebration to mark the 20th anniversary of the fall of the Berlin Wall. Although the French and German leaders, Nicolas Sarkozy and Angela Merkel, are thought to be key to the appointments, the Presidency has sought to rule out any suggestion that it will be a Franco-German decision. A report in the *Timesonline* commented on the process:

Each EU leader will be told that they can say anything they like about any candidate in their “confessional” with Mr Reinfeldt. The Swedish Prime Minister's task is to head off a divisive summit that is forced into a vote — carried out on qualified-majority lines, with no country able to use a veto. This is seen by the Swedes as the worst-case scenario because Europe's new president would start by knowing that some nations were set against them.

Mr Reinfeldt wants to be able to announce that the successful candidates were agreed by consensus and thus avoid a shouting match when the 27 leaders formally meet.¹⁵

¹³ European Union Committee, 10th Report 2007–08, Vol. 1, 13 March 2008 at <http://www.parliament.the-stationery-office.co.uk/pa/ld200708/ldselect/lducom/62/62.pdf> . See Appendix for further extracts.

¹⁴ http://www.se2009.eu/en/meetings_news/2009/11/9/i_am_half-way_through_my_consultations

¹⁵ 6 November 2009 at <http://www.timesonline.co.uk/tol/news/politics/article6905459.ece>

After two weeks of first round telephone conversations with Member State leaders, finishing on 10 November, the Swedish Presidency will start a second round of consultations, seeking compromise views from the Member States on the short-listed candidates. The Presidency, which as of 11 November had not asked any of the mooted candidates if they intended to stand for the post of President, would like to achieve an informal consensus before, or to avoid, a formal vote. There appears to be no overall agreement yet on the type of president the EU should have, let alone who that person might be. The Presidency and EU government leaders will meet in Brussels over a working dinner on 19 November 2009 to decide on the new positions.

The appointment of the next European Commission is dependent on the appointments of the President and High Representative, so there is added pressure on Member States not to turn the process into a protracted dispute.

There has been some enthusiasm, particularly among the smaller Member States, for a Polish proposal to hold candidate hearings. The *EUObserver* commented:

The proposal is designed to help smaller member states have a say in the selection process amid concerns that Germany, France and the UK aim to push through a back-room deal. If the plan goes ahead, it would be a diplomatic coup for Warsaw, which was pushed to the edge of EU decision-making by the confrontational politics of the Kaczynski government in 2006 and 2007.

With just one week to go to 19 November, Paris does not seem enamoured of the idea, however. "For the time being it is not being discussed," a French diplomat told this website.

A former British EU ambassador, Stephen Wall, also poured cold water on the scheme, saying that the appointment will be based on balancing national and political interests in Europe, rather than individual merit.

"Given that they have to placate the right, the left, the north, the south, the large and small nations, you could have a brilliant presentation but, if the politics didn't fit, what would be the point?" he said in an article in the New York Times on Tuesday.¹⁶

4 Possible candidates

Media reports over the last few months have mooted possible candidates for the post of President, but there have been no official candidates or invitations to stand and the Swedish Presidency was unable to start any formal nomination procedures until the Czech Republic had ratified the Lisbon Treaty. Informal proposals have included Tony Blair,¹⁷ Mary Robinson,¹⁸ Angela Merkel,¹⁹ Anna Diamantopoulou,²⁰ Felipe González,²¹ Paavo Lipponen,²² Vaira Vike-Freiberga,²³ Jan Peter Balkenende,²⁴ Jean-Claude Juncker,²⁵ Anders Fogh

¹⁶ 11 November 2009 at <http://euobserver.com/9/28973/?rk=1>

¹⁷ Former British prime minister and currently Middle East peace envoy

¹⁸ Former President of Ireland. See <http://www.maryrobinson.eu/>

¹⁹ Chancellor of Germany

²⁰ Greek education minister

²¹ Former Spanish socialist prime minister

²² Former Finnish prime minister

²³ Former Latvian president

Rasmussen,²⁶ Wolfgang Schäussel,²⁷ Bertie Ahern,²⁸ Aleksander Kwasniewski²⁹ and Herman van Rompuy.³⁰ This note considers the case for Tony Blair and the three candidates considered front runners for the post: Herman van Rompuy, Jean Claude Juncker and Jan Peter Balkenende.

4.1 Hermann van Rompuy

The current favourite according to most reports is the 62-year-old Belgian Prime Minister (since 2008), Hermann van Rompuy. Little known outside Belgium, but supported by France and Germany, many EU leaders are reported to be “impressed by his ability to steer the fractious Belgian federation despite years of political turmoil”.³¹ A *EurActiv* profile of van Rompuy conveys the impression of an unobjectionable, low profile figure who has proved efficient in settling sensitive political differences:

Among his strong points is his reputation as a skilled mediator and troubleshooter, gained from the difficult Belgian inter-community political context, *EurActiv*'s sources indicated.

However, the same analysis also reveals his perceived weak points, namely that he is far from being a charismatic communicator and lacks international prominence.

Van Rompuy is renowned for his modesty. He recently holidayed in Australia, where he and his wife enjoyed a camper van trip unaccompanied by any staff or security personnel.

The Belgian PM has enjoyed a long political career in the EPP-affiliated CD&V, a Flemish party. His brother Eric Van Rompuy is also a CD&V politician. Their sister Christine Van Rompuy is a member of the small Workers' Party of Belgium (a dissident faction of the former Belgian communist party).

However, the political situation in Belgium may yet hinder Van Rompuy from taking the EU job. Under his leadership, discrete negotiations are still ongoing to reform the constitution and re-balance power between linguistic communities.

Rompuy's predecessor, Yves Leterme, also of CD&V, failed to reach a compromise over requests from Flanders to transfer more power to the regions (*EurActiv* 15/07/09). The Belgians generally recognise that Van Rompuy has been much more successful than his predecessor in dealing with the difficult negotiations.

²⁴ Prime Minister of The Netherlands

²⁵ Prime Minister of Luxembourg

²⁶ Prime Minister of Denmark since 2001

²⁷ Former Austrian Chancellor

²⁸ Former Irish Prime Minister

²⁹ Former President of Poland

³⁰ Prime Minister of Belgium

³¹ *EUObserver* 9 November 2009 at <http://euobserver.com/9/28964/?rk=1>

Recently, Van Rompuy said he would strive to solve the country's internal tensions by mid-2010, in order to avoid potential problems during the country's EU presidency in the second half of next year (EurActiv 27/07/09).³²

Another report suggests his suitability for the job might arise from his relative anonymity and lack of enemies:

He is a devout Roman Catholic with his own Facebook page and a penchant for writing Japanese-style poems. But his best qualification for the post of EU president is that few have ever heard of him.

The man who is now favourite for the job is a 63-year-old Belgian Prime Minister called Herman who has come to the fore because he is the man with the fewest enemies among his fellow EU leaders. Herman Van Rompuy is less federalist than the Luxemburg candidate. He is less linked with Afghanistan than the Dutch candidate. He is certainly less linked to Iraq than the British candidate and his country is more committed to the euro.

He is younger than one of the Finnish candidates and not paid by Gazprom like the other Finnish candidate. He is from the Christian Democrats on the Centre Right, unlike the Spanish candidate, which is important because the Party of European Socialists is trying to cook up a deal to take the EU foreign minister post and leave the presidency to the Right.

In short, Mr Van Rompuy has not been around long enough to do anything to upset anyone.³³

A paper by Tobias Van Assche³⁴ uses the "Leadership Trait Analysis" (LTA) technique³⁵ developed in the United States, to investigate the leadership style of Herman Van Rompuy. The summary states:

This study finds that Van Rompuy can act like an opportunistic or a collegial leader, depending on the context. He is in general open to information, can be task oriented or focused on the group morale based on the situation, and generally respects constraints that he perceives in the environment. Internationally, his focus is on taking advantage of opportunities and relations. He does not have a strong ingroup bias or distrust of others.

This profile confirms Van Rompuy's media image of someone who focuses on negotiating and troubleshooting, who is not driven by a personal need for power and prestige. According to the results, he is a leader who will constantly evaluate cues from the environment and only move forward when he deems it feasible. He is also flexible in the way he balances accomplishing tasks and retaining group morale. This paper argues that this type of leader is a good match for the conditions that the EU currently finds itself in. The EU needs someone with calm resolve who can deal with the economic and financial

³² EurActiv 2 November 2009 at <http://www.euractiv.com/en/future-eu/consensus-growing-low-profile-eu-chairman/article-186967>

³³ Times online 6 November 2009 at <http://www.timesonline.co.uk/tol/news/politics/article6905539.ece>

³⁴ Post Doctoral Fellow, Media Movements and Politics, Department of Political Science, University of Antwerp

³⁵ This technique relies on the word use in interview responses to analyze how he scores on openness to information, task or interpersonal focus, challenge constraints and motivation towards the world.

crisis, the fatigue following the latest enlargement rounds, and who can implement the Lisbon Treaty.³⁶

The paper concludes that Belgium needs van Rompuy too: “Both Europe and Belgium can use his calm and steady leadership, and it is still unclear who will benefit from it”.³⁷ Fredrik Reinfeldt is very aware of this potential problem, as he told the *Financial Times* in an interview on 10 November: “There is a very tense situation where there are prime ministers and top people who already have jobs. I have to be sure before I ask them to be candidates”.³⁸

4.2 Tony Blair

The British Prime Minister, Gordon Brown, supports Tony Blair for the position of European Council President. A press release from the Prime Minister’s office on 26 October 2009 stated: “The PMS said if Tony Blair wished to be a candidate, the Prime Minister would be supportive of that candidacy”.³⁹ The press release continued:

Asked whether the Prime Minister thought the candidate for this role would need to be a heavy hitter, the PMS said the job description demonstrated the candidate would have to have the ability to take on a broad representation role as well as chairing the Council. The PMS said the role would need to balance statutory responsibilities with a level of representation that would suggest a candidate with international clout.

Asked if the Prime Minister has discussed the EU Presidency with Tony Blair, the PMS said the Prime Minister and Mr Blair talked regularly.

Asked whether the Prime Minister would seek to block any appointment of David Miliband to the EU Foreign Minister role, the PMS said the Prime Minister was delighted with the work the Foreign Secretary was doing in his role, and noted that Mr Miliband had ruled himself out of contention. The Prime Minister’s priority this week was to attend Brussels and engage with the issues on the table, such as finance, economic agenda and Copenhagen.

Put that the EU Presidency was less important than issues such as the climate and economy, the PMS replied that there was a difference between fixed agenda items that had been selected in the run-up to Copenhagen, and standing items such as Institutional Issues.

Asked if the assembled press could regard the Prime Minister as Gordon Brown’s campaign manager, the PMS replied that Prime Minister had a full role focussing on economic recovery and the Government’s programmes and policies.

Asked whether the Prime Minister would change the UK’s policy on Schengen and the Euro if they proved stumbling blocks for Tony Blair’s candidacy, the PMS replied that was a speculative question, however the Prime Minister would support a candidacy bid by Tony Blair.

³⁶ “Herman Van Rompuy: Calm Resolve in the European Union”, 9 November 2009 at <http://webh01.ua.ac.be/m2p/publications/1257767957.pdf>

³⁷ Tobias Van Assche, *ibid*

³⁸ <http://www.ft.com/cms/s/0/85c63696-ce38-11de-a1ea-00144feabdc0.html>

³⁹ No. 10 website 26 October 2009 at <http://www.number10.gov.uk/page21103>

On 28 October Gordon Brown answered a parliamentary question on the matter, saying that “if the former Prime Minister Tony Blair comes forward as a candidate, we will be very happy to support him”.⁴⁰ In the Lords Baroness Kinnock said on 10 November:

My right honourable friend the Prime Minister has long been clear that the Government think that Tony Blair would make an excellent candidate and an excellent President of the European Council. Other members of the European Council share the same view. Ministers will talk to our European colleagues about what is the best outcome, and will continue to do so. Officials have not been instructed to lobby for potential candidates.⁴¹

The Foreign Secretary, David Miliband, campaigned for Mr Blair at the foreign ministers’ meeting in Luxembourg on 26 October, and the Prime Minister, Gordon Brown, and the Business Secretary, Peter Mandelson, have both promoted the Blair candidacy. Gordon Brown met Fredrik Reinfeldt in the first round of consultations and, without mentioning names, Lord Mandelson spoke in Brussels on 6 November about the EU’s need for strong leadership:

The fact that one of Europe’s key deficits is leadership. Lisbon is very valuable and certainly gives us a new institutional toolkit. But it is personalities and policies that will make the difference. The point I will keep coming back to today is that we have a problem of leadership in Europe and political willingness to drive change. This does not boil down to a single individual and his ideas, however relevant. It is about an entire attitude of mind.⁴²

Before his Brussels speech Peter Mandelson was reported as pointing to Tony Blair’s ability to broker compromises: “He brokered very radical change and reform in the British Labour Party and built a consensus and that was not easy. I saw him do the same in Northern Ireland where change was brought about”.⁴³

The Times commented on 2 October that Gordon Brown would “probably derive most enjoyment from the fury a Blair presidency would induce in the Conservative leadership”, and that only the “old-style European socialists, who dread a ‘neo-liberal’ axis” of José Manuel Barroso and Tony Blair would be more horrified by the prospect.

The Conservative Opposition is against his appointment. David Cameron is reported to have said: “I do not want the job to exist, but if it has to exist, I don’t think it should be the all-singing all-dancing President Tony Blair ...It should be a job of chairing the Council of Ministers, rather than a new president of a superstate”.⁴⁴ The shadow foreign secretary, William Hague, is reported to have made the following arguments against Tony Blair at a lunch for EU ambassadors in mid-October:

- British voters, who are about to remove a Labour government, would regard his reappearance on the world stage as a hostile act.

⁴⁰ HC Deb 28 October 2009 c 284 at <http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091028/debtext/91028-0003.htm#09102833000156>

⁴¹ HL Deb 10 November 2009 WA139 at <http://www.publications.parliament.uk/pa/ld200809/ldhansrd/text/91110w0003.htm#09111072000522>

⁴² “A different Europe for a new economic era” 6 November 2009 at <http://www.bis.gov.uk/a-different-europe>

⁴³ *Times online*, 6 November 2009 at <http://www.timesonline.co.uk/tol/news/politics/article6905459.ece>

⁴⁴ *Sky News* 27 October 2009

- Relations between a Conservative government and the EU would be worsened if Blair were president.
- Blair had favoured the US over the EU during his decade as prime minister.
- EU countries should remember the Iraq war and what that had done to European unity. Iraq would haunt Blair in his first few months as president because he would have to give evidence in public to the Chilcot enquiry into the 2003 war.⁴⁵

There has not been widespread support in the EU for Tony Blair as President. The German Chancellor Angela Merkel has been silent on the matter, while the French President, Nicolas Sarkozy, initially indicated his support for Mr Blair. He later opposed Blair's candidacy because of "problems" over the UK not having joined the eurozone and opting out of border control measures, and in May 2008 publicly voiced his support for the Luxembourg Prime Minister, Jean Claude Juncker. The French foreign minister, Bernard Kouchner, also initially supported Tony Blair, but many believe the French are waiting to see what the Ms Merkel will do. She does not appear to be supporting the Blair candidacy, although according to a report in the *Telegraph online* the British Government believes she will back Tony Blair "if she gets to choose EU's next top diplomat, who will get extra powers once the Lisbon Treaty comes into force".⁴⁶

The Italian Prime Minister, Silvio Berlusconi, has supported Tony Blair's candidacy. The Polish Government's "job description" for the EU President "seems too small for a big international personality such as British ex-premier Tony Blair".⁴⁷

The Irish Taoiseach, Brian Cowen, was reported to have backtracked on his support for Blair, saying "I indicated that he was held in high regard in Ireland and we would have to wait and see who the candidates would be. That is the full context of what I had to say".⁴⁸

There is a widely held view, particularly among the EU's socialist leaders, that Tony Blair's support for the US-led war in Iraq has weakened his chances, while some socialist leaders who initially supported Tony Blair appear to have changed their opinions in favour of the Dutch Prime Minister, Jan Peter Balkenende and the Belgian Prime Minister, Herman van Rompuy.⁴⁹ The *Guardian* reported at the end of October on a Spanish move away from Blair:

A senior Spanish official said this was the first time that Zapatero had "dropped Blair" and that the centre-left in the EU was seeking a deal with the centre-right, led by Merkel. The centre-right would get the job coveted by Blair, while the centre left would take the foreign minister post. The lack of support for Blair became clear when Jean Asselborn, Luxembourg's foreign minister, launched a strong attack on him as he emerged from the meeting of Socialist leaders. "It is not about the person of Tony Blair. Now in the United States, Obama is the president, it is no more Mr Bush. We have a new treaty, we have to reset Europe and we need to start with some new ideas. There is and will remain a link for the next generation between Iraq, Bush and Tony Blair."⁵⁰

⁴⁵ *The Guardian* 21 October 2009 at <http://www.guardian.co.uk/politics/2009/oct/21/tony-blair-eu-william-hague>

⁴⁶ 28 October 2009 at <http://euobserver.com/9/28897?rk=1>

⁴⁷ *EUObserver* 22 October 2009 at <http://euobserver.com/18/28870>

⁴⁸ *The Times* 30 October 2009

⁴⁹ *EUObserver* 3 November 2009 <http://euobserver.com/9/28932?rk=1>

⁵⁰ 30 October 2009

Zapatero was reported to have said "I want a real European president who wants to strengthen the union. He has to be in favour of the union and of the common policies".⁵¹

4.3 Jean-Claude Juncker

The Luxembourg Prime Minister and head of the Eurogroup of 16 EU finance ministers, Jean-Claude Juncker, indicated he would be willing to stand as President if asked to do so, and said he did not think Tony Blair should have the job because the EU president should come from a country at the heart of Europe. He told *Le Monde*:

Les trois pays du Benelux ont pris position, cela va au-delà de la personne de M. Blair. Je ne distingue pas les domaines dans lesquels le Royaume-Uni aurait fait preuve d'une véritable inspiration européenne au cours des dix dernières années, hormis des avancées sur la défense. Je me réfère à un modèle théorique voulant que l'Europe soit représentée par quelqu'un qui aurait comme souci principal de la servir, de la rassembler autour de compromis vertueux, et qui ne ferait pas semblant de la représenter à l'extérieur sans avoir assuré sa cohésion interne.⁵²

To summarise, he did not think the UK under Tony Blair's leadership had shown any real European inspiration apart from a few advances in the area of defence. He thought the post holder should be someone whose main concern was to serve the EU and to unify it on the basis of a virtuous consensus, and someone who would not claim to represent the EU abroad without having ensured its internal unity.

Mr Juncker openly disagreed with Mr Blair in 2005 over the future financing of the EU, accusing Mr Blair of obstructing agreement by "insisting that a review of the budget policy concentrate solely on reform of the farm subsidies".⁵³

The Benelux common position is that a British candidate is unacceptable because the UK is not a member of the euro-zone or the Schengen area. The Benelux countries and Austria favour Jean-Claude Juncker. Juncker represents the views of the small and medium-sized Member States, although it is generally believed that the ultimate decision will depend on the views of the French and German leaders. The *EUObserver* wrote of the Luxembourg leader:

Mr Juncker, the longest serving leader in the EU, is known for his wit, chain-smoking and strong federalist ideas. A fluent French, German and English speaker he in the past has made much of being a middleman between Paris and Berlin, which has allowed him and his country to punch above its weight on the EU stage.

His popularity in both capitals has waned recently, however. French President Nicolas Sarkozy criticised him for not being active enough in his capacity as chairman of the eurozone during the financial crisis and he fell out with both Paris and Berlin over their push to highlight Luxembourg as a mischievous tax haven.⁵⁴

Juncker has been described as "a smoking bon vivant, is the longest serving leader of an EU country. He is also the last remaining true believer, as a head of government, in a federal

⁵¹ *The Times* 30 October 2009

⁵² *Le Monde* 27 October 2009 at http://www.lemonde.fr/europe/article/2009/10/27/jean-claude-juncker-candidat-a-la-presidence-de-l-europe_1259168_3214.html

⁵³ See *EUObserver* 23 June 2005 at <http://euobserver.com/?aid=19401&rk=1>

⁵⁴ *EUObserver* 27 October 2009 at <http://euobserver.com/9/28891/?rk=1>

union”.⁵⁵ Some believe Juncker is too federalist. At the end of October Blair and Juncker were seen as rival candidates for the job, even though there were still doubts over Czech ratification of the Lisbon Treaty. However, Juncker’s perceived poor handling of the financial crisis in 2009 apparently led to a fall in popularity, and by early November the favourite was van Rompuy.

4.4 Jan-Peter Balkenende.

As Tony Blair’s candidacy began to look more uncertain, there were reports that the Dutch Prime Minister, Jan Peter Balkenende, was a likely candidate and his Christian Democrat Party told Dutch NOS TV that they were preparing for Balkenende’s possible departure. While some commentators maintain that Mr Balkenende has not confirmed an interest in the post, others allege he expressed an interest in it some time ago.

Balkenende won the 2002 elections a week after the assassination of the populist politician, Pim Fortuyn, and he currently leads his fourth coalition government with the Labour party (PvdA) and the *ChristenUnie* party.

Jan Peter Balkenende was apparently asked by the Christian Democrats not to leave national politics, “as his departure would trigger the collapse of the government coalition and lead to early elections”.⁵⁶ Radio Netherlands Worldwide suggested his departure could be politically disastrous:

The Christian Democrats' coalition partners, Labour and the orthodox Christian Union, would prefer for Mr Balkenende to stay. It is not clear how they feel about an early election. Polls suggest that Labour would be decimated, and there would be landslide gains for Geert Wilders' anti-Islam Freedom Party and leftwing liberal D66. Anonymous sources close to the cabinet told de Volkskrant daily that a snap election would paralyse the government for at least half a year, amidst a financial crisis”.⁵⁷

Some reports suggest Balkenende’s credentials have been damaged because of the negative referendum on the *Treaty Establishing a Constitution for Europe* in May 2005 which took place under his premiership. Dutch News reported other possible reasons for his more recent lack of support:

Balkenende is said to have opponents in eastern Europe, stemming from the Netherlands strict stand point on EU budgetary policy, the Telegraaf reports on Tuesday.

Balkenende is also said to have lost support because he does not speak French well enough, other papers said. And Nos tv reports Balkenende is considered 'too Anglo Saxon'.⁵⁸

An editorial in *NRC Handelsblad* thought Balkenende’s “non-candidacy” ought to be taken seriously, however:

Balkenende represents a small country with virtually no enemies within the EU. He threatens no one. And thanks to the No vote in the European constitution

⁵⁵ *Telegraph.co.uk* 7 May 2008

⁵⁶ *EurActiv* 30 October 2009 at <http://www.euractiv.com/en/future-eu/search-eu-president-continues-summit/article-186937>

⁵⁷ Radio Netherlands Worldwide 30 October 2009 at <http://www.rnw.nl/english/article/eu-presidency-blair-out-balkenende>

⁵⁸ 3 November 2009 at http://www.dutchnews.nl/news/archives/2009/11/balkenendes_eu_chances_receed.php

referendum of 2005, partly attributable to Balkenende, the Netherlands no longer has a federalist reputation which is reassuring to sceptics.⁵⁹

Another report in *NRC Handelsblad* Balkenende describes Balkenende as "more chairman than president of Europe".⁶⁰

The longer he has been prime minister, the more Balkenende has enjoyed appearing on the international stage. It is an opportunity to leave national politics for a while and talk with world leaders about issues that really count. Within the EU he sees himself more as premier of the smallest of the large countries than the largest of the small countries. He regards the Netherlands' invitations to the meetings of the most important economies, the G20, as confirmation of this.

'More respected in Europe'

Where he can take part, he takes part. "He is not at all impressed by important people," said a Dutch insider who has seen Balkenende earn respect during European meetings. "He's much more respected in Europe than at home."

The 'international' Balkenende is illustrated by the way in which he reported to Dutch parliament earlier this year on his role in breaking the deadlock on the appointment of the new secretary-general of Nato, after the Turkish prime minister Erdogan had voiced objections against Anders Fog Rasmussen, prime minister of Denmark. Balkenende: "I helped to remove the misunderstandings of president Gül and Turkey to make the appointment of Rasmussen possible. And during the G20 top in London, I also spoke about this with prime minister Erdogan, together with president Obama, chancellor Merkel and prime minister Zapatero."

What makes him a "good candidate" for president of the EU, as the French Christian Democrat party leader in the European parliament, Joseph Daul, called him? And what can Europe expect from him? As the second longest serving government leader - only the Luxembourgger Juncker has served longer - he brings a great deal of experience. That Balkenende comes from a small country is also an advantage, making him no threat to the other countries. The Netherlands is a full member of the union: the euro has been adopted and its participation in the Schengen treaty means its borders are open. As a person, Balkenende does not have a distinct personality which is an advantage for someone who mainly has to act as an effective chairman.⁶¹

Balkenende has been compared with Margaret Thatcher in his dealings with the EU. He too asked for a rebate for the Netherlands and in the 2005 budget round he came into conflict with other governments over the €600 million budget reduction for the Netherlands, which he claimed was not enough. With Tony Blair he blocked the agreement, which was achieved six months later to the effect that the Netherlands would pay €1 billion euros less from 2007.⁶²

⁵⁹ 2 November 2009 at http://www.nrc.nl/international/europe/article2402798.ece/The_Netherlands_will_be_just_fine_without_Balkenende

⁶⁰ *NRC Handelsblad* 3 November 2009 at http://www.nrc.nl/international/Features/article2404219.ece/Balkenende_more_chairman_than_president_for_Europe

⁶¹ *NRC Handelsblad* *ibid*

⁶² *Ibid*

There has also been a suggestion that Balkenende is perhaps too keen on promoting national interests to be a successful EU President:

More than his predecessors Wim Kok and Ruud Lubbers, Balkenende considers Europe as a business project in which the Netherlands' national interest plays an important role. Born after world war two, he is less involved with the European ideal of 'no more war' than Kok and Lubbers, both born before the war. Balkenende certainly believes in Europe, but is at some distance from the federal ideal avowed by countries like Belgium.⁶³

He is said to have very good relations with the German Chancellor "So it will be Merkel's choice which will determine Balkenende's chances of becoming the first president of Europe. And Merkel's final choice will be closely in tune with that of the French president Nicholas Sarkozy".⁶⁴

5 Further reading

- *Journal of European Integration*, Vol 31, Issue 6, November 2009, pp 685-701, "Accountability and Personalisation of the European Council Presidency", Ben Crum (Department of Political Science, Vrije Universiteit Amsterdam, The Netherlands) at http://pdfserve.informaworld.com/753514_731242462_916529820.pdf
- *Centre for European Reform* and *The Observer* 25 October 2009, "Is Tony Blair the right man to be president of Europe?", Charles Grant, at http://www.cer.org.uk/articles/article_grant_observer_25oct09.html and <http://www.guardian.co.uk/commentisfree/2009/oct/25/henry-porter-charles-grant>

⁶³ Ibid

⁶⁴ Ibid

Extracts from Lords Report “The Treaty of Lisbon: an impact assessment”⁶⁵

A full-time President of the European Council

4.9. At present, the European Council is chaired by each Member State’s Head of State or Government in turn, with each Presidency lasting six months.²⁴ Under the Lisbon Treaty, the European Council will be chaired by a fulltime President, serving a term of two and a half years, renewable once. This President, who may not hold a national office, is to be elected by the European Council by qualified majority voting. The President is to chair the European Council “and drive forward its work”, ensure the preparation and continuity of its work, “endeavour to facilitate cohesion and consensus within the European Council”, and report to the European Parliament after every meeting (Article 15, amended TEU).

4.10. The full-time President will therefore fulfil the role currently expected of the Head of State or Government of the rotating Presidency State, which is not detailed in the current Treaties. There is an expectation that he or she will have the experience and time to fulfil this role more fully.

Is a full-time President necessary?

4.11. One of the major arguments made for a full-time President of the European Council is that such a post will add coherence to the preparation of European Council meetings and the strategies being defined in them. John Palmer told us that the appointment of a President of the European Council “should help with the preparation of the European Council [meetings], the identification of its priorities and—critically—with follow-up implementation of decisions by Heads of Government” (p S14). The European Parliamentary Labour Party agreed, and the National Farmers’ Union considered that the “additional stability” provided by the President “will provide the continuity to the policy agenda necessary to tackle some of the challenges facing the EU” (p S140; p D15). Lord Brittan of Spennithorne²⁵ also thought that the greater continuity provided for by the creation of the full-time President would be a strength (Q S352). The Minister for Europe told us that the President would have “an important role primarily about maintaining continuity”, which would be an “important step forward”, especially in issues where the Union is looked to for momentum (Q S245).

4.12. It is also argued that the system of a rotating presidency of the European Council is no longer practicable. The Coalition for the Reform Treaty (CRT) and Business for New Europe (BNE, a member of the CRT) both argued that in a Union of 27 Member States, a rotating Presidency was “impractical”, and that some Member States were “ill-equipped” for the “onerous” task of managing the Presidency (p S128; p S122). The Minister agreed that rotation was undesirable: “the European Union is the single biggest rules-based market in human history and yet we have tolerated a system where there is a rotating leadership every 26 weeks. You would not run a bowling club ... on a rotating presidency of 26 weeks, so I do not see why you should do it in the European Union” (Q S241). The Minister told us that almost all ministers across Europe accept that “the *status quo* leads to a degree of inefficiency”; the rotation of the Presidency meant that of every 26-week term, it was possible for the Presidency to operate at full speed for only 16 or 18 weeks (Q S246).

4.13. A third argument made for the full-time President is that he/she “will be able to devote his/her full energies to the job” (p S128; p S122). Sir Stephen Wall told us that “the job of being President of the European Council is now too big a job for one person who is also trying to run a government to do in a six month period” (Q S209). The Commission considered that “it is such a workload to prepare a Europe Council meeting by consulting 26 other colleagues that it is virtually impossible to fulfil your national role as prime minister or president fully and satisfactorily in the weeks preceding the European Council” (Q S299). According to Sir Stephen, the Government felt that the Union needed a President of the European Council “who much more than a politician in office doing it for six months, could spend time going round the capitals of the European Union, working with heads of government, working with the Commission, to devise that strategy and then bring it to fruition in the European Council” (Q S202). The Minister for Europe confirmed this: “I think that is an important improvement, that someone, perhaps not in advance of taking up their post, but certainly in the period of carrying out their post, would be expected to visit the vast majority, if indeed not all, of the Member States” (Q S249).

⁶⁵ European Union Committee, 10th Report 2007–08, Vol. 1, 13 March 2008, pp41-48 at <http://www.parliament.the-stationery-office.co.uk/pa/ld200708/ldselect/ldcom/62/62.pdf>

4.14. However, Professor Peers thought that “[t]here seemed to be no particularly pressing need for the creation of a full-time post of President of the European Council ... there does not seem to be enough work for the President to do” (p S152). Brendan Donnelly considered that a “quasi-permanent “Presidency may well be better able to “promote the cohesion and effectiveness of the European Council’s work” than a rotating presidency, “[b]ut because the European Council stands somewhat aside from the day to day activities of the European Union’s working institutions (sectoral Councils, Commission and Parliament) its capacity corporately to shape the work of these institutions is limited. General and occasional exhortations from the European Council become diluted in the complexities of the Union’s institutional and negotiating structures” (p S132).

Benefits of a rotating Presidency

4.15. Other witnesses considered that there were benefits to the current rotation of the European Council Presidency, which would be lost through the Lisbon Treaty’s reforms. Professor Wallace told us that the creation of a full-time President was something she had “always been against and always thought ill-conceived”. She preferred “the risk of rotation in the hope that rotation would now and again bring a very good President of the European Council and that if it brought us less good Presidents of the European Council it would only be for six months” (Q S175).

4.16. David Heathcoat-Amory MP thought that continuity and cohesion might be brought to decision-making “at the expense of public involvement”. He considered that “[a]t least when the presidency circulates amongst Member States, it does occasionally come back to home”, bringing decision-making closer to the citizen and exercising the attention of the public and national media of the Member State concerned. He considered that “all that will go if the permanent European President becomes yet another full-time official in Brussels, rather remote, bigger and more powerful”, creating “a bigger gap between the EU and its citizens” (Q S68).

4.17. According to Neil O’Brien, the creation of the full-time President replaces “a national leader with an obvious vested interest in the rights of Member States” with “yet another independent, free-floating Brussels institution interested in getting things done in Brussels” (Q S69).

Power of the President

4.18. The degree to which the President will wield significant power is also a subject of controversy, as is whether any strengthening of the European Council would mean strengthening intergovernmental forces within the Union, and therefore Member States’ position, or strengthening “Brussels”. Neil O’Brien called the full-time Presidency “quite a federalist idea”. He thought that the Presidency “will gradually increase its powers and responsibilities”, and mentioned the possibility of the President eventually becoming directly elected (Q S69). The Campaign against Euro-federalism thought that the creation of the full-time President “further emphasises the new federalist nature of the European Council”, claiming that “[t]here is no gathering or meeting of Heads of State and Government in other international contexts which maintains the same chairman or president for several years while the individual national politicians come and go” (p S125). This was a concern expressed in submissions from members of the public: for example Sally DeBono thought that the creation of the President “further removes elected national governments from EU decision-making” (p S130).

4.19. However, others say that since the President will be elected by the heads of government gathered in the European Council, the change arguably enhances their power within the Union. The Coalition for the Reform Treaty stated that “the President will have no executive powers and is the mouthpiece of member states. One could argue that this measure actually constitutes a strengthening of the nation state, as it will improve the functioning of the Council of Ministers, the European institution in which national governments are represented” (p S129). Lord Brittan of Spennithorne told us that the full-time President would not have any more formal powers than the existing rotating President “but he is going to have them for longer”, making the full-time President more effective (QQ S352, S354–5). Brendan Donnelly told us that “the new Presidential post was seen by its supporters and opponents as being likely to shift the institutional balance of the Union in a more ‘intergovernmental’ direction.” In his opinion, however, “the powers of the new Presidency seem in the Reform Treaty to be limited to the point of marginality”: his/her ability to make a substantial impact on the day-to-day workings of the Union was “more than questionable”, and “[e]ven less plausible is the hypothesis that he or she will be able, even if willing, to alter in any significant manner the existing institutional balance of the European Union” (p S132).

What will be the President's role?

4.20. Sir Stephen Wall told us that “different people have different views about what the role of the European Council President should be” (Q S202). According to Mr Nymand Christensen, on behalf of the Commission, “[h]e or she will be responsible for preparing [the European Council], setting the agenda and monitoring the follow-up so far as it is within the remit of what the governments would do” (Q S299). However, “[t]he President will also have a role in the most high-level aspects of the EU’s external relations”²⁶. The amended TEU sets out that “the President of the European Council shall, at his or her level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy” (Article 15, amended TEU; see Chapter 7). During Sir Stephen’s time as head of the European Secretariat in the Cabinet Office, 2000–04, the Government saw the President’s job “less in terms of the external role” but more in terms of “the setting of a strategy” (Q S202). The Minister told us that he thought “a relatively small part of the President of the European Council’s job will be about foreign and security policy” (Q S248).

Relationships between the senior positions in the Union

4.21. The President of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy (see Chapter 7) will both, along with the President of the European Council, have roles in the Union’s external representation. Timothy Kirkhope MEP told us that there was “a very clear conflict” between the President of the European Council and the High Representative, which was “going to be a real problem” (Q S346). Professor Wallace was also concerned about the “coordination issues” between the European Council President and the High Representative (Q S175). She said that “[i]f one of the things that we will probably all value is that the European Union should be better at coordinating the right hand and the left hand in whatever policy areas it might be in relation to whatever external interlocutors it might be, we are not doing better in that direction” (Q S178). John Palmer did not think there would be a particular problem, but he admitted that “there could be some significant overlapping” (Q S17). Brendan Donnelly found that the post of European Council President was “subject to an unhelpful sharing of responsibility with the High Representative”. He was concerned that the European Council President might enjoy a greater personal prestige than the High Representative, without exercising more real influence (p S132). Lord Brittan of Spennithorne, generally favourable towards the Treaty, told us that the post of High Representative was the part of the Treaty which troubled him the most (Q S355).

4.22. The distribution of international roles between the President of the European Council, the President of the Commission and the High Representative may create confusion for the rest of the world in trying to understand who speaks for the European Union. But some witnesses felt that the High Representative’s new roles as Vice-President of the Commission and Chairman of the Foreign Affairs Council (replacing the present rotation among national foreign ministers) would reduce such confusion (see Chapter 7). Graham Avery²⁷ cautioned that the Treaty would thereby create a new “foreign affairs triangle” (Q C7). Charles Grant²⁸ thought that this triangular relationship was “a very real worry and concern”, although even if it did not work perfectly “it cannot be worse than the current system” (Q C57). In Professor Wallace’s opinion, “the relationship of the [Commission] President and the High Representative is going to be quite testing” (Q S183).

4.23. The Commission did not see a problem. According to Jens Nymand Christensen, “it is clear that the texts foresee that the President of the European Council will represent the EU at Heads of State and Government level when we speak about foreign, security and defence matters” (Q S299). The statement that the President of the European Council will represent the Union only “at his or her level” reassures some that there will be no turf-war between the European Council President and the High Representative. Jens Nymand Christensen continued: “In all other matters of EU competence it is the President of the European Commission who represents the EU as it is today. In a way, it is not moving the roles around fundamentally from what the President of the European Commission has today vis-à-vis a rotating President and a more permanent President of the European Council ... there will develop a spirit of mutual interest and common understanding and preparations”. He told us that “the President of the European Commission is accustomed to working with the Presidents of the European Council, some of them with large personalities, who also play out exactly the role that the future President of the European Council will play, in other words represent next to him the EU in a number of international fora.” He said that this system “works amazingly well”. Sir Stephen Wall was optimistic that the various personalities could work together, stressing, for example, that the role of the President

of the European Council would be to supplement the role of the High Representative in external affairs, not substitute for it or compete with it (Q S206).

4.24. The creation of a full-time European Council President and a High Representative results in a European Union with no fewer than five prominent senior leaders: the President of the European Council, the Head of State or Government of the rotating Presidency of the Council of Ministers, the President of the European Commission, the President of the European Parliament, and the High Representative. Jens Nymand Christensen told us: “I do not subscribe to the idea that the new Treaty in any way leads to further overcrowding or overlapping compared to what we know today”. He saw the President of the European Council not as “a supplementary President which did not exist before and who will suddenly be shuffling around trying to get his or her space”, but as replacing the rotating six-month European Council presidencies held by the Head of State or Government of the Member State holding the Presidency of the Council of Ministers (QQ S306–7).

4.25. “As far as the relationship between the Commission President and the [European] Council President, in principle as far as the legal requirements and the provisions of the Treaty are concerned, it will be no different from what it is at present”, according to Lord Brittan of Spennithorne (Q S355). However, Professor Wallace thought that “the relationship [of the Commission President] with the full-time President of the European Council is also going to be tricky” (Q S183). She said: “If I were President of the Commission I would say—indeed I heard him say it the day before yesterday—that it would take a great deal of talented effort by those involved to overcome the coordination question between the President of the European Council and the President of the European Commission” 46 (Q S175). Professor Simon Hix²⁹ considered that the full-time European Council President “may undermine the authority of, and most likely conflict with, the Commission President.” While the former may have higher prestige than the Commission President, the latter will have considerably more formal policy-making power, in terms of the right to initiate legislation and influence the EU’s policy agenda. According to Professor Hix, this means that in a situation of conflict between a European Council President and a Commission President, “the Commission President will invariably win out”. Meanwhile, any conflict “will be exacerbated by the fact that the European Council President will be accountable to the governments while the Commission President will increasingly be accountable to the European Parliament”. These competing sources of authority mean that “the EU will be in a situation of permanent ‘co-habitation’.” Professor Hix felt that “[a] potential solution, in the medium-term, would be to fuse the office of the Commission President and the European Council President” (Hix written). Neil O’Brien was alarmed by this prospect, and expressed concern at the failure of the UK Government to rule it out (Q S69). The Commission told us that this proposal was “not a current issue” although “it could return” (QQ S310–1).

4.26. Brendan Donnelly considered that “[t]he new [European Council] President’s relationship with the proposed ‘team presidencies’ will be another source of uncertainty and diffusion of his or her potential influence on the Union’s overall decision-making” (p S132). Professor Wallace and John Palmer agreed that this relationship would create a set of coordination issues that needed clarifying (QQ S17, S175). Professor Hix was concerned that the President of the European Council would not have the same political authority as the directly elected Heads of State or Government of the Member States, including the Head of State or Government of the State holding the rotating Presidency of the Council of Ministers, and “is likely to be beholden to the governments of the larger member states or a particular coalition of governments” (p S144). The Minister responded to this point by saying that as the President of the European Council will be elected by the Heads of State or Government, “ultimately that will be the source of [his/her] authority”. The Minister thought that the President would not be beholden to the larger Member States because “there is a breakdown of that system whereby one or two States can call all the shots” (Q S252). Professor Peers considered that there was no need to alter the current balance of roles between the European Council and Council chairs, stating that “the European Council President should concentrate on his or her relationship with the Member States’ leaders, and his or her external relations role, rather than spend time ‘chasing up’ the Council Presidencies, which after all are held by elected governments with rather more legitimacy (and, as regards the sectoral Council formations, with greater understanding of detailed issues)” (p S152).

4.27. Elmar Brok MEP made the point that the order in which these appointments were made in 2009 (following ratification of the Treaty and elections to the European Parliament) would be important (Q S346).

Ambiguity about relations between the senior leaders?

4.28. The impact of the Treaty on the relations between the Union's senior leaders is, for some, hard to predict. Timothy Kirkhope MEP told us that "no-one has a complete answer as to how [the relationship between the European Council President and the High Representative] is going to work" (Q S346). According to John Palmer, "there are no clear answers at present to how [the European Council President's relations with the other senior leaders] will function in practice." He told us that this was "something one would expect to be the subject of a subsequent decision by the Council of Ministers" (p S14). Professor Wallace agreed that there remained "a very large number of coordination issues" which needed to be addressed (Q S175). Sir Stephen Wall told us that because the role of the European Council President was "controversial, it has not been possible to define it quite as closely as, I think, the British Government would have liked" (Q S202). Charles Grant thought it "very important that the governments do work out rough job descriptions of the Council President and the High Representative" (Q C57). The Minister agreed that a number of issues still needed to be addressed (Q S252), but he stressed that any decisions would need to be taken by unanimity. He recognised an urgency, saying that "it is absolutely essential [that] before this starts ... the exact roles, responsibilities and relationships have to be ironed out in precise detail ... we cannot allow the enactment of the Treaty across the European Union and then work out the detail; it has to be nailed down in advance of the commencement of the operation of the Treaty" (Q S252). He told us that "[w]e have agreed, as 27 Member States in the European Union, that this has to be worked through before commencement" (Q S253).

4.29. However, other witnesses suggested that the Treaty included deliberate ambiguity. John Palmer's understanding was that "the heads of government deliberately did not seek to address some of the mechanics of how the institutions will relate to each other ... because it is always open to an act of the Council to define a clearer functional answer to the question" (Q S17). Brendan Donnelly considered that many of the institutional provisions were "perhaps deliberately" permissive or tentative, so that their impact would depend on how they are implemented, which would be influenced by personalities and politics (p S131).

4.30. Other witnesses thought that more precision in the Lisbon Treaty about the relations of the senior leaders could not have been achieved. Sir Stephen Wall did not think that it would have been "feasible to define the roles so clearly that [the European Council President and the Commission President] were bound to get on" (Q S204). Lord Brittan of Spennithorne said: "I think all this has to be worked out and that it is complex I do not deny. That it is potentially problematic I do not deny. Is there a better way of doing it than that which is in the Treaty? I cannot think of one" (Q S356). While he was troubled by the role of the High Representative, he considered that "everything depends on the personalities. It can be made to work" (Q S355). He told us: "If I had *carte blanche* to write the Treaty, I do not think I would have wanted to write into it more provisions which would make it more likely to work than there are at the moment. The extent to which it works is dependent on personalities and working practices rather than any further or different treaty language" (Q S353).

4.31. Graham Avery said that good relations between the Presidents of the European Council and the Commission and the High Representative would be "absolutely essential", adding, "[f]rankly, it depends on the personalities" (Q C7). Charles Grant thought that "a lot depends on the people involved ... If the people do not get on well it is not going to work well, however clever the institutional provisions" (Q C53). Elmar Brok MEP also felt that "people set realities", and Sir Stephen Wall considered that "the structures will not deliver the result, the result does depend critically on choosing the right men or women to do those key jobs" (QQ S346, S202). In particular, the choice of President of the European Council would be "critical", because "you could get a situation in which that person saw their role as being principally a role on the international stage, which risks the potential of them competing for space with the High Representative" (Q S205). Professor Wallace put it to us that the result would depend not so much on the written rules, as on evolving practice (Q S160).

4.32. There is another point of view that considers that the Treaty is actually more precise about the roles of the Union's senior leaders than previous Treaties have been. Jens Nymand Christensen, for the Commission, told us that "the texts have been drafted in such a manner as to make it as clear as possible how each of those people will function. ... The texts have clearly been drafted with a view to limit any kind of confusion or turf battle" (Q S299).

Conclusions

4.33. The Lisbon Treaty makes highly significant changes to the European Council, the purpose of which is to make the European Council work better. It will become part of the EU's formal institutional framework and expressly subject, for the first time, to the jurisdiction of the ECJ. It will be given a more explicit leadership role in the EU.

4.34. The creation of a full-time European Council President, in place of a six-monthly rotation among heads of government, is a significant move, and is likely to make the European Council more effective at creating direction and action. This could mean a more active/activist European Council—a consequence which would be welcomed in some quarters but not in others.

4.35. The European Council President will have two broad roles: the primary one of leading the European Council, and also ensuring the external representation of the Union on issues concerning the CFSP at his or her level and without prejudice to the High Representative.

4.36. Concerns have been raised about the relationship between the European Council President and the other senior leaders of the Union, particularly the High Representative, the rotating presidency of the Council of Ministers, and the President of the Commission. There is little in the Lisbon Treaty itself to indicate how these relationships will work; only experience will show. While some progress towards clarifying this may be made before the Treaty's provisions come into operation, much will depend on practice.

Footnotes:

24 This is part of the rotating Presidency of the Council of Ministers; each Council including the European Council is chaired by the relevant minister of the Member State holding the Presidency.

25 EU Commissioner 1989–99.

26 *The Reform Treaty: the British approach to the EU IGC*, Cm 7174, July 2007, p 13.

27 Secretary General of the Trans European Policy Studies Association.

28 Director of the Centre for European Reform.

29 Professor of European and Comparative Politics, London School of Economics.