

# **UACES 42<sup>nd</sup> Annual Conference**

**Passau, 3-5 September 2012**

Conference papers are works-in-progress - they should not be cited without the author's permission. The views and opinions expressed in this paper are those of the author(s).

**[www.uaces.org](http://www.uaces.org)**

## **Agenda setting powers of the rotating presidency – the case study of the Polish Presidency and the European Endowment for Democracy**

Magdalena Nasieniak, University of Bath, UK

Paper prepared for the UACES conference “Exchanging ideas on Europe 2012” Panel “Inside the EU institutions (II): Conceptualising the Councils” Passau, 3-5 September 2012

(draft version, please do not quote)

The question if presidency holding offers a window of opportunity to drive the EU’s agenda towards national preferences has been subject to an extensive academic debate. Provisions introduced by the Lisbon Treaty transferred the management of the EU’s foreign affairs to the agendas of the President of the European Council and the High Representative for Foreign Affairs and Security Policy (HR), and thus limited functions and position of the rotating presidency. However, with different scenarios produced by the four subsequent presidencies it is still not clear how these amendments have affected the system of the rotating presidency holding in the area of foreign policy making.

The aim of this paper is to analyse the agenda setting powers of the EU Council presidency in the post-Lisbon foreign policy making on the example of the case study of the Polish Presidency and the European Endowment for Democracy. By applying the insights from the historical institutionalism this paper argues that due to previous functions the rotating presidency emerges now as the most appropriate deputy of the HR. In the framework of the ‘delegated leadership’ a Member State in the chair is able to restore some of the leadership capacity which subsequently can be used to exercise agenda setting. Among various factors influencing successful agenda setting the key one is to ensure the delegation of the leadership prior to presidency holding. Thus, it is argued that the agenda setting powers of the rotating presidency depend now more on the individual capacity of a Member State in the chair.

In methodological terms the study presents findings of the PhD project based on the interviews conducted in 2011 and 2012 with national officials of the Hungarian and Polish Presidencies and European officials involved in EU’s foreign policy making.

**Keywords:** rotating presidency, Lisbon Treaty, EU’s foreign policy, historical institutionalism, agenda setting, delegated leadership, Poland, European Endowment for Democracy,

## **1. Lisbon Treaty and the changing setting for the Council presidency – a new scenario of ‘supporting presidency’**

The rotating presidency was traditionally seen as a central institution within the EU’s policy making system. For a period of six months a country in the chairmanship of the EU Council was responsible for managing EU affairs by chairing and organising work of all of the Council’s working groups. Moreover, in order to keep the policy making process ongoing the presidency as a chairman was responsible for finding compromises by brokering agreements among Member States. The presidency was also responsible for representing the Council internally by facilitating cooperation with the rest of the European institutions. It also represented the EU externally with its relations with third countries and international organisations. Even without formal powers of initiative the presidency was one of the main agenda setters introducing its own initiatives and thus influencing the EU’s agenda. Within the particular design of the EU’s foreign policy, limiting engagement of the Commission and the European Parliament, the presidency played even a greater role. Thus, the leadership capacity of the rotating presidency was particularly visible in the area of foreign policy making where Member States enjoyed the exclusive privileges stemming from the intergovernmental character of the EU’s foreign policy which assumes the need to achieve unanimity among Member States and their agenda setting rights.

However, the institution of the EU’s rotating presidency with a Member State changing every six months was seen as the main source of the incoherent EU’s agenda which was shifting according to national preferences. With the further and more extended integration the agenda was becoming extremely busy and thus it was necessary for the subsequent countries to rather follow the rolling issues then introduce new nationally-based priorities. The issue of the rotating presidency has been of particular interest during the debate on the Constitutional Treaty. Some Member States were arguing its total abolition in favour of introducing a permanent chair, some, mostly small Member States, were advocating the maintaining of the rotating system seen as a guardian of equality (Bunse, 2009: 19). Thus the provisions introduced by the Lisbon Treaty were an outcome of the compromise of introducing a permanent chairmanship of the European Council and with the reference to the EU’s foreign affairs and leaving the institution of the rotating presidency in a limited format. With the two new positions, the President of the European Council and the High Representative for Foreign Affairs and Security Policy (HR) aiming to supply the EU with long-term and more stable leadership at the European level, the traditional leadership capacity of the Council presidency has been severely restrained. Nevertheless, with no precise provisions the Treaty left the actual practical solutions to be produced during the implementation process. Even though the

reforms aimed to introduce closer and more integrated cooperation in the area of foreign policy, it did not remove the intergovernmental character of European foreign policy. Moreover, as could have been observed during the process of deciding who should take up these positions, the Member States did not agree to entrust the charge of the EU and foreign affairs to any high-ranking person. On the contrary, both Herman van Rompuy and Baroness Ashton were regarded as persons who would pursue a 'soft and cooperative' style of leadership following Member States' preferences. This lack of readiness to move the political cooperation to the Community method level has been further demonstrated by Member States during the following months in the office of Ashton and van Rompuy.

The first Presidency after the implementation of the Lisbon Treaty held by Spain was expected to bring some practical resolutions. However, neither the Spanish Presidency nor the Belgian one, managed to introduce any formal and long-lasting procedures. These two presidencies produced two extreme scenarios with the Spanish government pushing for more action space to maintain leadership opportunities in foreign policy making, while the Belgian team was hardly visible in the area of foreign policy making leaving more space for the President and the HR to settle down on the European stage. It was still not clear what the position of the rotating Presidency should be in the post-Lisbon context. Therefore, the Hungarian and Polish Presidencies were subsequently expected to develop a more lasting context and procedures of Presidency holding.

The Hungarian Presidency was the first one to work with the newly established European External Action Service (EEAS) setting an example how the presidency holding under fully fledged post-Lisbon institutional setting could look like. Thus, the model of the so-called 'supporting presidency'<sup>1</sup> started to emerge with the presidency playing a more active role in foreign policy making. Since no deputy was design for the HR and with her exhaustive role of being also the Vice-President of the Commission it soon became clear that she was not capable of fulfilling all of the duties on her own. The need to find a deputy at the appropriate political level became a pressing issue.<sup>2</sup> Therefore, the Hungarian Ministers for Foreign Affairs and European Affairs were the one deputising the HR during some of the meetings with third countries representatives and in her contacts with the European Parliaments. This was perceived as beneficial for both of the actors as the Member State in the chair of the presidency managed to regain some of its lost visibility at the European and international level. Subsequently it was expected that that the Polish Presidency and the Presidency Trio of

---

<sup>1</sup> See Gostyńska, A., Liszczyk, D. (2011) *Supporting presidency' - Poland at the halfway mark*, EUobserver (online), available from <http://euobserver.com/7/113899>.

<sup>2</sup> The issue of ensuring corresponding political level of the potential HR's deputy was a particular issue as far as the relations with the European Parliament were concerned (interviews, European Parliament, September 2011, May 2012).

Poland-Denmark-Cyprus would consolidate this scenario of 'supporting presidency' clarifying the role of the rotating presidency in EU's affairs.

## **2. Polish Presidency – towards consolidating Poland's position on the European stage**

Poland joined the EU in 2004 as one of the biggest of the new Member States. Even though in terms of the size Poland is comparable with some of the biggest EU's member in terms of economic developments Poland has been still catching up with the Western Europe. Therefore, Poland's ambitions to become an active player in EU's affairs were limited due to the fact that it was one of the biggest net receivers of the EU's budget. Yet Poland still aimed to play an active role in projection of its national interests which was particularly visible during the negotiations of the Constitutional Treaty.<sup>3</sup> Thus, the first years of the Polish presence in the EU became the period of obstructive and national-interest driven behaviour which limited the potential influence of the country.

The change came at the end of 2007 when a new government formed by the Civic Platform and headed by Donald Tusk declared a new opening in Poland's presence in the EU. By shifting the membership strategy towards constructive engagement, changing the rhetoric and extensive alliance building Poland's adjustment of attitude soon started to bear fruits. In 2008 Poland along with Sweden managed to propose a new policy towards the Eastern neighbouring countries, namely the initiative of the Eastern Partnership. Thus, it proved its capability of successful policy making within the EU and projecting national interests onto the European agenda.

The holding of its first presidency was aimed at consolidating the image of Poland as a heavy-weight Member State. Thus its term in the office was not only a 'traditional test of membership'<sup>4</sup>, but more importantly a test of being an influential policy maker within the EU. The strategy for the presidency holding had to reflect this by taking up a role of the leader. Poland entered its term in the office with several national priorities to be promoted. Since the area of foreign policy has been traditionally seen as one of the most prestigious some of the priorities referred to the area of the EU's external action. Therefore, Poland decided to go beyond the model of presidency purely supporting and following the lead of the HR and EEAS and aimed to regain some of the previously associated with the presidency holding leadership capacity.

---

<sup>3</sup> The firm opposition towards changing the voting model quickly became to known as a slogan 'Nice or Dead'.

<sup>4</sup> The first time in the chair of the EU Council presidency has been traditionally seen as a rite of passage for new Member States; over the six-month term they should demonstrate their knowledge of formal and informal rules of EU's decision making process, and also prove their competence in brokering agreements and ensuring smooth and efficient running of the EU's complex system.

The aim of this paper is to analyse the leadership capacity of the rotating presidency in the post – Lisbon EU’s policy making. This is done by examining agenda setting powers of the Polish Presidency and the case study of the European Endowment for Democracy. In order to achieve the above objective two research sub-questions are introduced:

1. How was the leadership capacity of the Council presidency restored by Poland?
2. How did Poland place the EED on the political agenda?

In order to answer the first question the insights from the historical institutionalism are applied to explain why and how has the rotating presidency emerged as the most appropriate deputy of the HR. The second question aims at distinguishing between the influence capacity of the individual Member State, namely Poland and the influence capacity of the institution of the rotating presidency itself by mapping conditions for successful agenda setting.

In methodological terms the study follows a qualitative design with a case study approach allowing for an in-depth analysis of the presidency holding and agenda setting process. It presents preliminary findings of document reviewing and interviews conducted in 2011 and 2012 with national and European officials involved in EU’s foreign policy making in Brussels and in national capitals.

### **3. The puzzle of the agenda setting powers of the rotating presidency**

In order to reflect the particular EU’s context of this research the Kingdon’s definition of agenda is adjusted and thus agenda is understood as ‘a list of subjects or problems to which (...) (European) officials and people outside of (...) (the European institutions) closely associated with those officials, are paying some serious attention to at any given time’ (1995: 3). Thus, the main task of agenda setting is to ‘(..) (narrow) (...) (the) set of conceivable subjects to the set that actually becomes the focus of attention’ (Kingdon, 1995: 3) and consequently ‘is about getting policy-makers to pay serious consideration to an issue’ (Kingdon, 1995: 3). This places agenda setting in the centre of EU’s decision making process. The academic research on the issue of EU’s agenda setting has been continuously growing; however it mostly comprises of empirical case studies examining how a particular issue entered the EU agenda. These studies presented variety of agenda-setting strategies with no theoretical foundations (Princen, 2011). Additionally, most of these studies refer to particular actors, such as Member States, interest groups or the Commission and only limited number of studies examine the agenda setting capacity of the presidency with no research done so far in the post-Lisbon context.

The special role and impact of Member States within European foreign policy have been at the core of the studies on the institution of the Council presidency. Presidency holding has been subject to an extensive academic debate with reference to its functions, rules of conduct, powers and the definitions of successful performance. Four main functions have traditionally been identified with reference to Presidency holding – political leadership, honest brokering, administrative organisation, and lastly the internal and external representation of the EU. Some of these functions have been seen as a burden for a presiding state, some as an opportunity for this state to establish itself in a more privileged position in relation to other Member States. The role of political leader, understood as having the privileged capacity to shape the European agenda, has been seen as one of the main privileges and powers of the presidency.

Some authors argue that due to the expectation for the country in chair to be neutral and act as an honest broker, its pursuit of national priorities is heavily restricted. Thus, presidency has been often branded as ‘power without any responsibility’ (Dewost 1984; Wallace 1985, in Bunse, 2009). Several constraints have been identified as far as Member States’ attempts to influence the EU agenda are concerned. Some researchers have argued that the ability to directly influence the agenda, by introducing a concrete legislative proposal, is constrained due to the short period of the Presidency (e.g. Whitman and Thomas, 2005; Tallberg, 2004; Kollman, 2003; Schout, 1998). Thus, the Member State in office is usually more preoccupied with issues on the agenda introduced by the preceding presidencies than its own (Whitman and Thomas, 2005; Tallberg, 2003).<sup>5</sup> Since the presidency is supposed to be neutral and impartial any political initiatives can be seen as a breach of rules and forcing national interests onto the agenda (Sherrington, 2000; Hayes-Renshaw and Wallace, 1997; Council Guide, 1997; Westlake, 1995; Kirchner, 1992; O’Nuallain, 1985). Countries that openly pursue their national interests are heavily criticised and thus some researchers argue that while in chair the ability of a country is even more limited than otherwise (Whitman, 2006; Schout, 1998). One of the Brussels officials stated that ‘[b]y definition, a Presidency has to suppress its national interests’ (Elgström, 2003: 1).

In contrast, some researchers argue that the six-month term of the presidency offers one of the best opportunities to project national priorities onto the European agenda (Kollman, 2003, Kirchner, 1992). Most of the Member States are known for their national preferences and during their presidencies they focus their agendas on advancing these topics of interest in the European forum; for example France, Spain and Italy are all known for their support of the Mediterranean region, Sweden of the

---

<sup>5</sup> The quantitative study by Thomson further proved that the Presidency’s ‘workload was mainly defined by the proposals introduced by the Commission under previous presidencies, and the political progress achieved since then’ (2008: 612).

Baltic Region and the new Member States of Eastern Europe. Some of the achievements have been substantial. The French initiative adopted as the Union for the Mediterranean was a highlight of its Presidency in 2008 (Lefebvre, 2009). Consequently, as argued by Schout 'national interests can find a legitimate and acceptable position on the Presidency agenda and may lead to new initiatives or debates within the EU' (1998: 4).

This study will challenge the notion that the rotating Presidency is a 'power without responsibility' rather supporting the view that the country in the chair is in a privileged position in relation to the other Member States, and aims to use this capacity to introduce some of its national priorities onto the common European agenda. On the other hand, the influence capacity understood as ensuring the final outcome of the decision being the closest to the original proposal as possible is restricted by the Member State pressure to arrive at a decision before the end of its term. In addition to this, the Member State opts to propose a proposal taking into account widest possible inclusions of other Member States' demands.

#### **4. 'Delegated leadership' - restoring leadership capacity of the rotating presidency**

Following the historical institutionalist argument the establishment of any institution is an outcome of a decision of founding member states which aims to overcome the problem of the collective action. The institutions develops on the basis of these previously made institutional arrangements (Fernandez 2007) following the so called 'path dependency'. This limits the ability of the organisation to stop or go back to the original design. The change is possible in case of the some extraordinary events, for example a new founding treaty, which breaks the thus far cycle of development and restarts the process. This is referred to as a 'critical juncture' (Fernandez, 2008). At this point the institution breaks with the path dependency and follows a newly set up development path. It is however not clear to what extent this new development path related to the previous position of the institution. The subsequent part of the paper follows this logic in tracing the development of the institution of the rotating presidency.

With hardly any legal foundations and limited official functions the rotating Presidency has been part of the institutional landscape of the EU from the very beginning.<sup>6</sup> Until 1970's the functions of the institution were rather basic and Member States' performance uncontroversial. Main duties were restricted to administrative organisation of the European Council meetings and acting as a representative of the EU. Due to declining role of the Commission the Presidency had to step in and

---

<sup>6</sup> The only reference to the rotating Presidency of the EU Council are two articles in the founding treaties – article 146 states that the Presidency is to be held by Member States in turn and article 147 that 'it shall convene meetings' (Schout, 1998: 3).

provide the EU with additional leadership capacity to steer the development of the organisation and give the political agenda impetus for further integration and expansion of cooperation. Consequently, the functions and position of the Presidency grew rather by the necessity than by the conscious decision of Member States (Fernandez, 2008). The ability of shaping the political agenda of the EU became one of the most significant powers with no formally agreed rules and procedural control. Thus, Member States soon realised that holding of the rotating Presidency creates a window of opportunity to push some of the national interests to the European agenda. This caused emerging conflict between the traditional demand at the European level for a supply of neutral and honest brokering between Member States, and emerging demand at the national level to use the opportunity to push priorities of national importance. Subsequently, due to the diverging demands and expectations, coming from various actors within and outside the EU, holding of the Presidency has become more complicated and a challenging task of managing conflicting functions while in office – being impartial, yet efficient and effective (Schout 1998). The agenda setting powers thus emerged as a response towards the shortcomings of the EU institutional system. Similarly with the new post-Lisbon context the presidency yet again adapts its position and functions to the current institutional deficiencies and thus emerges now as the most appropriate deputy of the HR.

Poland started its preparations well in advance and from the very beginning it was declaring its aim towards putting the Eastern Partnership high on the EU's agenda in order to revive the relations with the neighbouring countries of the Eastern Europe. At that time it was still not certain what would be the terms under which Poland would be holding its presidency. On the example of proceeding presidencies Poland was observing what was expected from a Member State in the chair and including the thus far emerging practice in its own scenario for presidency holding. This was particularly relevant in the area of EU's foreign policy. Even though Spanish, Belgian and Hungarian Presidencies were moving the institution of the rotating presidency further from exerting any leadership, Poland was vividly declaring that there was still a space at the European stage for a Member State in the chairmanship of the EU Council to actively take part in European foreign policy making. Simultaneously Poland was expressing the view that this should be done through close cooperation with the President of the European Council, the HR and EEAS without challenging and undermining their positions. As stated by a Polish official: 'The rotating presidency has not disappeared. There is still a role for us; you just need to know how to do this. If you get the HR onboard of your agenda and secure agreement in advance your presidency can still play an active role, particularly in the areas which are not of traditional interests of Ashton' (interview, Brussels, May 2011). Thus, Poland spotted an opportunity for negotiating the terms of deputising the HR. The

same official stated that '(the HR) needs a deputy and MEPs do not want to talk to EEAS, they want somebody of relevant political importance (...) she needs us (Member States) and we need her – with the right division of labour this is a win-win situation'.

The cooperation between the Presidency Trio and the EEAS prove to be challenging at the beginning. The declarations that the rotating presidency should play a more active role and focus on their own initiatives within EU's foreign policy was met with suspicion from the side of the EEAS (interview, October 2011). The programme of the Presidency Trio referring to a number of priorities from the area of EU's external relations, such as the European Neighbourhood Policy was submitted to the EEAS in an attempt to secure their support and thus enable effective coordination and realisation of the priorities. Such an attempt met with hesitation and the EEAS excused themselves from commenting on the plans of the Presidency Trio by explaining that at this stage they were not capable of providing planning for such a long term period (interview, Brussels, October 2011). The EEAS still at the consolidation stage was concerned that the incoming presidencies would try to undermine its still shaky position by taking over the leadership and restoring the pre-Lisbon scenario (interview, Brussels, January 2012). At that time it became clear that in order for the Polish Presidency to be able to achieve any of the set priorities relating to EU's foreign policy it needed to secure the EEAS's support and trust that such cooperation could be beneficial from both side and that it would not result in diminishing the role of the EEAS; thus the cooperation between the Polish officials and the HR intensified (interview, January 2012). Poland was gathering additional support for its agenda by touring European capitals and consulting the European Parliament's Committee on Foreign Affairs (AFET). The main aim was to convince Member States and European actors that Poland would hold its presidency in full support of the new institutional set up limiting the official role of the rotating presidency; however, still leaving some manoeuvring space for the presidency to engage in promotion of some of the policy areas (interview, Brussels, January 2012).

As mentioned above on the eve of the Polish Presidency the scenario of presidency holding in the area of foreign policy already existed and referred to following the leadership of the HR and acting as a deputy on her request. Poland however decided to take the advantage of the newly established practise and negotiate the terms of this arrangement by agreeing to deputise for the HR in the indicated areas (interview, Brussels, January 2012). At the joint meeting held in March 2011 the HR and the Polish Foreign Minister agreed how this division of labour would work under the Polish term in the office. Poland indicated the areas in which it would like to act more actively, namely the Eastern Partnership, Common Security Policy, relations with Afghanistan and Pakistan, etc. These subjects had been generally known as not of particular interest of the HR. The informally created

scenario for the 'delegated leadership' allowed Poland to escape any subsequent accusation of undermining the newly established institutional setting; on the contrary the close cooperation with the HR was seen as a clear indication of supporting the new context of EU's foreign policy making. Poland managed to place itself in a privileged position vis-à-vis other Member States securing access to the HR as her deputy and thus to the EEAS's agenda.

## **5. The agenda setting of the European Endowment for Democracy**

The main priority of the Polish Presidency in the area of EU's external relations was keeping the issue of the Eastern Partnership high on the agenda in order to mobilise support for the September's summit which was supposed to be the highlight event of the whole presidency. Even though the summit only entered the Polish agenda in February 2011 as the Hungarian Presidency decided to postpone the event, the subject of the Eastern Partnership was identified as one of the first priorities for the Polish Presidency back in 2009 and was prepared for and followed on during the whole period of preparations. On the contrary the EED became a presidency priority more by a default than by a design.

The idea of the European Endowment for Democracy emerged in the aftermath of the events in Belarus in December 2010 when the opposition marched the streets in an attempt to protest against the manipulation and forging of the results of presidential elections. The lack of effectiveness of thus far implemented approach towards the Belarusian authoritarians and no effective channels of support for the opposition triggered a discussion at the Polish Ministry of Foreign Affairs (MFA) on other potential manners to handle the situation (interview, Warsaw, April 2012). The idea of the endowment fund, based on the example of the US National Endowment for Democracy which Poland was one of the main beneficiaries during its democratic struggle in the 1980s, emerged as one of the ideas of enabling the EU with a more flexible approach towards the countries experiencing democratic aspirations under authoritarian regimes which was soon referred to not only to the Eastern dimension of the European Neighbourhood Policy (ENP).

The events of the Arab Spring which started to unfold in December 2010 in Tunisia and soon spread across other countries of this region further proved the lack of available instruments that the EU could apply in such circumstances. The thus far funding offered within the framework of the ENP and another instruments, such as the European Instrument for Democracy and Human Rights, were too rigid and accompanied by bureaucratic and lengthy application processes. Therefore, the need for a quick and flexible source of democracy support funding became a pressing issue.

The Polish Foreign Minister officially presented the idea in January 2011 during the Foreign Affairs Council (FAC). The general idea of setting up a more flexible and rapid instrument met with a considerable interest from Member States. In addition as the Commission and the HR were leading the review of the ENP they were realising the pitfalls of thus far policies and searching for new alternatives. Consequently, the idea of the EED became a presidency's priority by a more of spontaneous decision than a well-analysed decision which had guided the choice of the other priorities included in the official agenda of the Polish Presidency. The EED joined the set of the priorities in the area of EU's external relations along with the main priority of reviving the relations with the Eastern neighbouring countries.

The usual process of agenda setting, following the choice of an issue to be introduced, starts with the practice of framing the issue which is seen at the core of agenda setting (Princen, 2011: 933; Hennessy, 2011: 580). As explained by Princen framing means 'to define an issue in terms that appeals to those supporters' (2011: 929); it aims 'to arouse interest and tie the issue to some other policy/priority already stated' (Princen, 2011: 933). By appropriate framing it is possible to highlight and downplay some aspects (Jonas and Baumgartner, 2005). In case of the EED the issue was anchored in the two major debates ongoing on the European stage: the external instruments in favour of democratisation and the review of the ENP. This was done through Polish MEPs at the European Parliament.<sup>7</sup> In May 2011 the Commission and the HR issued a joint communication on the review of the ENP which supported the establishment of the EED as a part of a new more effective EU's approach in its democracy support.

Thus on the eve of its presidency Poland placed the idea of the EED on the political agenda of the EU and removed one of the potentially main obstacles – being accused of promoting own interests during its term in the office. Having the support of the Commission, the HR and the EP was supposed to help Poland to brand this initiative as a European one. Additionally, it allowed for placing the issue on the agenda of the other European actors thus using their political position and resources for promoting the idea and filling the general idea of setting flexible and quick source of funding for actors involved in democracy promotion outside the EU with more details and the substance.<sup>8</sup>

---

<sup>7</sup> The Polish MEP Andrzej Grzyb introduced the EED to European Parliament resolution of 7 July 2011 on EU external policies in favour of democratisation (2011/2032(INI)) and also by Marek Siwiec to European Parliament resolution of 14 December 2011 on the review of the European Neighbourhood Policy (2011/2157(INI)).

<sup>8</sup> This was particularly visible in case of the European Parliament which decided to draft a report on the modalities for the possible establishment of a European Endowment for Democracy (EED) (2011/2245(INI)). During the process of drafting numerous consultations were organised with various stakeholders to identify the most appropriate institutional design of the EED and also manners in which it should operate. Additionally,

However, with the constant pressure put by the Polish Presidency throughout its presidency the issue managed to be kept high on the agenda, but on the other hand strengthen the perception of the EED being a Polish pet project thus referring to national preferences (interview, Brussels, May 2012).

Agenda setting requires extensive resources which in case of the Polish Presidency were both national and institutional. After presenting the general idea of the EED in January and having it supported in the joint communication by the HR and the Commission in May 2011 Poland decided to present operational and institutional arrangements in June 2011. The legal expertise which was commissioned externally by the Polish MFA based the legal foundations of the EED on the international convention. The proposal was handed over to the EEAS which was to continue working out the details (interview, May 2012). Poland used also resources available for the rotating presidency to push for a quick implementation of the project. Thus, the issue was placed at the agenda of the informal meeting of the foreign ministers under the Gymnich format in September 2011. The agenda of this program is particularly seen as an outcome of the compromises between the HR, EEAS and the Polish Presidency. In order to accommodate Polish requests the subject of the approaching Eastern Partnership summit and the EED were included on the second day of the meeting. The idea of the EED to be set as an international convention was then supported by the foreign ministers and the HR and EEAS.<sup>9</sup> Poland also used the spotlight generated by its presidency by holding various seminars, meetings and consultations on the subjects that were particularly important for the presidency. Most of these events were devoted to the issue of the European Neighbourhood Policy and the need for designing a new more effective approach. One of the most important events was the European Development Days held in December in Warsaw which Poland decided to use to discuss the EED with stakeholders from the neighbouring countries. The subject of the EED was thus presented and kept high on the agenda through the whole presidency period. The wide discussions enabled not only for gathering support for the initiative by also elaborating comments on the potential institutional set up and working arrangements.

Having the support of the Commission and the HR allowed for a wider promotion of the project. The EED was mentioned in several speeches by the Commissioner Štefan Füle and the HR Catherine

---

staff involved in this process provided numerous expertises which were used in the subsequent process of setting up the EED in 2012.

<sup>9</sup> As declared by the Polish Foreign Minister during a press conference held at the end of the Gymnich meeting 'Sikorski: jest formuła prawna dla Funduszu na rzecz Demokracji', *Gazeta Prawna* 03.09.2011 (online, in Polish), available from [http://www.gazetaprawna.pl/wiadomosci/artykuly/544402,sikorski\\_jest\\_formula\\_prawna\\_dla\\_funduszu\\_na\\_rzecz\\_demokracji.html](http://www.gazetaprawna.pl/wiadomosci/artykuly/544402,sikorski_jest_formula_prawna_dla_funduszu_na_rzecz_demokracji.html).

Ashton as an important component of the new reviewed approach within the EU's neighbourhood policy. However, both Füle and Ashton referred to the general idea of the EED and never elaborated on the substance of the EED. This was left to the EEAS which in the cooperation with the Commission Development and Cooperation EuropeAid organised several consultations with the civil society groups, political foundations and think tanks to explore their experience and accommodate the expectations of the all stakeholders involved in democracy promotion. Poland also manage to make use of its high-profile Poles working both in the Commission and the EEAS whose strong emphasis on moving the project forward gave the EED an important impetus for advancing the works (interviews, January 2012, May 2012).

The initial goal of the Polish Presidency was to have the EED set up by the end of its term in the office according to the original design of an international convention. Thus with the approaching final date the Polish Presidency intensified its push for having the EED established. The EED institutional set and its substance with the reference to the decision making process and targeted actors was first discussed in details during the Political and Security Committee meeting on 25 November 2011. The issue was placed on the agenda on the request of the Polish Presidency by the permanent chair Olof Skoog (interview, May 2012). Even though the general idea was welcome by most of the Member States some serious concerns were raised as far as the legal choice of the international convention was concerned. Moreover, some of the Member States expressed their firm opposition of the EED ability to support the fledgling political parties in targeted countries. The information supplied by the EEAS on the EED was regarded by the representatives present at the meeting as too general and lacking concrete details on the how would the EED work. This caused a perception of Poland's rushing the decision without having necessary details worked out and without securing support from all of Member States (interview, May 2012).

As presented in its proposal Poland wanted that countries signing up for the convention would pledge their financial contribution. Therefore, the voting rights would be secured by tying them up with the level of financial assistance. On the contrary, most of the Member States and also MEPs wanted voting rights for all of the participating representatives regardless if they were contributing financially or not. The negotiations held in various working groups were aimed at finding possible compromises regarding the legal framework for the EED, its institutional set up, voting rights and financial contributions and finally the targeted actors. Realising that the EED became a very complex and contentious issue Poland adjusted its original aim of having the EED established before the end of 2011 and decided to rather aim for a more general political declaration. The declaration would present a general support for the idea and the more concrete details would follow in due course of

2012. Nevertheless, even having some general agreement on the EED proved to be difficult to be agreed on. After some pre-meeting announcements the declaration failed to be adopted during the Foreign Affairs Council meeting on the 1<sup>st</sup> of December; instead seen as a compromise of the Polish Presidency the EED was mentioned in the Council conclusions.<sup>10</sup> Running out of time Poland decided to use one of the last venues which dealt with EU's foreign affairs available to the rotating presidency – the COREPER II. Thus, on 15 December the declaration was placed first on the agenda of the ANTICI meeting and then adopted at the subsequent COREPER II meeting (interviews, Brussels, January, February 2012).

Nevertheless, the final outcome as presented in the declaration presents lack of ability of the Polish Presidency to settle the contentious issues. In an attempt to secure support of all of the Member States and thus having the declaration adopted before the end of the presidency Poland agreed on giving all representatives to be presented in the decision making body of the EED voting rights regardless their financial contribution. The institutional set up of a private foundation was another concession from the Polish side.<sup>11</sup> Therefore, as have been argued in the academic literature Member States often rush the initiatives through in order to secure some tangible results to declare their presidencies as effective and successful. Such rushed solutions might not present the most appropriate and effective compromises, as in case of the mentioned example where Poland gave up the only source of possible funding for the EED. Consequently, the presidency holding increased Poland's capacity to place its initiative onto the European agenda; however it also restrained Poland negotiating capacity in achieving an outcome close to its original preferences.

By analysing the above process of agenda setting it is possible to identify factors which played the greatest role in hindering the Polish efforts. First of all, as indicated by Bunse (2009) the heterogeneity, intensity and distributions of the preferences within the Council are one of the potential constraints. The issue of European Neighbourhood Policy has been a source of divisions among countries fighting for additional funding towards the Eastern and Southern Neighbourhood. The Polish thus far practise of supporting the Eastern dimension of the ENP affected the credibility of the presidency. Even though the EED was presented as a source of support for all of the neighbouring countries some of the Member States were seeing it as mainly directed to Belarus. Moreover, the democratisation agenda has been one of the most contentious issues with some highly contrasting opinions on how democratic transformation should be supported in the third

---

<sup>10</sup> See Council conclusions on the European Endowment for Democracy 3130th FOREIGN AFFAIRS Council meeting Brussels, 1 December 2011.

<sup>11</sup> See Declaration on the Establishment of a European Endowment for Democracy, Brussels, 20 December 2011.

countries. In addition to this, the Polish Presidency was operating within the European agenda dominated by the ongoing economic crisis, attempts to strengthen economic governance, and negotiations on the Multiannual Financial Framework 2014-2020. Not much attention was available for other issues. Moreover, mobilising funding in such financially challenging period of austerity proved to be extremely difficult.

## **Conclusions**

The already contested agenda setting powers of the rotating presidency has been even further challenged by the provisions of the Lisbon Treaty transforming the EU's foreign policy making. Nevertheless, the unclear provisions allowed the first Member States to hold the EU Council's chairmanship to introduce their own understanding of the new context. Thus, the four succeeding presidencies held by Spain, Belgium, Hungary and finally Poland propose different scenarios. Poland was the country which pushed for a more active role in the area of foreign policy. Its presidency agenda referred to a large extent to the priorities in the area of EU's external relations, such as the European Neighbourhood Policy. The latter policy was used for framing of a more particular aim of giving the EU a more rapid and flexible instrument for funding democratisation agenda in the neighbourhood countries.

By applying the historical interpretation of the development path of the rotating presidency this paper aimed to argue that due to the previous position of the rotating presidency it emerges now as the most appropriate deputy of the HR, thus allows for a more active performance that originally designed in the provisions of the Lisbon Treaty. The close cooperation with the HR allows for delegation of leadership which can be than use for promotion of national priorities. Poland was the first country to take advantage of the latter and negotiate the areas of deputisation with the HR by pushing for areas important in terms of national interests.

Factors at the European and international levels, such as situation within the EU and the international affairs still influence the agenda setting powers of the Council presidency. The ongoing financial crisis overshadowed the Polish Presidency and dominated the European agenda. On the other hand, the Arab Spring events provided another opportunity to demonstrate the need for a new EU's approach in democracy support. The choice of the priority is another condition for the subsequent successful agenda setting as an issue which causes divisions among Member States is harder to be achieved.

The capacity of the individual Member States in the chair of the presidency is the key factor influencing the agenda setting capacity. A Member State needs to first of all engage in negotiations

with the HR in order to be granted the leadership capacity. On the foundations of such agreement the presidency can play a more active function and use this 'delegated leadership' as a window of opportunity to advance its national priorities. The institution of the rotating presidency still enjoys some procedural advantages, such as chairing of the COREPER II, however the formal leadership has been severely limited. Most of the powers rely now on the close cooperation with the HR and EEAS in order to have the presidency's priorities included in the agenda of the FAC meetings and other working groups. Thus, the priority shifted more towards using the inter-institutional relations, particularly with the increased role of the European Parliament. The rotating presidency has been stripped of its formal powers to the large extent; nevertheless due to the fact that development of these powers had been mostly based on informal arrangements the post-Lisbon scenario for the presidency role maintain its agenda setting powers. The lack of formal resources can be compensated by establishing privileged working arrangements with the HR, EEAS, but also the President of the European Council and thus accessing their resources. Such a model of presidency holding requires extensive national involvement and thus it will not be chosen by most of the Member States. Nevertheless, the Polish Presidency and the EED created precedence in the new post-Lisbon context of the role of the Council presidency in EU's foreign policy making.

## References

- Bailer, S. (2004) 'Bargaining Success in the European Union: The Impact of Exogenous and Endogenous Power Resources', *European Union Politics* 5 (1): 99-124.
- Bengtsson, R., Elgstrom, O., Tallberg, J. (2004) 'Silencer of Amplifier? The European Union Presidency and the Nordic Countries', *Scandinavian Political Studies* Vol. 27 No. 3, pp. 311-334.
- Bunse, S. (2009) 'Small States and EU Governance. Leadership through the Council Presidency', Basingstoke: Palgrave/Macmillan, London.
- Council Secretariat (1996) 'Council Guide: I. Presidency Handbook', Luxembourg: Office for Official Publications of the European Communities.
- Council conclusions on the European Endowment for Democracy 3130th FOREIGN AFFAIRS Council meeting Brussels, 1 December 2011.
- Declaration on the Establishment of a European Endowment for Democracy, Brussels, 20 December 2011.
- Elgstrom, O. (eds.) (2004) 'European Union Council Presidencies. A Comparative Perspective', London: Routledge.
- Elgstrom, O. (2006) 'The Presidency: The Role(s) of the Chair in European Union Negotiations', *The Hague Journal of Diplomacy* No. 1, pp. 171-195.
- European Parliament resolution of 7 July 2011 on EU external policies in favour of democratisation (2011/2032(INI)).
- European Parliament resolution of 14 December 2011 on the review of the European Neighbourhood Policy (2011/2157(INI)).
- European Parliament proposal on the modalities for the possible establishment of a European Endowment for Democracy (EED) (2011/2245(INI)).
- Fernandez, A. M. (2008) 'Change and Stability of the EU Institutional System: the Communitarization of the Council Presidency', *Journal of European Integration*, Volume 30 Issue 5, pp. 617-634.
- Hayes-Renshaw, F., Wallace, H. (1997) 'The Council of Ministers', Macmillan Press Ltd, London.
- Jones, Bryan D., and Frank R. Baumgartner (2005) 'A Model of Choice for Public Policy'. *Journal of Public Administration Research and Theory* 15, 3 (July): 325-51.
- Kirchner, E. J. (1992) 'Decision making in the European Community. The Council Presidency and European integration', Manchester University Press, Manchester.
- Kollman, K. (2003) 'The Rotating Presidency of the European Council as a Search for Good Policies'. *European Union Politics* Vol. 4, pp. 51-74.
- Maurer, A. (2008) 'The German Council Presidency: Managing Conflicting Expectations', *Journal of Common Market Studies* Volume 46 Annual Review, pp. 51-59.

- O'Naullain, C. (eds.) (1992) 'The Presidency of the European Council of Ministers. Impacts and Implications for National Governments', London: Croom Helm.
- Princen, S. (2011) 'Agenda-setting Strategies in EU Policy Processes', *Journal of European Public Policy*, Vol. 18, No. 7, pp. 927-943.
- Schout, A., Vanhoonacker, S. (2006) 'Evaluating Presidencies of the Council of the EU: Revisiting Nice', *Journal of Common Market Studies* Volume 44 Number 5, pp. 1051
- Schout, A. (1998) 'The Presidency as a Juggler. Managing conflicting expectations'. Archive of European Integration, available at [aei.pitt.edu/785/01/scope98\\_2\\_1.pdf](http://aei.pitt.edu/785/01/scope98_2_1.pdf), accessed on 20.10.2010.
- Sherrington P. (2000) 'The Council of Ministers. Political Authority in the European Union', London.
- Sikorski: jest formuła prawna dla Funduszu na rzecz Demokracji', *Gazeta Prawna* 03.09.2011 (online, in Polish), available from [http://www.gazetaprawna.pl/wiadomosci/artykuly/544402,sikorski\\_jest\\_formula\\_prawna\\_dla\\_funduszu\\_na\\_rzecz\\_demokracji.html](http://www.gazetaprawna.pl/wiadomosci/artykuly/544402,sikorski_jest_formula_prawna_dla_funduszu_na_rzecz_demokracji.html).
- Tallberg, J. (2003) 'The agenda-shaping powers of the EU Council', *Journal of European Public Policy* 10-1, pp. 1-19.
- Tallberg, J. (2004) 'The Power of the Presidency: Brokerage, Efficiency and Distribution in EU Negotiations', *Journal of Common Market Studies* Volume 42 Number 5. pp. 999–1022.
- Tallberg J., (2006) 'Formal Leadership in Multilateral Negotiations: A Rational Institutional Theory', *The Hague Journal of Diplomacy*, Vol. 1, Nr2, pp. 117-141.
- Tallberg, J. (2008) 'Bargaining Power in the European Council', *Journal of Common Market Studies* Volume 46 Number 3, pp. 685–708.
- Tallberg, J. (2010) 'The Power of the Chair: Formal Leadership in International Cooperation', *International Studies Quarterly* No. 54, pp. 241–265.
- Thomson, R. (2008) 'The Council Presidency in the European Union: Responsibility with Power', *Journal of Common Market Studies* Volume 46 Number 3, pp. 593–617.
- Thomson, R. (2008) 'The Council Presidency in the European Union: Responsibility with Power', *Journal of Common Market Studies* Volume 46 Number 3, pp. 593–617.
- Whitman, R. (2006) 'The UK Presidency: In the Hot Seat', *Journal of Common Market Studies* Volume 44 Annual Review, pp. 57–62.