
The Role of the General Affairs Council Revisited in Light of the Experience of 18 Months with the Lisbon Treaty (ARI)

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Theme¹: The General Affairs Council (GAC) has so far not lived up to the expectations created by the Treaty of Lisbon, which in principle assigned it an important position within the EU system.

Summary: The EU's new General Affairs Council (GAC) –chaired by the Trio Presidency– was designed to fulfil the role of strategic coordinator of policy-making in the Union. Nearly a year-and-a-half since its creation, this aim is even more pertinent than ever, since the need to develop that function has become more acute. The GAC has not asserted itself politically and other possible coordinators that are well established and permanently based in Brussels –such as the President of the European Council, the COREPER, and even the Secretariat General of the Council– are not the ideal actors to carry out the coordinating function, which needs a strong political involvement of the member states at the ministerial level. The GAC has probably achieved the basic goal of guaranteeing a minimum of consistency in the work of the nine other Council configurations and it has formally prepared and followed up on the meetings of the European Council. However, it has failed to become a powerful and distinctive actor with a strategic approach.

Analysis: The first 18 months of the Lisbon Treaty –those corresponding to the Spanish, Belgian and Hungarian Trio Presidency of the EU– have left a rather bittersweet aftertaste over what were supposed to have been the positive effects of the new decision-making framework that proved so hard to agree on and then ratify. It is clear that the treaty in and of itself would not make Europe resolve the large-scale challenges that the integration process has been facing over the past few years: the financial turbulence and recession in 2008-09, the subsequent sovereign debt crisis and, more generally, the changes in global economic competitiveness and Europe's declining international position in a context of major geopolitical shifts. Nevertheless, the new mechanisms of the Lisbon Treaty have helped the EU to better address the issues in which there was at least a minimum of political will. To give two examples: (1) the institutionalisation of the European Council was an advantage, rather than an added difficulty, in moving towards the reinforced economic governance or the so-called 'Pact for the Euro'; and (2) the strengthening of the

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¹ This ARI was originally written as a chapter of the book 'Think Global - Act European III' devoted to the Polish, Danish, and Cypriot Trio Presidency of the European Union. It is published by Notre Europe, Egmont, GKI and the Elcano Royal Institute.

European Parliament has been more a source of support than a hindrance in designing and launching the External Action Service.

Although it is still early to assess the changes in the institutional balance of the system as a whole, in general the new tools have improved the EU's political performance with regard to a greater continuity in policy-making, the visibility of decisions and accountability. That said, it is also true that the treaty makes for a greater complexity in decision-making and this requires more political coordination between the institutions involved. The first four of the final recommendations in the previous edition of the *Think Global, Act European* project had to do precisely with the need to coordinate better. In particular, the first of them made an appeal to 'ensure that the new General Affairs Council –chaired by the Trio Presidency– fulfilled the role of a strategic coordinator of policy-making in the EU'. Nearly a year-and-a-half later, the recommendation is even more pertinent than it was then, since the need to develop that function has become more acute. The General Affairs Council (GAC) has not asserted itself politically and other possible coordinators that are well established and permanently based in Brussels –such as the President of the European Council, the COREPER, and even the Secretariat General of the Council– are not the ideal actors to carry out that function, which needs a strong political involvement of the member states at the ministerial level.

The GAC was created in late 2009 as a new configuration of the Council, by splitting it from the former General Affairs and External Relations Council, with the other part becoming the new Foreign Affairs Council. The idea was to distinguish clearly between the definition of the EU's international action, on the one hand, and the transversal coordination of all issues that the Council dealt with, on the other. Thus, in the first case, the Foreign Ministers –and, sometimes, those responsible for Defence, Development or Trade– acted as representatives of the member states on foreign and security matters under the stable Presidency of the High Representative. And in the latter, the Ministers of Foreign or European affairs –under the six-month rotating Presidency– would have to carry out three functions. The first of these, considering the fact that the Council still has nine vertical configurations, involves the need to give consistency to sectoral work. Secondly, to the extent that there are transversal issues that are difficult to assign to the vertical councils– such as enlargement, for instance–, it makes sense for there to be a horizontal body in charge of these issues. And the third of these functions, in light of the separation between the European Council and the Council as different institutions, stems from the need to connect the former's role as provider of political drive to the latter's role, which is fundamentally legislative.

None of this was achieved in the first three Presidencies under the Lisbon rules. The GAC has probably achieved the basic goal of guaranteeing a minimum of consistency in the work of the nine other Council configurations and it has formally prepared and followed up on the meetings of the European Council. However, it has failed to become a powerful and distinctive actor with a strategic approach. In reality, given the clear loss of functions and visibility of the six-month Presidencies after the treaty came into force, it is odd that neither Spain nor Belgium or Hungary have harnessed and strengthened this new body, which, under the Lisbon Treaty, is the remaining privileged instrument of the rotating Presidency to maintain its influence on EU policy-making. Certain factors inherent in the Presidencies help explain this weakness: Spain's relative state of confusion over the new treaty in force during a semester that was considered transitional, the fact that Belgium had an interim government and the novelty in Hungary of holding the EU Presidency for the first time. Besides this, the very difficult economic situation meant that most politicised

inter-governmental decisions were assigned to the heads of government at the European Council. In any case, it is not at all certain that during the next Trio of Presidencies –to be held by Poland, Denmark and Cyprus– there will be a political strengthening of the GAC and a clarification of its functions.

There are other, more structural factors which explain why so far the GAC is not living up to the expectations created by the Treaty of Lisbon, which in principle assigned it an important position within the EU system. These factors include departmentalisation, which is intrinsic to the Council's functioning as an institution, the discontinuity inherent to the system of rotating six-month Presidencies and the relative lack of interest shown by Foreign Ministers –who for the most part make up the GAC– in most of the issues that are on this Council's agenda.

Why is it important to strengthen the GAC council and how can progress towards that goal be made over the next 18 months? Boosting this body is a good idea both in terms of institutional efficiency and democratic legitimacy. The GAC is potentially well placed to help provide the European policy-making process with more coordination (efficiency) and more visibility (legitimacy). The idea would be to offset the myriad fragmented sources of power that now characterise the Council itself –the Trio of Presidencies, the High Representative, the Eurogroup and other specialised configurations under the rotating Presidency– and the EU as a whole –the European Council, the European Commission, the European Parliament and national parliaments–. The work of effective coordination and democratic transparency in the decision-making process must be accepted by member states as well as by EU institutions. And it would seem that the GAC –inasmuch as it is a European institution that at the same time has an intrinsically inter-governmental nature– could be the ideal body for that purpose. The COREPER and the General Secretariat of the Council can certainly help the decision-making process to be more consistent. But their technical nature prevents them from doing it with a strategic vision, and in any case they are actors that operate in an opaque fashion without any orientation towards public discourse or accountability. For its part, the European Council can, of course, help achieve major political consensus on integration. However, it is unable to get involved directly in the drafting or implementation of legislation and therefore its relations with the European Parliament and Commission are very limited.

Recommendations: How Can the General Affairs Council be Strengthened?

The GAC has room for political strengthening in each of the three major functions assigned to it by the Treaty and by Council's Rules of Procedure:

- (a) Regarding the coordination of all the Council's configurations.
- (b) Regarding transversal issues.
- (c) Regarding the preparation for and the follow-up to the European Council.

(a) Regarding the Coordination of All the Council's Configurations

At the Constitutional Convention of 2002-03 it was proposed that the new GAC should concentrate all the Council's legislative activity on the basis of the prior deliberations carried out by its various specialised configurations. This proposal, intended to guarantee coherence, was rejected at the intergovernmental conference of 2004 because of the profound implications it would have for how the institution worked: since the outset of the integration process, it has been understood that the Council has been formally convened and enjoys all of its attributions and prerogatives, regardless of whether it is made up of Ministers of specific sectors or of Foreign Affairs. However, adopting a rather more

political than legal approach with regard to the goal of coherence, the GAC should nevertheless have efficient mechanisms for undertaking one of its main missions: guaranteeing consistency in the Council's work. The success of its ties with the European Council also depends on this.

To this end, and in strict application of the principle of *primus inter pares* ('first among equals'), the GAC could carry out a thorough examination of the activity of the nine other councils and be able to express observations, suggestions or even –although obviously with caution– warnings based on the programme and priorities of the semester and/or the Trio. By the same token, in cases of doubt, the specialised configurations of the Council could encourage a political 'appeal' to the GAC for it to set the position of the institution. It is not so much an issue of changing the rules governing the Council as having the members of the GAC embrace a certain degree of political authority over the rest of the other configurations, which, in any case, would continue to be technically equals. Otherwise, if the work of the GAC is limited to a routine review of what has been done by the other configurations, it will not be contributing any added value to the goal of consistency; in any case, it would be contributing much less than what is contributed by the ambassadors of the COREPER, which would not seem very reasonable. What is more, looking at the specific exercise of the rotating Presidencies and considering that in some member states governments do not have good domestic coordination mechanisms, this role of the GAC would be most welcome. Finally, the role could become essential if the Presidencies of the Trio decided to divvy up by sector the work of the different Council formations during the 18-month period.

That said, it is no secret that this function would have a particularly delicate dimension in terms of the Foreign Affairs Council, assuming that in that case the High Representative assumes the permanent Presidency. However, and precisely because the rotating Presidency does not in this case act as leader of the meetings, the task of providing consistency to the work of the Council is even more necessary. Of course, the GAC would have to act with special care to avoid any temptation to re-appropriate the CFSP dossiers. But it is also true that almost all the specialised councils have an external dimension; for instance, Justice and Home Affairs in issues of international terrorism, ECOFIN in matters of global economic governance, the Environment in issues of climate change and the GAC itself, which is in charge of enlargement policy. This can trigger occasional inconsistencies or even conflicts which only the GAC –with the rotating Presidency acting more than ever as an honest broker– can resolve.

(b) Regarding Transversal Issues

The second line of strengthening is very closely linked to the goal of achieving consistency in the Council's work. Along with the need to coordinate sectoral issues, there is the need to take the lead in issues that are transversal by definition and affect several Council formations without clearly being the responsibility of any specific one of them. These are the dossiers which intrinsically involve the politics of European integration in itself, such as reform of the Treaties, enlargement policy, negotiation of financial perspectives and the agenda of structural reforms, now known as the Europe 2020 Strategy. All of these issues affect the rest of the formations, depending on the cases, especially the ECOFIN, the Competitiveness Council and the Foreign Affairs Council. However, due to its horizontal nature only the GAC can manage consistently and with strategic vision the agenda-setting process and the final decision-making. Otherwise, many dimensions of these transversal dossiers –obviously basic for European integration– could slip into a limbo. In all of these cases, however, the final word rests with

the European Council. Thus, from a functional standpoint it is necessary to channel in an orderly fashion the upward conduit –in other words, the decision-making process– or the descending one –in the application of whatever has been decided by the heads of government, which go from one institution to another–.

For this same reason, the Council's institutional relationship with the Commission, the European Parliament, the Court of Justice and national legislatures should be channelled through the GAC. The rest of the Council's formations would of course continue to deal with the Commission or the European Parliament in legislative work or in specialised political control. But the actual management of the policy of inter-institutional balance, of political dialogue and the job of acting as spokesman of the Council –except in foreign affairs– must correspond to the GAC. Furthermore, this will give the institution projection in the news media and thus among Europe's citizenry. It is not a matter of adding more complications to the image of the EU as a whole, which in principle should be concentrated in the President of the European Council, the President of the Commission and the High Representative. Rather, the idea is to add consistency and visibility to the Council's now-fragmented voice. This translates clearly into presenting before the European Parliament the priorities and conclusions of the semester or in other circumstances which require the Council as such to speak out. This relative personification of the Council can also be useful from a domestic point of view for whatever country holds the six-month Presidency.

(c) Regarding the Preparation for and the Follow-up to the European Council

The Council's ties to the European Council –now that the Treaty of Lisbon has separated the two institutions– are maintained at the administrative level by the General Secretariat which is common to both, and at the political level by the GAC, at least in theory. In actual practice, and bearing in mind what has been said so far, this function has only been carried out formally during the first months after the Treaty came into force. For this reason, if one were to manage to improve the GAC's ability to coordinate vertical issues and lead the horizontal ones, along the way one could achieve that third element of political strengthening of the Council. In other words, to the extent that the GAC assumes the task of establishing a strategic position for the Council and lending more consistency to its legislative work, it will be much easier to go about the true political preparation of the meetings of the European Council, substantially fuel its conclusions and ensure an effective continuity in the legislative implementation of the politically-driven decisions made by the heads of government.

Besides all that has been discussed so far, in order to achieve this result it would be necessary to boost the GAC's ties with the European Council through two channels: on the one hand, with the permanent President and, on the other, with the heads of State or Government. In the former, the idea is to strengthen inter-relations and to do so both for the formal meetings of the European Council and for the increasingly frequent informal meetings. So far President Van Rompuy has acted in a loyal way and organised efficient contacts and prior meetings –usually, in the format of dinners– but perhaps it would be a good idea to go a step further. For example, now that it seems clear that the Prime Ministers of the countries holding the rotating Presidency have ruled out the possibility of chairing GAC meetings, it might be interesting to invite to the European Council, along with the Prime Minister whose turn it is to speak first to his/her colleagues, the member of the national government who has effectively presided over the GAC.

As for boosting the ties between the GAC and the heads of government of member states, the way to go is not within European institutions but rather through national capitals. For this reason, achieving this goal depends on progress that can only be completed through an indirect and probably slow process of changing the current GAC. It is a matter of hooking up the members of the GAC in a more or less formal way with Prime Ministers' or Governments' Offices of the member states. And in an implicit way, that connection should mean that the makeup of the GAC would no longer be Foreign Ministers, who should concentrate on the Foreign Affairs Council, and shift to Ministers for European Affairs. This does not necessarily mean that European policy would no longer be linked to the Foreign Ministries of the 27 member states. But it would in fact mean that the European Minister –even in cases in which he or she is a junior figure– would also have domestic authority that only comes if they, apart from still being connected to the Foreign Ministries, are very close to the Prime Minister.

It is unclear if this network of 'top national officials' tasked exclusively with European affairs will be created. Nevertheless, the post-Lisbon EU seems to require that key political representatives of the member states, who are domestically close to the 27 heads of government, can lead the ever more complex national formation of European policy and, therefore, can monopolise their countries' participation in the GAC. This is already the case in some member states, such as Sweden and Slovenia, but it remains to be seen whether or not a true European network of politicians is gradually consolidated whose strategic role –coordinating and serving as a liaison between the EU and the member states– can be a key factor for the future of European integration. The next Trio will run the GAC over the next 18 months and can contribute in a critical way to reaching this goal.

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