

The agenda-shaping powers of the EU Council Presidency

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ABSTRACT Existing literature is overwhelmingly sceptical about the capacity of the Council Presidency to shape the EU agenda. The Presidency's ability to promote private concerns is considered highly limited and, typically, the Presidency is depicted as a 'responsabilité sans pouvoir'. This article challenges the conventional wisdom on theoretical and empirical grounds. Theoretically, it develops a conceptual framework that expands the notion of influence, by distinguishing between three forms of agenda-shaping: agenda-setting, agenda-structuring and agenda exclusion. In this exercise, I draw on theories of bargaining and decision-making developed in international relations and American politics. Empirically, the article provides an inventory of the instruments available to the Presidency within each form of agenda-shaping, as well as illustrative cases that demonstrate how Presidencies regularly influence outcomes in EU policy-making. Illustrations are drawn primarily from the six consecutive Presidencies in the period 1999–2001: Germany, Finland, Portugal, France, Sweden and Belgium.

KEY WORDS Agenda-setting; chair; Council; entrepreneurship; leadership; Presidency.

INTRODUCTION

Existing literature on the Council Presidency of the European Union (EU) pays scant attention to the agenda-shaping powers of this office, focusing instead on the Presidency as leader, mediator, external representative and administrative manager. To the extent that the literature addresses the Presidency's influence over the EU's policy agenda, the assessments are overwhelmingly pessimistic, depicting the Presidency as an office without power. In this article, I challenge this established wisdom on theoretical and empirical grounds. Theoretically, I develop a conceptual framework capable of capturing alternative forms of agenda influence. In this exercise, I draw on theories of bargaining, agenda-setting and decision-making, as developed in international relations and American politics. Empirically, I demonstrate that Presidencies regularly engage in alternative forms of agenda-shaping and influence outcomes

in EU policy-making. Illustrative cases are drawn primarily from the six consecutive Presidencies in the period 1999–2001: Germany, Finland, Portugal, France, Sweden and Belgium.

The central contention of the article is that existing literature operates with a narrow understanding of agenda-shaping, which causes it to underestimate the Presidency's means to influence EU policy. Typically, influence is equated with the introduction of new issues on the agenda (agenda-setting). This definition precludes perhaps the most common forms of influence. In the article, I suggest that the Council Presidency engages in agenda-shaping also through the varying emphases put on issues already on the agenda (agenda-structuring) and the deliberate barring of issues from the agenda (agenda exclusion). The ambition of the article is to demonstrate this wide repertoire of means at the Presidency's disposal, not to advance a unified theory of when the Presidency succeeds in its agenda-shaping efforts.

The article consists of three substantive sections. Following a review of existing literature in the next section, the second section introduces the threefold conception of agenda-shaping. For each form, I isolate the primary means at the Presidency's disposal and exemplify with cases from EU policy-making. The third section addresses the puzzle of why national governments, highly sensitive to challenges of their decision-making authority, would agree to a system that grants privileged opportunities of agenda influence to the chair. I advance a functional interpretation in two steps, where I first outline the theoretical rationale of privileged agenda control, and then explain the merits of a rotating office. The conclusion of the article lays out the implications for contemporary debates in EU studies, stressing, in particular, the need for intergovernmental bargaining models to recognize the privileged position of the Presidency.

THE CONVENTIONAL WISDOM: 'RESPONSABILITÉ SANS POUVOIR'

In recent years, the Council Presidency has received increasing attention in the literature on EU politics (e.g. Bassompierre 1988; Kirchner 1992; Wurzel 1996; Hayes-Renshaw and Wallace 1997; Metcalfe 1998; Schout 1998; Westlake 1999; Sherrington 2000; Svensson 2000). In this growing body of research, the Presidency is analysed predominantly in its capacity as broker, external representative, administrative manager, or leader in a general sense. By contrast, few works have addressed the Presidency's agenda-shaping capacity, and to the extent that they have, the conclusions tend to be overwhelmingly pessimistic. Fiona Hayes-Renshaw and Helen Wallace submit that 'the real opportunity to promote initiatives or to deliver to domestic expectations is heavily constrained' (1997: 146). Richard Corbett observes that 'Presidencies come and go ... and the individual impact of each one on the European Union, provided they avoid disaster, is limited' (1998: 1). David Coombes concludes that "the presidency" lacks most vital attributes and possesses most

of the worst defects typically pertaining to executive power' (1998: 7). The dominating perception of the Presidency's agenda-shaping powers is best summarized in the frequently quoted phrase by Jean-Louis Dewost, describing the office as a 'responsabilité sans pouvoir' (1984: 31). Disaggregating this influential position into substantive claims about influence and agenda-shaping, three lines of reasoning are particularly prominent.

According to the first argument, the office of the Presidency has not been conferred any formal powers of initiative, and therefore cannot set the EU policy agenda. The Commission enjoys a monopoly on policy initiation in the first pillar of EU co-operation, whereas the power of proposal is shared between the Commission and the member states in the second and third pillars, without specific privileges on the part of the Presidency. The Presidency, therefore, should not be misinterpreted as an executive position, offering the possibility of privileged influence over the agenda. In this vein, Corbett stresses that 'taking on the Presidency does not mean acceding to an executive office but is merely the chairmanship of one of the EU institutions for a short period' (1998: 1). This reading of the Presidency is echoed in statements such as 'the Presidency is a chairman, not a president' and 'the Presidency has no power, but lots of decisions to take' (interviews, Commission official, 6 December 2000; French government representative, 9 February 2001).

The second line of reasoning stresses a set of factors that are considered constraints on the Presidency's capacity to set priorities in EU policy-making. The most prominent constraint is the degree to which Presidencies inherit the agenda of their predecessors. In an early assessment that has become highly influential among both researchers and practitioners, Guy de Bassompierre asserts that 'any Presidency, however worthy and able, can only influence, at best, 5–10 per cent of the issues' (1988: 103). Substantiating this claim, David Neligan notes:

[T]he fact is that the great bulk of a Presidency's programme will at all times consist of inherited and wholly foreseeable material. The 'spin' often put out, that a new departure is being marked when a different government takes over the helm, is never more than very partially true. The agendas and the accompanying files simply land on the new Presidency's table, many of them with a dispiritingly dull thud.

(Neligan 1998: 7)

Forced to tend to those issues that are already on the agenda, the Presidency enjoys no or few opportunities to advance its own priorities.

The Presidency's capacity to promote its pet priorities is further seen as reduced by external events beyond its control – whether at the national, European or international level – that require immediate attention. Note Hayes-Renshaw and Wallace:

No presidency can cater for the vicissitudes of events: a sudden currency crisis, a major international crisis, an unexpected domestic crisis. Many

presidencies have come into office with conscientiously and well-prepared agendas, only to find that the six months disappear in a haze of meetings on quite unexpected topics.

(Hayes-Renshaw and Wallace 1997: 146)

In this context, frequently mentioned events during the last ten to fifteen years include the fall of the Berlin wall, the European monetary system (EMS) currency crisis, the wars in the former Yugoslavia, the resignation of the Commission, and the outbreak of mad cow disease. As additional constraints on the Presidency's agenda-shaping potential, the short time span, the built-in inertia of the EU political system, the dependence on an often ineffective Commission, and the segmentation of the Council are often mentioned.

The third line of argument stresses the constraining effect on the norm of 'the neutral presidency'. This principle, which has been written into the Presidency handbook issued by the Council Secretariat, states that '[t]he Presidency must, by definition, be neutral and impartial' (1996: 5). Even if the holder of the Presidency might enjoy the means to prioritize issues of specific national importance, member states refrain from such behaviour, either because they have been socialized to behave neutrally, or for fear of being ostracized. Richard Whitman observes:

States which appear to engage in the 'aberrant' behaviour of nakedly pursuing national foreign policy objectives ahead of those of the EU face heavy criticism and a difficult Presidency. Thus, paradoxically, the Presidency may not provide a good opportunity for advancing national foreign policy objectives.

(Whitman 1998: 15)

Indeed, there are few accounts that do not point to the need for the Presidency to be both disinterested with regard to its own preferences and impartial in relation to other states.

The most notable shortcoming in these pessimistic accounts is the tendency to equate influence over the EU agenda with the launch of new political initiatives, generally termed agenda-setting in the literature on decision-making. Agenda-setting is an appropriate focus if the driving research question is one of determining the origin of issues on a policy agenda at any given point in time. But if the research challenge instead consists of isolating the influence of a specific political organ over this agenda, then agenda-setting is a narrow and unsatisfactory measure. Typically, institutions affect policy agendas not only through the introduction of new issues, but also through their blocking powers, and their capacity to structure ongoing debates. The negative assessments reported above therefore tend to be based on an unnecessarily restricted conception of agenda influence.

THE PRESIDENCY AS AGENDA SHAPER

In this section, I suggest that the Council Presidency enjoys a wide repertoire of means for influencing the EU policy agenda. Whereas much of existing

research, because of its narrow focus on agenda-setting, considers inherited and unexpected issues as constraints on the Presidency's power, I consider them additional sources of influence through means of manipulation. Subjects already on the agenda are not immune to the agenda-shaping efforts of a new Presidency, nor do national or international crises automatically translate into items of deliberation and decision at the European level.

I adopt the term *agenda-shaping* as the conceptual umbrella for three alternative forms of agenda influence: *agenda-setting*, *agenda-structuring* and *agenda exclusion*. The three forms of influence are distinct and mutually exclusive in logical and conceptual terms. As in the standard accounts, agenda-setting refers to the introduction of new issues on the policy agenda. Agenda-structuring refers to the emphasizing or de-emphasizing of issues already on the agenda. Agenda exclusion, finally, refers to the active barring of issues from the policy agenda. At the heart of these distinctions is the notion that an actor exerts influence just as much when de-emphasizing or withholding subjects from collective consideration, as when emphasizing existing or putting new issues on the agenda. This conceptualization of agenda influence is consonant with general political science theories, from which the study of the Presidency so far has remained curiously isolated.

In the study of European integration, the capacity of alternative institutions to shape EU policy has been analysed in both formal and informal terms (e.g. Pollack 1997; Moravcsik 1999; Tsebelis and Garrett 2001). Expressed in this terminology, agenda-shaping by the Council Presidency consists of an intertwining of formal and informal elements. Nowhere in the treaties has the Presidency been delegated specific formal powers to initiate proposals for new EU policy, to structure the agenda according to its own liking, or to exclude issues it does not consider worthy of consideration. As correctly noted by the observers cited above, the Council Presidency is but a chairman in formal terms. Yet, as a chairman, the state holding the Presidency possesses a position and an arsenal of means, both formally anchored and developed through informal institutional practices, that enable forms of agenda-shaping.

In this account, member states holding the Presidency are conceived of as strategic actors, seeking to satisfy national preferences within the confines of their formally delegated role. Whereas all member states engage in agenda-shaping, they vary in the issues they introduce, emphasize, de-emphasize or neglect, as a result of exogenously defined variation in national preferences. As Wallace notes, it is 'unrealistic to expect governments to act out of character for the six months' duration of the Presidency. Rather, the framework of their general attitude to the EC and the particular interests which concern them will influence their behaviour' (1985: 272).

Below, I identify the Presidency's repertoire of means within each of the three forms of agenda-shaping, and illustrate with cases drawn from recent Presidencies.

Agenda-Setting

Agenda-setting is the characteristic activity of a 'policy entrepreneur'. In the literature on American politics, the notion of policy entrepreneurs as agenda setters is most forcefully articulated by John Kingdon (1984). In Kingdon's account, policy entrepreneurs are necessary for the coupling of three streams: the recognition of a problem, the development of policy proposals and a receptive political climate. By engaging in activities that contribute to the coupling of these streams, policy entrepreneurs facilitate the emergence of new issues on the agenda. Typically, policy entrepreneurs raise the awareness of a problem by providing information and pushing for specific problem definitions. Once the time is ripe, and a 'policy window' appears, they then press for their pre-prepared pet proposals.

The agenda-setting function of policy entrepreneurs is further recognized in research on international relations and European integration. In the study of international negotiations, Oran Young (1991) emphasizes the role of 'entrepreneurial leaders', who shape the form in which issues are presented for consideration at the international level, and devise innovative policy options to overcome bargaining impediments. In the rationalist analysis of international negotiation more generally, agenda-setting tends to be conceived of as the manipulation of ideas and information for private purposes, or the provision of 'focal points' around which bargaining can converge (Garrett and Weingast 1993; Moravcsik 1999).

Entrepreneurs may be found in many locations in a political system, and in the EU the Presidency is but one of several potential entrepreneurs. So far, the debate on agenda-setting in the EU has been formulated mainly in terms of supranational or governmental entrepreneurship. Agenda-setting by the Council Presidency is best considered a special variant of governmental entrepreneurship. Despite the fact that no explicit powers of initiative have been delegated to the Presidency, this rotating office provides each occupant with certain agenda-setting instruments, beyond what is available to 'normal' member states. As one high-level official in the Commission emphasized: 'It may be true that about 80–90 per cent of what Presidencies do is predetermined, but note that 10–20 per cent is quite a lot' (interview, 9 February 2001). Agenda-setting by the Council Presidency primarily takes three forms.

First, the Presidency can shape the policy agenda by *raising the awareness of problems hitherto neglected* in European co-operation and initiating a debate on how these may be addressed. As noted by Anna-Carin Svensson (2000: 24), the Presidency enjoys a 'problem formulation prerogative', which allows it to frame and define concerns that deserve collective attention. The Presidency can call attention to an issue by including it in the programme that each Presidency presents for its six-month period at the helm. The Presidency can exploit its right to set the theme of the informal meetings that take place in the home country, whether at prime ministerial level, ministerial level, or working-group level. The Presidency's position as EU representative in external

relations allows the holder of the office to pay particular attention to regions, countries or problems previously neglected. Finally, through its control of the agenda of individual meetings, the Presidency can act as gate keeper in relation to external and unexpected events, allowing some to be subject to collective deliberation, while excluding others.

The recent Finnish and Swedish Presidencies offer illustrative examples of awareness-raising efforts in areas previously uncharted. Much like Spain promoted the Mediterranean region during its 1995 Presidency, Finland sought to develop the EU's 'northern dimension' during its 1999 Presidency. The purpose of the initiative was to increase the general awareness of specific northern concerns, make the EU's policies in the area more coherent and efficient, and promote the integration of Russia into the European co-operative framework. The Swedes used their Presidency in 2001 to put the subject of conflict prevention on the expanding security agenda of the EU. The purpose of the Swedish campaign, which followed up on similar efforts within the United Nations (UN), was to add conflict prevention as a third leg of EU security policy, next to military and civilian crisis management. In both cases, the awareness-raising efforts began before the actual Presidency periods, and the time at the helm was then used to anchor these concerns firmly in the EU. Both Finland and Sweden scheduled informal meetings devoted to these themes, and in the case of conflict prevention, the Swedes made the topic the subject of the public debate of the General Affairs Council. Both initiatives eventually resulted in the adoption of policy programmes, thus institutionalizing these concerns in EU policy-making.

Second, the Presidency can *develop concrete proposals for action* in response to recognized problems. Depending on the formal position of the Presidency, it can either act on its own, or must act through and in agreement with the Commission. In the broad range of issues that fall within the first pillar of EU co-operation, the Commission's monopoly on policy initiation entails that the Presidency is dependent on the close co-operation of the Commission for its agenda-setting activities. In the second and third pillars – common foreign and security policy, and police and justice co-operation – agenda-setting by the Presidency is facilitated by the right of member states to initiate proposals. The same goes for intergovernmental conferences (IGCs), where member governments function as contracting parties engaged in constitutional revision. Whereas, formally, all member states enjoy the same right to lobby the Commission or present proposals, the Presidency is essentially acknowledged as 'first among equals' in governmental agenda-setting. As one Commission official and former French diplomat notes: 'All member states try to influence the Commission, not just the Presidency. But there is a special relation with the Presidency' (interview, 6 December 2000).

EU officials and government representatives invariably stress the importance of harmonious co-operation with the Commission if a Presidency wants to succeed in agenda-setting, especially in the first pillar. One Commission official regularly involved in pre-Presidency consultations in the area of trade provides

the following description of the interaction: 'A clever Presidency has six key priorities of its own and expects to get four through. The Commission accepts three and adds one of its own' (interview, 6 December 2000). Agenda-setting efforts by the Netherlands and France at the end stages of the last two IGCs illustrate the slightly greater slack enjoyed by the Presidency in this decision-making context. The Dutch succeeded in putting the Schengen agreement's integration into the treaty on to the agenda of the 1996–97 IGC, whereas the French introduced and secured acceptance of a last-minute proposal on the venue of future European Council meetings at the 2000 IGC.

Third, the Council Presidency can engage in a specific form of institutional entrepreneurship, by *developing new institutional practices* that structure future co-operation and decision-making. Despite a growing formalization of the Presidency's responsibilities, the office still remains institutionally underdeveloped and open to interpretation. This room for manoeuvre has historically been exploited on a number of occasions by states holding the Presidency, which have either developed the office as such, or introduced new practices in the Council. Philippa Sherrington (2000: 39) notes, for instance, that Presidencies anxious to promote policy development in a neglected area have sought to do so by introducing new Council configurations.

Sherrington mentions the Tourism Council which met for the first time on the initiative of the Greek Presidency in 1988. Similarly, defence ministers met for the first time in a new informal Council configuration on the initiative of the Austrian Presidency in 1998. Both the Finnish and the French Presidencies made it one of their key priorities in the economic field to strengthen the standing of the Eurogroup – the informal gathering of economics and finance ministers from the Euro countries. In addition, the Finnish Presidency was innovative in introducing new transparency practices for the posting of documents on the Internet, and in streamlining institutional procedures in the EU's common foreign and security policy (interview, Finnish government representative, 15 May 2000).

Agenda-structuring

The capacity to structure decision-making by emphasizing or de-emphasizing items on a political agenda is seldom recognized as an independent category of agenda-shaping in the existing literature. Sometimes, agenda-structuring is subsumed under agenda-setting; at other times, it is largely ignored as a form of influence. Agenda-structuring is the true 'power of the chair', firmly anchored in the discretion enjoyed by the Presidency – indeed, by any chairman managing the agenda of a decision-making organ.

Agenda-structuring becomes particularly relevant as a form of influence in political systems where the time from an issue's inclusion on the agenda to actual decisions is extensive. The EU, with its intricate institutional structure and cumbersome legislative processes, constitutes such a system. It remains true as well that issues seldom 'disappear' from the agenda of collective

deliberation once a policy decision has been taken. Adopted programmes have to be implemented and frequently come up for revision on an ongoing basis. Few issues on a policy agenda are therefore entirely new.

The Presidency's emphasizing and de-emphasizing of alternative issues and domains sets the pace in the handling of individual dossiers, and thereby shapes relative policy progress during a six-month period. Influence is not prevented by the pre-existing agenda; rather, influence is possible for the very reason that Presidencies tend to inherit substantial parts of their six-month agenda. In the literature on the Council Presidency, this systematic form of influence is commonly reduced to a 'flavour' that Presidencies may add to the EU agenda, in the absence of a true capacity to pursue national interests. In fact, it may be this 'flavour' that most clearly embodies the effect of a particular Presidency on the EU's agenda.

The Presidency's structuring of the agenda in accordance with national preferences occurs along three key dimensions of EU politics. Variation in emphasis along these dimensions may be exemplified with the political priorities of the German, Finnish, Portuguese, French, Swedish and Belgian Presidencies 1999–2001.

First, Presidencies tend to vary in their regional priorities. Depending on geographical and historical affinities, Presidencies prioritize alternative parts of the EU's near abroad, thus contributing to the regionalization of member state concerns in the EU. Slightly simplified, southern European member states are most engaged in the Mediterranean region (Portugal, France), northern European member states in the Baltic region (Finland, Sweden), and former empires in their former colonial regions in Africa and Latin America (Portugal, France, Belgium).

Second, Presidencies tend to vary in their socioeconomic priorities, here used as a collective term for economic, social and environmental policy. Presidencies vary in the relative importance they attach to broad issue domains, such as internal market policy, social policy and environmental policy, but also in their positions on individual dossiers on the agenda. For instance, traditional environmental leaders are more prone to promote the evolution of EU environmental policy (Germany, Sweden), and socialist governments the development of the EU's social dimension. Even within a field such as social affairs, Presidencies embrace alternative visions of what should be promoted – social policy in the form of efforts to reduce social exclusion and poverty (France and Belgium), or employment policy in the form of efforts to stimulate job creation and the retraining of labour (Germany and Sweden).

Third, Presidencies tend to vary in their constitutional priorities, here used as a collective term for institutional reform and enlargement. The degree of progress in the enlargement negotiations 1999–2001 was influenced by the relative concern of the respective Presidencies with an early expansion of the EU (Bengtsson 2001; interview, Swedish government representative, 2 July 2001). The divergence is even more notable with regard to the EU's future institutional architecture. Despite the same mandate in preparing the debate

for the IGC in 2004, sovereignty-conscious Sweden took an exceedingly low position, as opposed to federalist Belgium, which made the future of the EU its lead theme. Similarly, the negotiations on new transparency rules for the EU institutions moved forward at different speeds depending on the particular Presidency – slow under Portuguese and French leadership, fast during the Swedish Presidency (interviews, Portuguese government representative, 7 February 2001; Council Secretariat official, 8 February 2001).

The Presidency's source of power in structuring the agenda is its procedural control. Whereas the incoming Presidency's programme for the next six months is the best general indicator of the relative emphasis attached to issues along the three dimensions, its tools are technical and procedural in character. Sherrington (2000) stresses the Presidency's capacity to determine the *frequency of meetings* within a policy area as a prominent source of agenda influence. Some of the more rare Council configurations are only convened when states with specific interests in this area hold the chair, and the frequency of the more prominent Council configurations has also been known to vary depending on the Presidency's relative involvement. But ministerial meetings constitute hard cases in this regard, since the meeting schedule at this level is more institutionalized than at the level of working groups, where we can expect greater variation across Presidencies. As emphasized by a Finnish government official, the distribution of meeting rooms functions as a procedural instrument influencing the pace in negotiations. Since there were only seventeen meeting rooms available in the Council each day, the Finnish Presidency had to make a very concrete selection of what working groups to prioritize (interview, 30 November 2000).

A second procedural instrument are the *informal meetings* which the Presidency may convene at all levels of the Council machinery, and for which it is at liberty to determine the theme. These meetings are regularly used to push for progress in the prioritized regional, socioeconomic and constitutional domains. The one informal meeting for which this discretion is becoming increasingly reduced is that of the European Council, whose agenda nowadays often is pre-defined by earlier summits. That said, the informal Lisbon summit on competitiveness, employment and innovation in March 2000 constitutes an excellent illustration of how a Presidency can succeed in setting the theme even for a European Council meeting.

A third kind of procedural instrument is the Presidency's authority in the *structuring of actual meeting agendas*. As in all decision-making organs, this involves a set of strategic decisions: Which issues should be included on the agenda? Which items should be at the top of the agenda? Which issues require continued debate and which may be put up for decision? This form of influence is not only understandable from a commonsensical point of view, but is also well anchored in rational-choice analysis. As demonstrated by Richard McKelvey (1976), actors in control of the agenda can produce their most preferred outcomes in situations of competing alternatives, by manipulating what is being voted on and in what order. Concrete examples of

this procedural power include the German Presidency's structuring of the agenda of agricultural talks so as to avoid decisions with negative ramifications for East German farms, and the French Presidency's sudden placing of maritime safety, illegal trafficking of migrants and fuel prices at the top of Council agendas, in response to domestic incidents and concerns (*European Voice*, 4–10 March 1999; 20–26 July 2000; 28 September–4 October 2000).

A fourth instrument was added to the Presidency's arsenal with the changes to the *co-decision procedure* in the Amsterdam treaty. It is now possible for the Council and the Parliament to reach agreement on new legislation already at the first reading. Michael Shackleton explains:

[Previously], each Presidency was confronted with a legislative agenda determined by the progress of proposals through each institution and would be unable to modify that agenda significantly. Now the rate of progress can be varied and a Presidency can devote its efforts to accelerate proposals that it would like to see enacted during its six months in office.

(Shackleton 2001: 7)

Both the French and the Swedish Presidencies made active use of this opportunity in the policy domains prioritized (Shackleton 2001; interview, European Parliament official, 2 July 2001).

Agenda exclusion

The tendency to equate power and influence with positive political action is a bias which today's research on the Council Presidency shares with the early political science literature on power and decision-making. In the general literature, Peter Bachrach and Morton Baratz (1962, 1963) were the first to systematically challenge this bias. What was missing, according to Bachrach and Baratz, was a recognition of the 'second face of power' – the power of non-decision-making:

Many investigators have . . . mistakenly assumed that power and its correlates are activated and can be observed only in decision-making situations. They have overlooked the equally, if not more, important area of what might be called 'nondecision-making,' i.e. the practice of limiting the scope of actual decision-making to 'safe' issues by manipulating the dominant community values, myths and political institutions and procedures. To pass over this is to neglect one whole 'face' of power.

(Bachrach and Baratz 1963: 632)

Mirroring Bachrach and Baratz's attempt to balance the concept of power through the addition of a second face, I suggest that we pay as much attention to the Presidency's exclusion of issues from the EU's policy agenda as we do to its introduction of new concerns. Interviews with officials in the Commission, the Council Secretariat and member governments testify to the use of agenda exclusion as a means of Presidency influence. Some issues are

conveniently 'forgotten', with dossiers not being picked up until the next government assumes the office, whereas others are openly blocked by the Presidency, often to the dismay of other member states.

Unlike positive forms of agenda influence, agenda exclusion involves a particular methodological problem. Since a non-decision, by definition, is a non-event, it might not be observable. As Bachrach and Baratz note, however, the 'non-decision-making process' – or the mobilization of bias upon a latent issue – tends to be observable. Experience from the EU context suggests that a further indicator of non-decision-making is the reaction of other member states to the exclusion of issues whose inclusion on the agenda they strongly favour.

Presidencies may engage in three forms of agenda exclusion. First, they can *remain silent on a subject* that is considered a problem by others and potentially could have been placed on the broader policy agenda. The Presidency thus exploits its problem-formulation prerogative by *not* recognizing an issue as a problem worthy of collective deliberation. For instance, the Presidency may refuse to admit the implications of external and unexpected events for the EU, thereby muting debate on the subject and permitting a sustained focus on the Presidency's policy priorities.

The Swedish Presidency's handling of the foot-and-mouth disease outbreak constitutes a case in point. The rise and spread of this disease in Europe during the early months of 2001 seriously threatened to derail the European Council's March summit in Stockholm. Both the British Prime Minister Tony Blair and the Dutch Prime Minister Wim Kok declared that the summit ought to be devoted to the foot-and-mouth disease. Wim Kok stated: 'If there is one question that must be discussed, we all know it would have to be foot-and-mouth disease. I am ready to stay for more than two days if necessary' (*Dagens Nyheter*, 23 March 2001). Domestically, the host of the summit, Swedish Prime Minister Göran Persson, faced further pressure, from interests perceiving this crisis as an opportunity to put agricultural reform on the agenda. These demands notwithstanding, the Swedish Presidency insisted on keeping to the original agenda, centred on the Swedish priority of employment. Persson declared: 'That this disease is spreading is not a sufficient reason to restructure the agenda of the summit' (*Dagens Nyheter*, 23 March 2001).

Second, the Presidency may exploit its procedural control to *exclude items from the decision agenda* of the Council, whether at working-group, Committee of Permanent Representatives (COREPER), or ministerial level. To refuse to pick up a dossier during a six-month period is a sure way of stalling progress in this area. Though such overt manipulation is an invitation to criticism, complaints are typically dismissed by emphasizing the tall order of items that deserve prime attention, as well as time and resource constraints. Sometimes the Commission plays an associated role in such agenda exclusion. All Presidencies signal their preferences to the Commission by comments on its working programme, indicating what they like and dislike. Since this is a relationship of mutual dependence, the reactions of the Presidency typically

influence the efforts of the Commission. As Rüdiger Wurzel notes: ‘The Commission is unlikely to spend scarce resources on a proposal if forthcoming Presidencies indicate that they will attribute only a low priority to particular dossiers’ (1996: 277).

The German and French Presidencies in 1999 and 2000 offer a number of examples of dossiers that were never picked up. In the area of social affairs, Germany quietly shelved a fully prepared Commission proposal aimed at strengthening worker consultation rights, stating that it was not a priority and would not even be discussed during their six months at the helm, unless other important issues had been dealt with first (*European Voice*, 11–17 March 1999). Great uproar was caused by the German Presidency’s unilateral decision to postpone the adoption of the end-of-life vehicles directive, on which governments had already reached preliminary agreement during the Austrian Presidency, in response to domestic economic interests (Wurzel 2000). The French Presidency, for its part, refused to pick up a dossier in the third pillar, leaving it up to the Swedes to continue where the Portuguese left off (interview, Commission official, 9 February 2001).

Third, the Presidency can postpone decisions on subjects it dislikes by deliberately *presenting impossible compromise proposals*. The government in office may be anxious to defer the decision to the next Presidency for domestic political reasons (not wanting to be associated with the likely outcome) or for strategic reasons (more legitimate to block decision when not acting as chairman). The presentation of a proposal that clearly cannot gather the necessary support among member governments does not exclude an issue from consideration, but effectively stalls progress toward a decision.

The end game of the negotiations on the EU’s new transparency code during the Swedish Presidency involved strategic calculations of this sort (Bjurulf 2001). As part of a minority of transparency-oriented governments, Sweden faced the choice of either sacrificing its own interests for the purpose of getting an agreement during its Presidency, or presenting unattainable compromise proposals, thereby deferring the decision to the next Presidency, when Sweden would be in a position to defend its interests with greater force than when acting under the neutrality constraints of the chair. In the end, a manageable compromise was secured, without the decision having to be postponed.

PRIVILEGED AGENDA CONTROL: A FUNCTIONAL INTERPRETATION

In the preceding sections, I have demonstrated how the office of the Council Presidency offers its holder a privileged opportunity to shape the EU policy agenda in accordance with national interests. This challenge to the established wisdom raises new questions about the political rationale of this arrangement. Why would member governments, highly sensitive to challenges of their decision-making authority, agree to a system that allows for such agenda manipulation by the chair?

In this section, I offer a rational institutionalist interpretation. As opposed to sociological and historical institutionalism, rational-choice institutionalism subscribes to a functional understanding of institutional design, where institutions are explained in terms of the effects they are expected to produce (Keohane 1984). The central argument in this section is that member states accept the Presidency's privileged position because of the need for concentrated agenda-shaping powers in a political system, and the distribution of such privileged opportunities between governments over time through the rotating design of the office. I lay out the theoretical logic of this interpretation in two steps. I first describe the rationale of institutionalizing agenda control in specific actors, and then suggest that a rotating office constitutes a particularly effective solution to problems that arise from the concentration of agenda-shaping powers.

The rationale of institutionalized agenda control

Rational institutionalist contributions suggest that the rationale of privileged agenda-shaping is the need to ensure a stable and sufficient provision of policy initiatives in a political system. As discovered already by Marquis de Condorcet (1785), and later developed by Richard McKelvey (1976), William Riker (1980) and others, majority-rule systems that grant equal agenda-setting opportunities to all actors are liable to issue cycling and will be unable to secure stable majorities for the proposals advanced.

[A]ny majoritarian system in which each and every legislator had the right to initiate proposals would encourage an endless series of proposals from disgruntled legislators who had been in the minority in the previous vote. In such a system, no decision would be an equilibrium, and the result would be endless cycling among alternative policy proposals. Thus any legislature would have a rational incentive to develop rules regarding which actors can initiate proposals, and when.

(Pollack 1997: 104)

Institutionalizing agenda control in specific actors constitutes a functional solution to this problem (Fiorina and Shepsle 1989). With a monopoly on the introduction of new policy proposals, and with a capacity to structure majority-rule contests, the agenda shaper can secure a steady 'supply' of new and stable initiatives in the political system.

In the rational-choice literature on the EU's supranational institutions, member governments' delegation of an exclusive right of initiative to the Commission has been explained as a functional response to the agenda-setting problem (Pollack 1997). Neutral in standing, but with a requirement of member state support, the Commission provides the Council with relatively unbiased and well-informed policy proposals. By contrast, proposals presented by member governments will always have the label of being biased, and are therefore more likely to be dismissed.

In this perspective, agenda-shaping by the Council Presidency can be interpreted as a response to the Commission's decline as a credible and impartial policy initiator. Decades of activism in the name of Europe have rendered the Commission less neutral in the eyes of member governments. Fear of unwanted shirking by the Commission has not only translated into the appointment of weak Commission presidents after Jacques Delors, and institutional arrangements that deprive the Commission of its traditional position in new policy areas, but also a more pronounced role for the Council Presidency (Tallberg 2002a). Member governments have become increasingly prepared to supplement the Presidency's formal control over the meeting agenda with an informal capacity to influence the substantive agenda. For the same reasons, the Presidency has come to complement the Commission in its function as mediator between the member states in the Council (Elgström 2001).

The merits of rotating agenda-shaping opportunities

While ameliorating the problem of unstable proposals, the institutionalization of agenda control simultaneously gives rise to new concerns. The supply of stable policy proposals comes at a cost, namely the concentration of agenda power. Moreover, as principal-agent theory tells us, the delegation of authority invariably involves an autonomy problem, since agents have interests too, which will influence the way they perform their functions (Pollack 1997; Tallberg 2000). Once equipped with means to shape the agenda, the Presidency is likely to use this power to further its own interests.

Morris Fiorina and Kenneth Shepsle (1989) point to two potential solutions to the problem of power concentration: procedural constraints on agenda-shaping, and competition for the agenda-shaper position. The institutionalization of *rotating* agenda-shaping opportunities constitutes a third and novel solution. The rotating responsibility of the Council Presidency avoids the concentration of agenda control in one member state or supranational institution, by granting each government, in turn, a privileged opportunity to influence the EU's policy agenda.

This system rests on a long shadow of the future, where the gains that accrue from the agenda-shaping position are temporally structured and distributed between the member states. Governments accept the exploitation of the Presidency office in the present because they will get their opportunity in the future. As Sherrington observes: '[M]ember states seem to use the Council Presidency to promote their own domestic policy priorities, but this is not necessarily negative and is probably a recognized and accepted practice by all member states' (2000: 166). The point is made even more forcefully by a top-level Commission official:

When you are not the Presidency, you are swallowing bitter pills every day, only because you know that you will have the Presidency one day and the

others will have to swallow their bitter pills. You suffer for six years and in the seventh you get to bash the others. The Presidencies are always overstepping the limits [of neutral behaviour]. What you want is a Presidency that is skilfully violating you so that it is not publicly visible.

(interview, 9 February 2001)

The limits on acceptable exploitation are defined by the consequences of the agenda-shaping efforts. A Commission official testifies: 'There is an invisible red line that you cannot cross when pushing your own issues' (interview, 9 February 2001). Preliminary observations suggest the contours of such a line. Substantive policy issues where agenda manoeuvring favours the interests of the Presidency, but the long-term distributional consequences are insignificant or uncertain, tend to be met by acquiescence. The majority of illustrative cases offered in this article belong to this category. For instance, neither the Finnish initiative on the northern dimension, nor the Swedish promotion of conflict prevention, provoked dissent among the other member states. In both cases, the lack of opposition has been attributed to the limited distributional impact of these initiatives, which did not require significant new funds or changes in established institutional mandates, but sought to co-ordinate existing policy tools in the EU (Arter 2000; interview, Commission official, 3 July 2001).

By contrast, agenda-shaping by the Presidency tends to be met by adverse reactions when involving issues of power distribution, which threaten to change the fundamental rules of the game and the future allocation of co-operative gains from European integration. Manipulation in the institutional domain heavily dominates the cases where Presidencies have provoked disapproval from other member states. Prominent examples include the Dutch attempt at the 1991 IGC to table a draft treaty conforming with national perspectives on European integration, the Dutch attempt at the 1996–97 IGC to table a proposal on the reweighing of votes that favoured the Netherlands in relation to Belgium, and the French attempt at the 2000 IGC to structure the deliberations in favour of French institutional interests (Svensson 2000; Schout and Vanhoonaeker 2001).

CONCLUSION

This article has challenged the dominant perspective on the Council Presidency's agenda-shaping opportunities. Rather than as an office hamstrung by its weak formal position, its exposure to disruptive external events, its required attention to an inherited agenda, and its obligation to remain neutral, I conceive of the Presidency as an actor with the potential to shape policy outcomes through agenda-setting, agenda-structuring and agenda exclusion. The pessimistic assertions in much of the existing literature are based on a narrow conception of agenda influence, which is foreign to influential strands of theory in general political science, and at odds with available empirical evidence.

The article has two primary implications for ongoing debates in EU studies. First, it provides a necessary corrective to misconceptions in the existing literature. As such, however, it is but a first step toward a more informed understanding of the agenda influence of the Presidency. While pointing to the wide repertoire of means available to the Presidency, the article does not offer a theory to explain variation in agenda influence. The isolation of factors capable of explaining variation across decision-making contexts constitutes a challenge for future research.¹

Second, the article suggests that existing research on leadership and bargaining in the EU should pay greater attention to the governmental entrepreneurship exercised by the Presidency. As one observer notes:

Most studies of EU leadership focus on France, Germany and the European Commission as political leaders. These studies have skated over the Presidency because it is neither a member state nor is it a permanent institution and has no discernible medium-term policies.

(Metcalf 1998: 414)

Intergovernmental bargaining models typically do not problematize the variation in formal standing among member states, or recognize the privileged agenda-shaping position of the Presidency. Likewise, few accounts of supranational entrepreneurship acknowledge the influence of the Presidency on the proposals formally advanced by the Commission. These are domains where future research could contribute to a more advanced understanding of EU policy-making and the role of the Council Presidency.

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ACKNOWLEDGEMENTS

A previous version of this article was presented at the Fourth Pan-European International Relations Conference (Canterbury), the Annual Meeting of the Spanish Political Science Association (Santa Cruz de Tenerife) and the Annual Meeting of the Swedish Political Science Association (Göteborg), all in 2001. For insightful and valuable comments, I thank the discussants on these occasions – Madeleine Hosli, Kenneth Hanf and Gunnel Gustafsson – and colleagues in the ‘Comparing Council Presidencies’ project at Lund University – Rikard Bengtsson, Bo Bjurulf, Matilda Broman and Ole Elgström.

NOTE

1 Tallberg 2002b offers a first attempt to specify a general theory of the chair, which can explain the origin of the chair as a governance form in multilateral bargaining, as well as its impact on decision-making outcomes.

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