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Entre contraintes communautaires et re-nationalisation: la présidence tournante du Conseil à l'épreuve de l'eurosepticisme

Introduction

The Hungarian presidency of the EU in the second half of 2011 has again highlighted the question of the possible impact of domestic political polarization and/or instability on rotating presidencies. As several governments in the EU come to feel the socio-political consequences of the economic crisis, the question of how domestic political instability may affect future presidencies is likely to gain in significance in the near future. Certainly, as the case of the Belgian presidency in the second half of 2010 showed, political instability (in this case, political leadership vacuum) can be compensated by a strong commitment of political elites to the success of the presidency. What, however, when this political commitment is lacking?

Certainly, the rotating presidency of the Council can also provide Europhile governments with a good opportunity to attempt to further integration (as was the case of the Dutch presidency during the Maastricht Treaty negotiations, for example). Moreover, presidencies can boost the popularity of the EU in the country holding the chair, as was argued elsewhere (Semetko, Van der Burg and Valkenburg 2003). However, the rotating presidency (which is maintained by the Lisbon Treaty, except for the European Council and the External Relations Council) can also be a serious challenge for the EU, when governments questioning the very legitimacy of the logics underlying integration (pooling of sovereignties, delegation of competences to supranational institutions) come to preside over the EU destiny for a six months period. In such occurrences, the EU presidency can be used as a tribune by Eurosceptic leaders or as a way for segments, within parties or the state apparatus, to push forward Eurosceptic initiatives. In fact, historically, the increase in significance of the rotating presidency was one of the long-term consequences of a Eurosceptic's initiative, as French President Charles de Gaulle provoked the "empty chair crisis", which resulted in the weakening of the brokerage capacities of the European Commission (Vanhoonacker *et al.* 2011). Similarly, the increase in the presidency's agenda-setting powers was fostered by member states in order to counter-balance those of the Commission, suspected by governments of becoming less impartial and too 'activist' (Tallberg 2003, p.5).

The aim of this paper is to assess the actual room of manoeuvre of Eurosceptic presidencies in shaping the EU agenda and to assess whether they have a real impact on

policy outcomes. The paper will focus on the different factors that constrain a presidency's leeway – be they domestic (e.g. coalition politics) or European (e.g. peer pressure, interactions with other EU institutions). It will also assess whether these constraints incite Eurosceptic coalition partners or governments to tone down their Euroscepticism, at least during the six months during which they chair the Council or whether it incites them, on the contrary, to display a confrontational attitude towards Brussels, in the hope of pleasing an Eurosceptic electorate. In that respect, Eurosceptic presidencies are a good test case to assess whether the presidency acts, in Bengtsson *et al.*'s words as “amplifier”, strengthening “the always existing tendency to promote national concerns” or as “silencer”, inciting national governments chairing the Council to “put a temporary lid on efforts to promote self-interests” (2004, p.12) and act in the Community interest.

The paper will expand on the results of several case studies, including the Italian (first half of 2003), Czech (first half of 2009) and Hungarian presidencies of the EU (first half of 2011). The last French presidency (second half of 2008), although not deemed Eurosceptic, will also be included, as it illustrates how actors within the national decision making system try to use the presidency in order to push through Eurosceptic initiatives, even when the general orientation of the incumbent government is pro-European. All these presidencies – except the French one – attracted a lot of negative media coverage even before they started, raising concerns about a possible slowing down in the pace of integration or even a paralysis of the EU machinery. In that respect, the paper defends a twofold thesis.

First of all, contrary to widespread beliefs, the room of manoeuvre of presidencies in influencing the EU overall orientation is almost non-existent. What more, it is shrinking considerably, notably as a result of the implementation of the Lisbon treaty. This underlines the ability of the EU system to react to the challenge of Euroscepticism by becoming less dependent upon developments in domestic politics. Besides, while presidencies in general are clearly constrained in their ability to influence the EU, Eurosceptic executives especially have a very small room of manoeuvre; at most, they can slow down the pace of integration for a few months. Moreover, while Eurosceptic presidencies are often mired by domestic political struggles, as the most Eurosceptic elements within the executive try to take control of the presidency for domestic political purposes, the presidency itself has an impact on the domestic balance of power, by marginalizing the most Eurosceptic actors within government coalitions. In that regard, anguished media and political reactions even before the start of allegedly Eurosceptic presidencies (as was the case with the Czech presidency in 2009) certainly seem exaggerated.

Second, the challenge of Eurosceptic presidencies, however, does not lie in their potential ability to influence the EU agenda or alter the overall EU course. In the current period of European integration, Eurosceptic actors, parties or party factions involved in the conduct of presidencies do not aim at scrapping out the EU. Their Euroscepticism is rather made of lack of attachment to the EU and of an alternative vision of its underlying, collective values, in which nationalism, some degree of authoritarianism and an exclusively Christian understanding of the EU combine with a confrontational attitude towards supranational institutions and their alleged political correctness). What is at stake is not the survival of the EU but its identity. In that respect, the realization that, beyond administrative management, chairs have an increasingly limited impact on the EU business may have a negative consequence: EU partners and institutions tend to minimize or neglect potentially disruptive political developments in the country holding the chair; thus, the role of the rotating presidency as a “magnifying glass” of domestic politics is progressively eroded.

After defining Euroscepticism and justifying the choice of case studies, the paper makes a brief overview of theoretical debates about the impact of the presidency on the EU agenda. It then presents empirical evidence on the basis of the four case studies, suggesting

that the impact on the presidency of Eurosceptic actors within charring executive has been limited indeed and that presidencies tend to empower the less Eurosceptic actors within government coalitions or the state apparatus. Finally, based on the example of the Hungarian presidency, the paper highlights the problem emerging from the discrepancy between a smoothly functioning presidency at EU level and worrying political developments in the domestic arena.

Defining Eurosceptic presidencies

Defining Euroscepticism

In their seminal definition, Taggart and Szczerbiak distinguish between two forms of scepticism towards the EU. Whereas “hard Euroscepticism” refers to “principled opposition to the EU and European integration” (as it is being articulated by those parties or actors advocating a withdrawal out of the EU or opposing EU accession), “soft Euroscepticism” expresses a “qualified opposition” to the EU reflecting dissatisfaction with EU policies or with the current EU trajectory, perceived to be contrary to the ‘national interest’ (Taggart and Szczerbiak 2002). While total rejection of the EU remains hardly compatible with government participation in today’s EU, the mainstreaming of soft Eurosceptic attitudes within established parties and the increase in internal party divisions over integration issues since the late 1980s (see Leconte 2010, pp.113-118), together with the (re-)emergence of non-mainstream parties have increased probabilities that rotating presidencies come to be performed by governments entailing Eurosceptic parties’ factions and/or coalition partners. Besides, within the soft Eurosceptic category, varying degrees of dissatisfaction with the EU can be identified. In that respect, Flood and Usherwood’s six-point continuum of party positions towards the EU, ranging from a “rejectionist” position to a “maximalist” position advocating a federal Europe (2007, p.6) allows to have a more nuanced analysis of different party positions.

Indeed, the four presidencies analyzed in this paper display different degrees of soft Euroscepticism: the parochial nationalism of Prime Minister Berlusconi, which denotes indifference towards the EU, differs from the “harder” Euroscepticism of President Vaclav Klaus, who opposed the rejection of the EU Constitutional and Lisbon treaties. Moreover, some of the leaders analyzed in this paper, like Prime Minister Viktor Orban combine *ad hoc* criticism of the EU with a more general reluctance toward wider processes of Europeanization, which they see as detrimental to what they consider as their countries’ moral or religious identity. This can also be considered as Euroscepticism, as the EU is seen as one of the driving engines of such Europeanization processes (on this type of Euroscepticism, see Leconte 2010, pp. 63-64). Leaders like Viktor Orban, for instance, engage in strategies of highly selective Europeanization, combining a soft Eurosceptic criticism of the EU with worldviews that are clearly incompatible with EU membership (see Korkut 2009). An illustration of this is Orban’s ethnic understanding of identity, which permeates the 2011 reform of the Hungarian constitution and badly affects relations with neighbouring countries (via the issue of Hungarian minorities). Finally, some of these leaders display an ambiguous relationship with formal and informal norms of legitimacy in the EU, thus pushing the limits of what is considered as acceptable behaviour at EU level. Prime Minister Berlusconi’s controversial address to the European Parliament as President of the Council on 2 July 2003, in which he insulted a Social democratic German MEP, was a case in point in that respect (on this incident and the extent to which it violated informal norms of legitimacy in the EU, see Downey and Koenig 2006).

Justifying the selection of cases

In a context where governments' appetite for a further deepening of the EU seems to be limited, it may seem odd to qualify specific presidencies as Eurosceptic. Indeed, rather than being analyzed as outliers, allegedly Eurosceptic presidencies can be analyzed as "amplifiers" (in the sense of Bengtsson *et al.*), which exacerbate already existing tendencies, present, albeit in milder forms, among other EU governments. This being said, three of the four cases under study here share strong similarities: at the time of their presidencies, both the Italian and the Czech government coalitions were deeply divided over European integration and included strongly Eurosceptic parties (as in the case of the Lega Nord) or factions (as in the case of the Eurosceptic wing of the Czech ODS). What more, these presidencies occurred in times of intense domestic political polarization (between Berlusconi's party and the leader of the opposition, Romano Prodi in Italy; between the two wings of the ODS in the Czech Republic, between a strongly defeated Left and a radicalizing Right in Hungary).

At the time of the 2003 Italian presidency, the main party in the government coalition was Forza Italia (renamed *Popolo della Libertà* in 2009), whose stance on European integration is eclectic and hardly predictable. Beyond the widely reported Eurosceptic statements of some Forza Italia ministers against the Euro and EU enlargement (Leconte 2003, p. 471), two elements predispose this party to soft Euroscepticism. First, Berlusconi's own views (his admiration for Margaret Thatcher and his anti-regulation stance, as expressed in his hostility to the Kyoto protocol) and the party's hostility to multiculturalism (as expressed in the defence of a 'Christian society' (Hooghe Marks and Wilson 2002, p. 981)), predispose it to soft Euroscepticism. Second, and above all, Berlusconi's stance towards the EU is made of indifference and parochialism. The EU is seen as the prolongation of domestic politics and of the party's vocal fight against the Left (for instance, its criticism of the Euro was due to the fact that Italian participation in EMU is largely considered as an achievement of previous centre-left governments) (Quaglia 2003, p. 20). Moreover, beside Forza Italia itself, the government coalition was deeply divided on its EU course, between the pro-European National Alliance and the strongly Eurosceptic Lega Nord.

In the Czech case, the main party in the government coalition at the time of the presidency was the Civic Democratic Union (ODS), itself divided between a Europragmatist wing around Prime Minister Mirek Topolánek and a fiercely Eurosceptic one, not represented among government ministers but led by Czech President Vaclav Klaus and well represented in the Czech Senate. Described as "soft Eurosceptic" (Taggart and Szczerbiak 2002, p.14) or as simply "Eurosceptic" in Kopecky and Mudde's typology (2002, p. 217), the ODS combines a discourse on moral sovereignty with economic ultra-liberalism and hostility towards EU-level regulations (Kopecky and Mudde 2002, p. 306). While the ODS refers to itself as 'Euro-critical' or 'Eurorealist' (as in its 2001 *Manifesto of Czech Eurorealism*), Klaus himself borders on "hard Euroscepticism": not only does it understand the EU as a purely economic project and opposes any further delegation of competences to the EU but he opposed the ratification of the both Constitutional and Lisbon treaties (Kral *et al.* 2009, p.13). In fact, as the Czech presidency started, the Lisbon treaty had not been ratified by the Czech parliament.

The Czech ODS shares strong similarities with its Hungarian counterpart Fidesz (Hungarian Civic Party), which, together with the Christian-democratic KDNP, composed the executive during the 2011 Hungarian presidency. While, before Hungary's accession to the EU, Fidesz was described as Euroenthusiast (in Kopecky and Mudde's typology 2002, p. 217) - but "soft Eurosceptic" according to Taggart and Szczerbiak (2002, p.14) - it is perhaps best described today as "Europragmatist", in the sense of providing conditional support for European integration. As Korkut writes, "[Fidesz] pro-EU mission is conditioned by the

realization of its own conservative vision for the EU. This does not imply vigilant support for the comprehensive application of the requirements of integration – especially in the fields of gender rights and freedom of expression (...) Rather than that, Fidesz pays allegiance to the EU in a selective manner, without ascribing to it in full” (2009, p.11). This ambiguous understanding of EU membership and Europeanization was well illustrated by the fact that, despite being pro-accession, Orbán’s governments transposed EU directives at a slower pace than other, more pro-European Hungarian governments (Toshkov 2008, p. 398). Prime Minister Viktor Orbán’s statement at the start of the Hungarian presidency that “We don’t believe in the EU, we believe in Hungary” also hints at an understanding of national and European identity as being mutually exclusive. Moreover, its government’s ethnic understanding of national identity, expressed in the controversial law concerning Hungarian minorities abroad, has badly affected relations with neighbouring countries, notably Slovakia.

By contrast, the 2008 French presidency was widely recognized as a case of successful presidency. Besides, the government was composed of the Conservative UMP (*Union pour la Majorité Populaire*), which has a rather pro-European orientation. However, albeit being much more pro-European than its Gaullist ancestor, the UMP neither favours strong supranational institutions, nor unequivocally embraces the free circulation of services or the independence of the European Central Bank (ECB), out of protectionist and interventionist traditions. President Nicolas Sarkozy himself has often used a populist rhetoric against the ECB or the European Commission. Moreover, there is a Eurosceptic minority within the UMP which claims to stand for the Gaullist heritage and stands for a purely intergovernmental and protectionist EU. Within the mainstream UMP, the majority has a selective and cautious approach to the transfer of competences, wants a “protective” EU and professes a marked scepticism towards its further enlargement (Flood and Usherwood 2007, p.20). Nonetheless, the party remains on the whole pro-integration. The reason why this case is included in the paper is that it illustrates how EU presidencies can be used by segments inside governments or the state apparatus to push through Eurosceptic initiatives. An illustration of this was the Mediterranean Union Initiative, launched by the French president on 13 July 2008, at the start of the presidency and which triggered considerable controversy in the EU. Initiated by Henri Guaino, advisor to French President Nicolas Sarkozy, this project initially aimed at revitalizing links between Southern EU countries and partner countries from North Africa and the Middle East. Initially called the Mediterranean Union, it was conceived – and rightly perceived – as a rival to the existing Barcelona process (managed by the European Commission on behalf of the EU) and as a way to circumvent EU institutions in a region of traditional French influence. Moreover, it left out non-Mediterranean EU countries. The Eurosceptic “flavour” of this initiative was evidenced in the fact that it was promoted by a Gaullist advisor to the President, Henri Guaino, himself involved in a fight for influence with the strongly Europhile State secretary for European affairs, Jean-Pierre Jouyet. Besides, the fact that the Mediterranean Union initiative was welcome by well-known Eurosceptic French politicians, like Jean-Pierre Chevènement or Philippe de Villiers, might confirm the Eurosceptic motivations underlying it.

The actual room of manoeuvre of presidencies: an increasingly Europeanized rotating chair?

Dismissing the myth of powerless presidencies

Tallberg (2003, p.6) distinguishes three ways in which presidencies can influence the EU agenda: agenda-setting (i.e. putting new issues on the EU agenda), agenda-structuring (i.e.

emphasizing or de-emphasizing specific issues) and agenda exclusion (remaining silent on an issue, barring some issues from the agenda or braking the pace of legislation by presenting unrealistic compromise proposals). While everyone agrees that presidencies have a limited ability to influence the EU in terms of “pure” agenda-setting, agenda-structuring (“the true power of the chair” according to Tallberg) can and has been used by Eurosceptic governments in order to try to push forward their views on the EU – notably, in order to try to slow down the pace of the EU institutional reforms.

In their study on Nordic countries and the presidency, for instance, Bengtsson *et al.* note that, in 2002, institutional reform and the debate on the future of Europe ranked low on the list of the Swedish presidency’s priorities, while they had ranked high among the priorities of the preceding Belgian one (2004, p.319). This also applied to the Danish government, which, during its presidency, “gave lower priority to the debate on the future European institutional architecture than many EU governments would have done” (Bengtsson *et al.* 2004, p.319). In a similar vein, institutional issues ranked last in the initial draft of the Czech presidency’s priorities in 2009 (Kral *et al.* 2009, p.30) – before being barred from the presidency’s agenda altogether, following the first Irish referendum on the Lisbon treaty. In this regard, the Czech case illustrates how governments that are reluctant to push for ambitious institutional reforms can take advantage of the wider political context in the EU in order to bar these issues from the agenda. A good illustration of this was the British presidency of the EU in the second half of 2005, following the rejection of the EU Constitutional treaty by Dutch and French voters. While it was widely admitted that the non-ratification of the Lisbon treaty did not prevent the piecemeal implementation of specific reforms, the British government, in a clear case of agenda exclusion, categorically ruled out any progress in the setting up of the European External Action Service, which was well under way as the presidency started. At the same time, presidencies that want to push forward ambitious preferences in terms of institutional reforms, implying significant consequences in terms of power distribution and redistribution at the expense of the member states, are seriously constrained by other EU partners, as the Dutch government experienced during the intergovernmental conference preceding the signature of the Maastricht treaty.

Beside agenda structuring, another resource at the disposal of Eurosceptic leaders during their country’s EU presidency is to use their address to the European Parliament, during which they are expected to present the presidency’s priorities, as a tribune in order to articulate their views on the EU. A good illustration of this was the Czech President’s speech in the EP at the start of the Czech EU presidency on 12 February 2009, as he made his case against political integration and the current EU institutional system, in a speech strongly reminiscent of Margaret Thatcher’s 1988 Bruges speech (European Parliament 2009). In a similar vein, during his speech in the EP on 19 January 2011, Prime Minister Viktor Orban clearly stated his views on the EU as a political community, as he dismissed any foreign criticism against a domestic Hungarian law encroaching upon media freedom as illegitimate and denied MEPs the right to discuss this issue (Euractiv 2011.a).

Factors limiting the room of manoeuvre of Eurosceptic presidencies

Although not totally powerless, though, presidencies in general have an increasingly limited ability to influence the EU agenda according to their preferences. Five factors limiting their room of manoeuvre will be examined successively: political culture within the Council structure, developments in institutional practices regarding the working of presidencies, the evolution of inter-institutional relations, reforms resulting from the Lisbon treaty and formal and informal norms of expected behaviour applying to the presidency.

First, the Council's prevalent political culture below the ministerial level of the presidency prevents any direct influence of hard or strongly Eurosceptic elements. Indeed, most of the Council's work is prepared by COREPER-level ambassadors and by the Council's working groups and thus remains relatively immune to the turmoil of domestic politics. Despite being a diplomatic organ, the Committee of Permanent Representatives (COREPER) is permeated by a strong culture of compromise. Member states' representatives share a commitment to ensuring the performance and smooth functioning of the Council, which influences the defence of national interests (Lewis 1998). Similarly, the Council's working groups, composed of national civil servants, have developed specific, transnational communication networks which do not rely on a narrow definition of national interests (Beyers and Dierickx 1998)

Second, at presidency level, developments in institutional practices further diminish the ability of specific presidencies to shape the EU agenda. Initiated by changes in the Council's Rules of Procedures in 2006, the principle of the 'trio' presidencies foresees that "every 18 months the three presidencies due to hold office prepare the agenda in cooperation with the Commission". First used in 2007 with the German presidency, this new practice ensures that agenda drafting remains a collective exercise. Moreover, with the coming into force of the Lisbon treaty, the trio will have to agree a 18-month programme with the European Council President – an obligation which first applied to the 2010-2011 trio (Spain, Belgium and Hungary). Certainly, the extent to which the trio really constrains individual presidencies can be debated. While some observers suggest that national lists of priorities are considered more important than the common programme (EPC and CEPS 2010, p.74), others note that the socialization function of the trio is limited to the preparatory phase, before it takes office; afterwards, each presidency tends to "act on its own (...) and to 'disappear' thereafter" (Missiroli and Emmanouilidis 2010, p. 4). Nonetheless, the trio exercise may act as a safeguard dissuading governments from promoting national interests too blatantly. The evolution of the successive versions of the Czech presidency's list of priorities exemplifies this. As they had to be negotiated with French and Swedish presidencies, with the Council Secretariat playing a crucial role as broker (Kral *et al.* 2009, p. 31), they were amended in order to minimize those priorities with clear domestic political motives, notably the final clause in the initial version underlining the promotion of national interests during the presidency (Kral *et al.* 2009, p.30). This highlights the presidency's "silencer role", as it fosters the European policy orientation of chairing governments (Bengtsson *et al.* 2004, p. 312).

Another factor which further limits presidencies' leeway relates to prevalent logics of inter-institutional cooperation. First, presidencies' ability to influence the EU agenda is limited, at least in issues belonging to the former first pillar of the EU, by the Commission's monopoly on legislative initiative. Second, peer pressure and the wish to have a 'successful' presidency might deter them from taking initiatives that could harm the country's reputation. Third, other actors, such as the Council's General Secretariat, other national delegations, and the Commission, have to be taken into account by the presidency when it tries to broker deals (Schout and Vanhoonacker 2006, p.654). The generalization of the co-decision procedure, for instance, implies good working relationship and connections with the EP. For instance, in their analysis of the Italian presidency, Quaglia and Moxon-Browne show how the disastrous relations of the Italian government with the European Parliament and the Commission negatively affected the overall performance of the presidency (2004, p.18).

More importantly, major institutional reforms resulting from the Lisbon treaty clearly diminish the risks associated with Eurosceptic presidencies and act as "safeguards" against Europhobic heads of state or government. First of all, the clear separation of the European Council from the Council of the EU, as well as the creation of a semi-permanent president of

the European Council ends the possibility for heads of states or government to be President of the European Council. As noted elsewhere: “the Prime Minister/ head of state of the country holding the rotating presidency [is] the main loser under the new regime” (EPC and CEPS 2010, p76). This tends to weaken the link between domestic politics and presidencies and reduce incentives to use the presidency as a tribune for domestic political profiling. Second, as it is removed from the chairs of the European Council and of the External Affairs Council, the rotating presidency has exchanged its former political role for a functional one (EPC and CEPS 2010, p.72). Certainly, it will continue to chair all other Council configurations (notably the once central General Affairs Council), as well as COREPER meetings. However, stripped from its political dimension, the rotating presidency will be increasingly assessed on its administrative skills and ability to pass legislation. After the coming into force of the Lisbon treaty, two factors have reinforced this trend, by influencing initial interpretations of the text. To begin with, the Belgian presidency shaped the relationship between the rotating presidency and the European Council president at the expense of the presidency’s influence (EPC and CEPS 2010, p72). This ‘pro-European’ orientation of the Belgian presidency was followed by a similarly Spanish ‘Europeanist presidency’ (Bergmüller 2010), which consolidated the practices set under Belgium’s auspices. This may have resulted in a “path dependency” logic, which shaped the institutional and political context in which the Hungarian presidency later had to operate. Moreover, as a second factor, the Greek debt crisis (initially at least) provided an opportunity for the president of the European Council to assert himself in crucial political debates about the EU economic governance (EPC and CEPS 2010, p.69). Again, one of the consequences of this “de-politicization” of the rotating presidency is that it will be less appealing for governments to use the presidency for domestic politics purposes: “Since the rotating presidency no longer applies to the prime-ministerial level, it gives the head of government and its surrounding much less opportunities to take advantage of the visibility effect. The charm/glamour of being the leader of the EU for six months can no longer be geared into domestic politics – for example as electoral engine” (Riedel 2010, p.15). Thirdly, regarding the external representation of the EU, the fact that the rotating presidency does not chair the External Affairs Council anymore (although it will continue to chair COREPERII meetings, as well as a few Council working groups in the field of foreign policy; see Vanhoonacker et.al. 2010, p. 9) will actually prevent the repetition of scenario like the one that occurred during the Italian presidency, as Prime Minister Silvio Berlusconi, as chair of a Russia-EU summit, violated commonly agreed policy on the respect for human rights and climate change (Quaglia and Moxon-Browne 2004, p.16).

Finally, when assessing presidencies’ room of manoeuvre, it is also important to take into account formal and informal norms guiding the presidency’s work. For instance, the presidency is supposed to abide by the norms of impartiality and neutrality of the chair, which are thought to condition its efficiency and are laid down in the Council General Secretariat’s Handbook on the presidency. Informal norms include the wish to appear to have conducted a successful presidency in the eyes of peers and be perceived as “good Europeans” (notably for first time presidencies). According to the existing literature, there are at least four variables that might affect the probabilities of norm violation by chairs: seniority in the EU and experience as a chair (as newcomers are supposedly less likely to violate the norms), self-confidence in the performance of the “national model” and strength of national identity (the more self-confident, the more likely to violate the norms), state size (small states are allegedly less likely to violate norms) and domestic political context (instability and polarization are more likely to be associated with probabilities of norm violation). Regarding the last variable, the Hungarian presidency is a case in point, as it occurred in a context mired by the economic crisis and characterised by popular discontent towards the EU and the International Monetary

Fund. However, as the choice of cases suggests, the relevance of each variable needs to be examined more closely.

Evidence from the case studies: too much ado about nothing?

As is evidenced below, not only have Eurosceptic presidencies had a very limited impact on the EU business and trajectory. Rather, the presidency had a clear impact on the balance of power inside government coalitions and between different branches of government, at the expense of the most Eurosceptic actors and/or factions.

Limited practical influence

Beyond the day-to-day EU business and legislation, Eurosceptic presidencies have had very little impact on EU institutional issues and external relations.

As far as institutional reform is concerned, peer pressure and ‘path-dependency’ logics limit the ability of Eurosceptic segments inside governments to push their agendas. The Italian and Czech presidencies, for instance, were scheduled at times when crucial decisions had to be made on EU institutional issues: the first three months of the IGC on the EU Constitutional Treaty in 2003, and the deadlock over the ratification of the Lisbon Treaty following the first Irish referendum in 2008. In fact, both presidencies could only delay institutional reforms; they were not able to prevent them. While the Italian presidency tried to oppose significant institutional reforms during the 2003 IGC (the increase in the powers of the European Parliament in the adoption of the EU budget, the extension of the scope of qualified majority voting (QMV) to judicial cooperation, etc.) (Quaglia and Moxon-Browne 2004, p.19), it could only postpone them until the end of 2003, when the Irish government took over. Similarly, the Czech presidency in 2009 found itself in a paradoxical situation. It was expected to negotiate a deal with the Irish government in order to overcome Irish voters’ hostility towards the Lisbon treaty, while Czech President Vaclav Klaus was using every possible means (including, lodging a complaint before the Czech constitutional court) to block the ratification of the treaty in his own country (Král *et al.* 2009, pp.23-25). Eventually, the Czech government negotiated the deal which paved the way for a second referendum and the entering into force of the Lisbon treaty. This last example illustrates how upcoming presidencies may exert pressure on the incumbent one in order to perform. As was mentioned before, the Czech presidency finally managed to broker a compromise on legal safeguards for Ireland before the Swedish presidency took over. Not only was it widely expected that this issue would have to wait until the Swedish presidency takes over but, even before the end of the Czech presidency, the Swedish government had signalled its intention to move forward with institutional issues (for instance, by announcing that it would convene an important European council summit in order to discuss the appointment of the next Commission President). This may have exerted pressure on the new Czech caretaker government to negotiate a deal in order to get out of the institutional impasse (Kral *et al.* 2009, p.23).

As regards the EU external relations, the Mediterranean Union project sponsored by the French presidency illustrates the difficulty, for Eurosceptic actors or party factions, to spearhead projects outside of the EU institutional framework, as Charles de Gaulle found out in his times with the defeated Fouchet plan. In fact, the French initiative was strongly criticized by other member states governments (such as German Chancellor Angela Merkel, who warned against a “splitting” of the Union) and received a frosty welcome by the European Commission. As a consequence, the project had to be amended to get rid of its most ‘Eurosceptic’ elements. It is now being developed within the existing EU framework of the Barcelona process and encompasses all EU members. This is a good example of how peer

pressure and path dependency limit a presidency's ability to circumvent the EU institutional system. While it is perceived as legitimate for presidencies to try to provide leadership in their areas of expertise, e.g. by trying to enhance relations with specific regions, it is "important to justify the Presidency's priorities in a European discourse" (Vanhoonaeker 2011, p.25) – which the French Presidency did not do initially. In this respect, the French case illustrates the relevance of the "narrative of a presidency", i.e. the ability of a presidency to communicate about its priorities and results and show their added value for the Union as a whole (Lequesne and Wessels 2009, P.2).

Finally, a closer look at presidencies' balance sheet shows that so-called Eurosceptic one can bring about significant positive achievements, as the Czech case makes clear. For instance, during its presidency, which coincided with the first months of the financial and economic crisis initiated in September 2008, the Czech governments successfully defended the *acquis* of the Internal Market against protectionist tendencies (articulated by the French President and British Prime Minister); it also brought about progress in specific sectors, such as energy and transport and successfully managed the gas dispute between Russia and the Ukraine (Kral et. al. 2009, pp.7-8).

The marginalization of "Euro-hawks" during presidencies

As with European integration and Europeanization processes, the presidency also has an impact on the domestic balance of power, within government coalitions and between different government agencies. As we argue below, presidencies empower those domestic actors who have strong EU expertise and extended EU level connections. While the start of presidencies can be overshadowed by disastrous EP addresses by Prime Ministers or heads of state (as in the Czech case), in the day to day management of the presidency, more EU-oriented actors gain the upper hand.

In the Czech case for instance, the presidency was the stake of a power struggle between, on the one hand, President Klaus and the Eurosceptic wing of ODS and, on the other hand, Europragmatist government members such as PM Mirek Topolánek, Deputy Prime Minister for European affairs Alexandr Vondra and Foreign Minister Karl Schwarzenberg (Kral et al. 2009, pp. 15, 21). During the course of the presidency, not only did the latter play the essential role in the day to day management of the chair but the No-confidence vote which tumbled Topolánek's government actually benefited the Europragmatists. The new caretaker government managed to marginalize the President, for instance by preventing his chairing of important international summits (Kral et al. 2009, p.23) and the new situation allowed the Permanent Representation and senior civil servants to play a bigger role in the presidency. In the Hungarian case, Prime Minister Orbán has been playing a much more marginal role than other, more efficiency-oriented actors, such as Foreign minister János Martonyi and Secretary for European affairs Enikő Győri. In these internal power struggle, public opinion and incumbent parties' electorates might also play a role. For instance, in the Czech case, the fact that ODS voters belong to the most Europhile segment of the electorate (Drulak 2009, p.12) may have helped swing the balance in favour of the Europragmatists. In that respect, observers of Czech politics noted that the Presidency's slogan at home, which was rather ambiguous and confrontational ("We will sweeten it for Europe", possibly also meaning "We will give Europe a hard time") did not find a positive echo at domestic level (Drulak et al. 2009, p.15).

Finally, credibility is a crucial asset for the successful management of a presidency. In this context, the replacement, by executives, of experienced and trusted officials has backfired on their presidencies. For instance, in the Italian case, the resignation of the largely pro-European and trusted Foreign Minister Renato Ruggiero undermined the credibility of the

Italian government, one year before the start of its presidency (Leconte 2003, p.475). Similarly, the replacement, by the new Hungarian government elected in Spring 2010, of several senior civil servants in charge of the presidency, as well as of the Hungarian Permanent Representative with the EU, undermined trust in the Hungarian presidency even before it started (Kaczyński 2011, p.3). In a similar vein, Prime Minister Berlusconi “was widely perceived as not having a sufficient understanding of, and expertise in, EU affairs, diplomatic skills and personal credibility to broker a deal in difficult negotiations (Quaglia and Moxon-Browne 2004, p.14). In the same vein, leaders who are not well integrated in the dense web of part-networking at EU level may pay a heavy price for it during presidencies. For instance, it was argued elsewhere that the Czech political elites’ lack of ties with their European counterparts has not allowed them to redress the image of an unsuccessful presidency (Kaczyński 2009, p.1).

Conclusion: The de-politicization of the rotating presidency: the limits of Europeanization

As was stressed before, on the one hand, the de-politicization of the rotating presidency resulting from the Lisbon treaty reforms implies that there will be fewer incentives for domestic political leaders to use the presidency in order to make domestic political gains, potentially at the EU’s expense. On the other hand, the de-politicization of the presidency also implies that “in the Lisbon reality, whatever the developments back home, as long as the presidency stays on course and the political leadership is dedicated and well-coordinated – the presidency can still be deemed successful” (Kaczynski 2011, p.4). This clearly entails risks for the EU, as was illustrated by the Hungarian presidency.

As was observed by Miklós Haraszti, former Hungarian dissident, Member of Parliament and OSCE Representative on media freedom, “Orban believed the EU presidency would act as a smokescreen, not as a magnifying glass” (quoted in Druker 2011). In fact, it may well be that the Hungarian Prime Minister’s tactic has paid off in the longer run. To begin with, the EU-wide outcry following the adoption, by the Hungarian parliament, in December 2010, of a law seriously curtailing media freedom was short-lived. Whereas the controversy officially ended in March 2011 once the Hungarian Parliament amended the law in order to address the European Commission’s criticism (regarding the incompatibility of this law with the *acquis communautaire* in terms of fundamental rights and Internal Market legislation), several MEPs have condemned the fact that the Hungarian government got away with *a minima* changes, without questioning the overall philosophy underlying this law (Euractiv 2011.b). More importantly, there was no official EU-level reaction to the far-reaching constitutional reform adopted by the Hungarian parliament on 18 April 2011, which, in several respects, can be considered as a regression in terms of democratic standards. Indeed, according to the European Commission for Democracy through Law, the Council of Europe’s advisory organ on constitutional matters, which checked the new Hungarian constitution’s compatibility with the European Convention on Human Rights, the text (which should come into force on 1 January 2012) entails clearly problematic reforms. Certainly, some issues, like the definition of marriage or abortion – on which the text clearly adopts a strongly conservative viewpoint – can only be left to states to decide, according to the subsidiarity principle. However, other provisions have been criticized by the Commission for not being in line with European standards (as expressed notably in the ECHR and the EU Charter for fundamental rights) - notably: the presence of multiple constitutional gaps, as clarifications on crucial issues (e.g. the content of fundamental rights) are left to subsequent organic laws or ‘special acts’ to decide – leading the Commission to state that “the principle of democracy itself is at stake” (Ibid, point n°24, p.6); the further curtailing of the

Constitutional Court's powers (Ibid, point n°97, p.20); the introduction of criminal law provisions which, for some of them, "fail to comply with European human rights standards" (Ibid, point n°69, p.15); the promotion of an ethnic understanding of national identity, which not only fails to integrate other nationalities within the national political community but also risks affecting relations with neighbouring countries (via the issue of Hungarian minorities living in other countries) (Ibid, points 39 and 40, p.9). That good neighbouring relations belong to the requirements laid down in the Copenhagen criteria in order to be able to join the EU does not seem to have generated too many concerns within EU institutions. Moreover, as *rapporteurs* of the Commission note, this constitutional reform can be seen as "only the beginning of a long process of establishment of a comprehensive and coherent new constitutional order" (Ibid, p.5) – which confirms other observers' prediction that this reform is part of a wider, Orban-inspired project of "conservative revolution", which aims at deeply transforming the Hungarian state and society according to Fidesz' views. Certainly, several reasons might explain the lack of reactions on the part of EU institutions – notably, the disastrous reactions of member states to the building of a controversial government coalition in Austria in 2000, which backfired against the EU (see Leconte 2003). However, contrary to the Austrian situation, the Hungarian government spearheaded reforms and took measures which run contrary to Hungary's legal international obligations. That this happened at a time when it was holding the presidency's chair is certainly damaging for the EU from a political and symbolic perspective. In that sense, the Hungarian presidency illustrates how a purely depoliticized assessment of presidencies' performance may lead EU partners to overlook potential authoritarian tendencies in member states, at the expense of the EU as a "community of values". In this regard, whereas conflicting visions of the EU among member states' governments are certainly welcome as a sign of a healthy pluralism in the Union, domestic political initiatives which are incompatible with the EU underlying ethos can only but undermine the Union's credibility and robustness.

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