



**You Can't Always Get What You Want,  
But Do You Sometimes Get What You  
Need? The German Presidency of the  
EU in 2007**

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*Sussex European Institute*

SEI Working Paper No 97

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First published in August 2007  
by the **Sussex European Institute**  
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## **Abstract**

*The paper contributes to the ongoing debate as to whether large member states make better (or worse) presidents of the European Union and if this is indeed so, then why? It focuses on the German presidency of 2007, comparing and contrasting the German performance with sets of ideal-typical characteristics. The argument is developed in three main stages. Firstly, drawing on the academic literature on EU presidencies, we outline four key roles that are traditionally performed by the presidency. These are that of business manager; mediator; political leader and internal/external representative. Secondly, these roles are applied to the empirical record as criteria to devise a score-card of the presidency under consideration (in this case the German one). Empirically, the paper will look at the negotiations that underpinned attempts to revise the Constitutional Treaty, EU economic, energy and environmental policy, relations with Russia and finally neighbourhood policy. The paper argues that the German presidency performed rather well, particularly in terms of the traditional 'communitarian' criteria, as well as when measured against the presidency's own pre-stated priorities and more long-term national aims.*

## **You Can't Always Get What You Want, But Do You Sometimes Get What You Need? The German Presidency of the EU in 2007**

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### **Introduction**

The existing literature on the presidency of the European Union (EU), or to be more precise, the presidency of the Council of Ministers and the European Council, consists either of institutional studies (Edwards and Wallace 1977; Hayes-Renshaw and Wallace 1997; Hayes-Renshaw 2002; Kirchner 1992; Sherrington 2000; Wallace 1985; Westlake 2000) or empirical accounts of specific presidencies, often written by practitioners.<sup>2</sup> An exception is the volume edited by Elgstrom (2003a) that is more theoretically driven and offers a more comparative perspective on EU presidencies, with several chapters on individual cases.

This discussion paper aims to make a small contribution to bringing these decidedly different approaches together to enable more substantive assessments of presidencies to take place. In empirical terms it evaluates the German presidency of 2007, addressing two crucial questions: was it a 'good' or 'bad' presidency, and which factors affected its performance? In particular, what presidency-specific elements came into play? We operationalise our research in four distinct steps. Firstly, four main roles are selected in order to benchmark presidencies (Section 2). Secondly, these roles are used as criteria to be applied to the empirical record of the German presidency, with the purpose of evaluating its overall performance. The issues looked at are: the internal organisation and priorities of the presidency (Section 3), the negotiations of the draft Constitutional Treaty (Section 4), the external representation

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<sup>1</sup> The authors wish to thank Professor Helen Wallace for the valuable comments which she made on an earlier version of this paper.

<sup>2</sup> See the briefing notes and reports in, for example, the *Journal of Common Market Studies Annual Review*, *Notre Europe*, *Centre for European Policy Studies* for more evidence of this.

of the EU and day-to-day policies (Section 5). These were core features of the presidency, and are highly illustrative of the main functions that EU presidencies perform. Thirdly, the limits and opportunities posed by domestic politics in the country holding the presidency are also discussed (section 6). Finally particular factors that affect the performance of a given presidency are analysed and related to the mainstream theoretical approaches.

### **Analytical Framework**

The functions of the presidency do not need to be reviewed here (cf De Schoutheete 2002; Edwards and Wallace 1977; Elgstrom 2003b; Hayes-Renshaw and Wallace 1997; Kirchner 1992; Sherrington 2000; Wallace 1985; Westlake 2000). Since four key roles are intrinsic to each presidency, if we adopt a communitarian rather than a narrow national approach when assessing the successes and failures of presidencies, they can be used as criteria to evaluate a presidency's performance.<sup>3</sup> These are:

i) *business manager*; organising, co-ordinating and chairing all the councils, working groups and other EU meetings, including IGC sessions;

ii) *mediator*; furthering consensus in negotiations and brokering agreements. Tabling compromises, often on the basis of trade-offs or issue-linkages, seeking to accommodate sensitive interests of all the parties involved;

iii) *political leader*; promoting political initiatives and specific priorities, with a view to furthering the process of European integration, or promoting a better functioning of the Union;

iv) *internal and external representative*, acting as a liaison point between the Council and other EU institutions, as well as representing the Union in the rapidly growing area of external relations.

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<sup>3</sup> Part of this section draws on Quaglia and Moxon Brown (2005).

Given that the functions of the presidency have undergone significant transformation over time, these roles need to be qualified in the light of recent developments. The most obvious observation is the increased complexity of EU negotiations and policy-making more generally, with 27 delegations involved in the negotiations. The functions of *business manager* and *mediator* have therefore become more important. Allied to this, it is clear that efforts to manage such intricacies have led to a progressive change in the nature of the presidency, whereby the scope for ‘new political initiatives’ and ‘presidency priorities’ is greatly diminished – in this respect, the *political function* of the president-in-office has been curtailed.<sup>4</sup> In the area of Common Foreign and Security Policy (CFSP), the establishment of the High Representative has limited the role of the presidency as external representative of the Union, but the enormous increase in the external agenda and the rise in importance of certain bilateral relations ensures that this will remain an important area of activity for the presidency. Furthermore, the new complexity of the enlarged Union has made more multifaceted the task of external representation. The academic literature on the presidency would have us believe that the office is subsequently carried out *impartially, efficiently and effectively* (cf Elgstrom 2003c, Hayes-Renshaw and Wallace 1998, Kirchner 1992, Wallace 1985).

Once the criteria to evaluate presidencies have been established, it is important to review the factors that can affect their performances. It is instructive to distinguish between *presidency-specific factors*, which are the focus of this contribution, and *structural and contingent elements* which are generally beyond the influence of the presidency, but which nonetheless affect it. For example, such elements could include the prevailing economic and political context, the entrenched positions of countries in EU negotiations, and unforeseen crises. However, the way in which these contingencies are dealt with can make a difference, and is an indicator of the calibre of the presidency.

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<sup>4</sup> The conclusion of the Seville European Council in 2002 established a multi-annual strategic programme for the three years and in the light of such programme, an annual operating programme of Council activities proposed jointly by the next two Presidencies see <http://ue.eu.int/pressData/en/ec/71212.pdf>. The objective of these reforms was to strengthen the coherence of the work of the Council and to ensure continuity from one presidency to another (Laffan 2003).

## **Priorities and Internal Organisation of the German Presidency**

The official programme of the German presidency ('Europe – succeeding together') was presented in December 2006. However, two months previously, in October 2006, Chancellor Angela Merkel gave a number of indications as to its general content and the long-standing State Secretary of the Foreign Ministry, Reinhard Silberberg, delivered a speech as part of a series of events entitled 'Countdown to the EU – 100 days to the EU Council Presidency' (German Info, 2006). More specific indications of Germany's key priorities became apparent when Chancellor Merkel gave a speech at the Helsinki European Council meeting in November. These priorities, as explored in more detail below, were;

- to re-launch the Constitutional Treaty, whereby, following three months of consultations with the member states, the presidency would present a road map in June 2007.
- to commemorate the 50<sup>th</sup> anniversary of the signing of the Treaties of Rome on 25 March (which was seen as an opportunity to symbolically promote other goals)
- to place an increased emphasis on the issues of economic reform, energy policy, EU foreign policy, regulatory practices and
- to bring the European Union closer to its citizens (Financial Times Deutschland, 11 October 2006).

In the official programme, the issue of the Constitutional Treaty was rather understated. This was the case for a variety of reasons, the first and foremost being the pending presidential and parliamentary elections in France. As elaborated on below, when Germany took over the presidency, there was the clear impression that Germany would adopt a two-stage strategy, only focusing on treaty discussions after the election of the new French President in May. On a more symbolic level, the 50<sup>th</sup> anniversary of the signing of the Treaties of Rome was to take place on the 25 March and the German presidency scheduled a special session of the European Council in Berlin to mark the occasion. At the end of this session the Heads of State and Government, the President of the European Parliament and the European Commission

were to issue a joint statement, the 'Berlin Declaration', designed to strengthen the EU's values and to provide a road map for its future development.

In the fields of economic and social policy there was a commitment to encourage greater economic dynamism across Europe's sluggish economies as well as a vague commitment to shape reform in a socially responsible fashion. These were coupled with a set of specific proposals concerning energy policy in order to achieve three goals, namely: security of supply, efficiency and environmental compatibility. Concerns about energy supply were prompted by the 2006 Ukrainian gas crisis and, more recently, Gazprom's actions in other European countries; and indeed extending the energy dialogue with Russia was a priority for the German presidency. Energy issues were also given priority within the European Neighbourhood Policy.

In terms of CFSP, increasing security and stability in the Western Balkans (especially Kosovo) was a major element of the presidency programme, as were relations with Russia. Moreover, Gerhard Schroeder's red-green administration had been, since 2002 at least, much less pro-American than previous German governments (of all colours). With the formation of a Grand Coalition in Germany these positions altered considerably and the government began to take on a decidedly more enthusiastic pro-American position.

The German government (and subsequently the German presidency) was less keen than the previous red-green coalition to proceed with the enlargement process. The only exception to this remained Croatia, whose EU entry continues to be strongly supported by Germany. The rhetoric of Gerhard Schröder's governments (1998-2005) was reasonably positive towards other prospective members, supporting the membership ambitions of a number of eastern European countries as well as, in principle at least, that of Turkey. Angela Merkel's government was much more reticent in its language. Merkel's CDU continued to campaign, for example, for a 'privileged partnership' between the EU and Turkey (i.e. with Turkey not obtaining full EU membership) whilst the CDU's Bavarian sister party, the CSU, remained very vocal in its opposition to Turkey's application for EU membership.



Traditionally, the *Auswärtiges Amt* – the Foreign Ministry – would have been responsible for the day-to-day conduct of presidency business. Fortright foreign ministers such as Hans-Dietrich Genscher (1982-1992) ensured that their ministry was able to control general policy direction in the area of European policy. Given that the foreign minister is usually, though not always, the leader of the junior coalition partner in government and Deputy Chancellor his/her ministry has traditionally been quick to defend its policy and operational independence. The departure of Genscher and, in particular, the weakness of his successor Klaus Kinkel (1992-1998) signalled the beginning of what became a sea change; now, and this was personified by the 2007 presidency of the EU, the *Kanzleramt* (Chancellor's Office) guides and controls European affairs more than ever before. While Frank-Walter Steinmeier, the current Foreign Minister was a prominent figure during the six months of the presidency, Angela Merkel and her closely knit circle of advisors and civil servants took firm control of the country's EU agenda.

### **The road map for the Constitutional treaty**

In terms of strategy, particularly with reference to the negotiations on the Constitutional Treaty, the German presidency was divided into two distinct phases. The key event that divided the two was the (landmark) French presidential election in May 2007 as well as, to a much lesser extent, the 50<sup>th</sup> anniversary celebrations of the EU. The first half was mostly devoted to 'normal', day-to-day EU activity, culminating with the Berlin Declaration. Although the declaration will soon be forgotten, it does say something quite interesting about the future of the Union rather than simply concentrating on the past – although there is no mention of enlargement, both future energy and environment policy are to the fore. The second stage culminated with the June European Council, which provided a road map for the IGC that will be taking place in autumn 2007.

On the one hand, the German presidency maintained that implementing only parts of the treaty was not an option, stressing instead the need for the document to retain genuine political substance. Moreover, many countries had already ratified the treaty and they made clear in the months approaching the European Council meeting that they were unwilling to accept a 'mini treaty' as a compromise solution. On the other

hand, the German government was aware of the impossibility of re-submitting the treaty in its original form in both France and the Netherlands (if not elsewhere too). Moreover, some countries, first and foremost the UK, set a series of red lines, stressing their domestic political constraints and the need of preventing major changes that would require a referendum.<sup>5</sup> The position of the British government was further complicated by the fact that Prime Minister Tony Blair was due to retire shortly after the meeting. Hence, any agreement reached at the European Council would be implemented by his successor and therefore needed to be acceptable to Gordon Brown. The German government's support for the treaty was part of a larger vision of Europe as a federal entity, but important institutional provisions, particularly double majority voting, were perceived as a priority for Germany because in creating a fairer distribution of voting power in the Council, Germany's influence in decision-making would also be increased.

The European Council meeting took place on 21-22 June. At dawn on the second day, a deal was eventually reached on a detailed road map for a reform treaty. The agreement was based on a series of compromises.

- The document was no longer to be called 'Constitutional Treaty'. It was instead a 'reform treaty' that retained most of the substance of the Constitutional Treaty, even though it was watered down enough to satisfy the 'minimalist' governments, such as those in the UK and the Netherlands, which were keen to reach a deal that would not require them to call referendums. The 'maximalist' governments accepted a second best deal, realising that it was still better than not having any deal at all.
- The symbols of statehood, such as the flag and anthem, were eliminated. Under French pressure, the reference to 'undistorted competition' was removed from the 'objectives' of the EU, although it remained in other parts of the treaty. The reference to the primacy of EU law over national law was deleted, even though this principle had already been established by the jurisprudence of the European Court of Justice.

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<sup>5</sup> The position of the UK Government was particularly complicated by the fact that a referendum had been promised if there was to be any significant transfer of power from national governments to the Union.

- The main institutional reforms foreseen in the Constitutional Treaty were retained, including a longer-term President of the European Council, a ‘double-hatted’ High Representative for Foreign Affairs, an external service, a streamlined European Commission, more qualified majority voting and a new voting system.
- The name of the Union Foreign Minister was dropped and the post will remain a ‘high representative for foreign affairs and security policy’. The tasks were not changed as compared with those indicated in the Constitutional Treaty. The role of the EU’s high representative was strengthened as compared to the status quo, because s/he will chair all meetings of EU foreign ministers as well as being a Vice President of the Commission, combining therefore both traditional foreign policy with the external relations portfolio and an important influence, through membership of the Commission, on the tools of foreign policy – including aid and trade.
- The new ‘double majority’ voting system, where a decision, subject to QMV, is taken in the council of ministers if 55 per cent of member states representing at least 65 per cent of the Union’s population approve it, was eventually agreed but it will come into force in 2017 (!). This was a (German) concession to the Polish government, which strongly opposed the double majority and advocated instead a system based on the square root of the population.
- The conditions of eligibility for future EU members were inserted into the treaty, including the democratic criteria, which means that a candidate country could be challenged in court for falling short of democratic standards. The charter on fundamental rights was not deleted, but the UK managed to insert a protocol, stating that the charter cannot be used to challenge UK laws.

Overall, the conduct of the German presidency before and during the European Council was evaluated positively in the popular press. Before the meeting, the German Chancellor held extensive bilateral and multilateral consultations in order to pave the way for a final deal. During the meeting, the presidency remained clear-sighted and eager to find common ground. Late on Friday, after repeated refusals of the Polish government to agree to a new voting system, the German presidency

indicated that it would convoke an IGC on the new treaty without Polish agreement. The British Prime Minister and the French President were, alongside Merkel, subsequently instrumental in helping an agreement with the Polish government to be reached.

According to the Financial Times the “German chancellor emerged with her reputation enhanced, as a clear-sighted leader and persuasive negotiator ... She looked after the interests of big and small alike, essential in an enlarged EU. As a negotiator, her sharp eye for the common ground, her capacity to break complex problems into manageable pieces, and her command of obscure but crucial technical details have gained her near-universal plaudits”.

### **The German Presidency and Union policies**

Traditionally, German Presidencies have placed particular emphasis on developing the EU's relationship with the outside world. This has taken the form of pushing ahead with enlargement, developing relations with neighbouring countries, expanding the area of peace and security in Europe and supporting trade liberalisation with the rest of the world.

The objectives of this German presidency appeared to seamlessly follow those of the last two German presidencies, in Essen (1994) and Berlin (1999), both of which were crucial for the enlargement of the EU to the countries of central and eastern Europe. On closer inspection of the presidency programme, however, things look a little different. There remains a degree of enthusiasm for the deepening of relations with Russia and the development of European Neighbourhood Policy, while support for enlargement is constrained by the phrase “taking into consideration the EU's capacity to absorb new members”.

As is always the case the presidency also had to deal with a large number of foreign affairs issues which in truth were more general objectives of the EU than priorities of this particular presidency; the on-going situation in the Middle East, the democratic stabilisation of Afghanistan and issues of aid for Africa, the latter dealt with largely within the scope of the G8 meeting in Heiligendamm (also of course led by Angela

Merkel). There was also the usual crop of unexpected challenges which needed to be dealt with in the short-term. We should perhaps judge the presidency in this area by its progress in developing the CFSP. Perhaps the most important factor here is the agreement on foreign policy achieved in the negotiations around the blueprint for the reform treaty (constitution). This achievement, while building on the work of the Constitutional Convention, can also be attributed to the perseverance of Germany's negotiators.

But a judgement on how well the German presidency performed should perhaps be made on the basis of how well it met its own specific objectives. The further stabilisation of the western Balkans was a major goal. Important progress has been made here but the problem of Kosovo's status, the principal objective in this area, has clearly not been resolved. The Stabilisation and Association Agreement (SAA) with Montenegro has been signed and negotiations with Serbia on its SAA have been resumed. These represent significant progress and the presidency can be credited with having done a great deal to facilitate these developments. The failure to secure a decision on Kosovo can, however, hardly be laid at the presidency's door. This is a UN decision and a potential Russian veto has prevented progress, in spite of the not insubstantial efforts of the EU.

The current enlargement negotiations with Turkey and Croatia have continued but without any particular effort from the presidency to force them forwards. Progress has been constrained by the lack of public support for further enlargement in Germany and the outright opposition of France and the Netherlands. But a distinction has become clear between the pace of progress in the Croatian negotiations and in those with Turkey. Negotiations with Croatia have pushed ahead during the presidency, with the Council deciding on the opening (or on the benchmarks for the opening) of an additional 13 chapters. At the same time negotiations with Turkey have stalled. This was of course partly a result of internal disputes within Turkey in the run-up to the elections on 22 July. The German presidency did not push for progress in the negotiations in this delicate situation – and this certainly suited the aims of both the SPD and CDU in avoiding contentious discussions on this issue at home. The new French Government has also made it clear that its enthusiasm for

Turkish accession is certainly not boundless! Relatively early Croatian accession but much slower Turkish progress seems on the cards.

The German Government started its presidency with enthusiasm for further developments in European Neighbourhood Policy (ENP) and in relations with central Asia and the Black Sea region. On ENP, the presidency performed modestly as it found itself forced to deal with the jealousy of the Mediterranean region, ever suspicious that Germany only really wants to discuss eastern Europe when it talks of 'neighbourhood'. The inherent problems of ENP, which attempts to provide a unique framework for relations with extremely different neighbouring states, have not been tackled. The conclusions of the Foreign Affairs Council on 'Strengthening European Neighbourhood Policy' (18 June 2007) demonstrate clearly the veto which the Mediterranean countries used on Germany to block any significant moves in favour of eastern Europe. The German Government may have said too much about eastern Europe and central Asia at the start of its presidency to have had any chance of achieving its objectives.

Nevertheless the German presidency was able to start negotiations with Ukraine on a new enhanced treaty to replace the Partnership and Cooperation Agreement. This treaty may form the blueprint for future treaties within ENP. However the EU appears to be resisting calling the Ukraine treaty an 'Association Agreement', so it is difficult to imagine the Mediterranean neighbours, which already have Association Agreements with the Union, wanting something which is less than they already have.

The presidency also succeeded in getting agreement on a new strategy for relations with central Asia and a proposal on Black Sea co-operation. These documents bring together individual parts of Union policy and apply them to the two regions, rather than containing anything really very new. However these regions are regarded as crucial both in terms of energy policy and in the justice and home affairs area. Perhaps only the German presidency would have put these regions high in their priority list and therefore it should be credited with some success here.

The most important 'failure' in this area was in relations with Russia. The presidency started with high hopes that substantial negotiations on a new treaty to replace the

PCA could take place. It also hoped for progress in the area of energy policy and security of supplies and that co-operation in foreign affairs could bring progress on the Kosovo question and in constraining Iranian nuclear ambitions. In other words, some meat could at last be put on the bones of the 'Strategic Partnership'. Yet, following the failure of the Samara Summit and the tense discussions at the G8 meeting in Heiligendamm, relations with Russia are clearly at an extremely low ebb.

However, could this 'failure' in fact be a strengthening of the position of the Union and therefore a partial 'success'? In the end the Union as a whole swung behind Poland and the Baltic States which continue to be put under pressure by the Kremlin. Solidarity in the area of energy supplies has become a core part of the Union's energy policy and it was made clear to Russia that on important issues it needs to deal with the Union and not with individual member states. It is no surprise that there was some confusion in Moscow, given that up to now the large member states, and notably France, Germany and Italy, had all insisted on bilateral relations with Moscow! The German presidency therefore achieved none of its objectives in relations with Russia, but it may have succeeded in helping to build a common foreign policy for the future.

Interestingly, the attitude of the wider German public appears to have changed during the presidency. Today voices critical of Russia are more audible than they were before the presidency began – a result of the aggressive Russian policy towards the states in the Baltic region, Georgia, Ukraine and Poland. The German Chancellor was praised for her strong and clear negotiating style with Russia, a welcome change from the more cuddly attitude of her predecessor. Overall her performance on the foreign policy stage was highly appreciated. Unlike other large-country-presidents she appeared less arrogant, more rational, less nationalistic, better prepared and more open to new ideas. Merkel continued a trend that she herself has set in German domestic politics; her non-adversarial style, her business-like manner, good knowledge of her brief and her excellent inter-personal skills ensure that she is not only an efficient and effective broker, but also that she gets her ideas across in a way that does not necessarily antagonise those with whom she is dealing.

Where Germany failed in meeting its own objectives, for instance in developing ENP, it was a result of an inability to overcome extremely deep differences in the interests of member states. Once again it demonstrated the fact that while the presidency sets the agenda, it is usually compelled to scale back its own ambitions to some degree in order to achieve consensus.

#### *The German Presidency and the Economy*

Economic policy was not intended to play a major part in the German presidency and the Lisbon Agenda received scant mention in the presidency programme, though obviously on the agenda for the Spring European Council. There were no clear deadlines to be met and no real preparation for major decisions by the Commission. Perhaps the most significant events occurred at the European Council meeting in June where competition policy was dropped from the objectives of the Union, under pressure from France. Interestingly, while the German Chancellor accepted this change, she adamantly refused to accept the changes France wanted in the objectives of the European Central Bank; namely to add economic growth to the ECB's objectives and to reduce the role of maintaining price stability. This position represents an essential and long-standing German interest in price stability. The dropping of competition policy from the objectives of the Union may simply be an element of the French President's campaign to get ratification of the new treaty through in his own country without another referendum. Alternatively it may well be another example of Merkel finding a skilful compromise, as although Nicholas Sarkozy's rhetoric on this matter is loud and boisterous, this deletion may in the end not change much of substance within the Union. Indeed a protocol attempting to clarify the issue was drafted to placate liberal member states. However more seriously this may signal a new push for more protectionist policies, which will put at risk the integrity of the Union's internal market and thus the foundations of the Union itself. It will certainly be interesting to see what the lawyers make of this change when finalising the text of the 'Reform Treaty' and how it will be negotiated in the IGC.

Agreement was achieved on the entry of Cyprus and Malta to the Eurozone, with their adoption of the Euro taking place on 1 January 2008, though of course this step was in a way pre-programmed. Progress on 'completing the internal market' was patchy but it should be said that member states are still waiting for the Commission's review of



the Single Market, expected in the autumn. The presidency gave support to 'Better Regulation' policy, including the objective of reducing the administrative burdens of EU legislation by 25 per cent by 2012. The headline triumph, however, was agreement on reducing the cost of roaming in the mobile phone market, in spite of a strong campaign by the providers against the measure. Postal liberalisation was nonetheless delayed by strong opposition from France and other countries and many other dossiers were carried forward for decisions by later presidencies, including the generally unloved European Institute of Technology (something that is a matter of importance for the Commission President).

The real achievements of the German presidency of the Union and the G8 are to be found in energy and climate change policies. At the March 2007 European Council the outline of an integrated climate and energy policy was agreed together with a European Council Action Plan 2007-2009 on an 'Energy Policy for Europe'. The Union agreed to set an objective of cutting greenhouse gas emissions by 30 per cent by 2020, starting from a 1990 base if such cuts are agreed by its international partners and by 20 per cent independently of what the rest of the World does. This was followed by the agreement at Heiligendamm amongst six of the G8 leaders (excluding the USA and Russia) to a target of cutting emissions by 50 per cent by 2050. All eight leaders agreed on the need to achieve an agreement on post-Kyoto measures within the UN framework, starting with the Bali conference at the end of 2007. The Energy Action Plan agreed in March is a detailed set of objectives to ensure that energy is used efficiently and sparingly and that alternative sources of energy are developed quickly. Indeed, it is sufficient enough in detail to ensure that many parts of it will be taken forward by the Commission. There is no doubt that the development of an integrated energy-climate change policy progressed rapidly under the German presidency, even though much depends on the seriousness of Member States to follow up on their promises. This represents a success for EU policy in general but also for essential national interests in a country where there is a strong Green Party and where the green agenda is taken very seriously.

While German ambitions in the area of economic policy were limited, there is no doubt that the Presidency benefited greatly from the strength and dynamism of the

German economic recovery. Economic success at home allows a presidency to fulfil its tasks and objectives with more self-confidence

#### *Justice and Home Affairs*

As far as Justice and Home Affairs are concerned, the overall balance is positive. The presidency objectives were to develop the 'Global Approach to Migration', especially in terms of relations with the neighbouring countries to the east and south-east, to further the 'integration' dossier, to make progress on the integration of the Treaty of Prüm into the EU framework, and to work to improve the protection of external borders. Progress can be registered in each of these areas.

The core of the Global Approach to Migration is to develop partnerships with third countries. The German presidency supported the negotiation of specific partnership agreements, and it also got support on linking illegal employment with migration. It achieved political agreement on the necessity of offering third countries access to EU legal employment in a controlled way, possibly including mobility partnerships which would allow third country residents to work for defined periods in the Union before returning home.

Given the high profile and volume of migration from these regions, the geographical priority to date has been Africa and the Mediterranean. However, the German presidency encouraged the Commission to come forward with a communiqué on applying the Global Approach to the EU's eastern and south-eastern neighbours as well. The presidency held a Council meeting on 'the strengthening of integration policies by promoting unity in diversity', as well as an informal council in Potsdam. This policy area, close to the heart of interior minister Wolfgang Schäuble, sits uncomfortably at the EU level but the member states appear happy to learn from each other and to promote further work.

The success of the Treaty of Prüm encouraged the German presidency to push for its integration into the Union framework. In addition to the seven signatory states to the treaty, another nine member states have signalled their intention to accede. The political agreement reached in the Council on stepping up co-operation in combating terrorism and cross-border crime in fact incorporates essential elements of the Prüm

Treaty into the Union framework. This can be considered an important success for the presidency. The presidency made considerable efforts to strengthen the capacity of Frontex, the EU border security co-ordination office. While agreements were reached on Rapid Border Intervention Teams and the launching of the Coastal Patrol Network, member states appeared reluctant to commit resources.

On balance, the performance of the German presidency in promoting both the general policy interests of the Union and of its own headline interests has to be judged positively. In spite of the overwhelming importance of the 'Constitutional issue', it managed to make good progress in Justice and Home Affairs and in certain foreign policy issues. Apart from a provisional resolution to the problem of the constitution, its achievements in climate change and energy policy should be considered as its great success.

### **Domestic politics: opportunities and constraints of the German presidency**

The presidency undoubtedly offered Merkel the opportunity to take the minds of the German electorate off the complex and tiresome process of modernising parts of the German welfare state as well as the attempt to balance the national books. The mass of domestic reforms that the Merkel government was increasingly labouring through could be pushed temporarily to one side as the CDU/CSU-SPD coalition began to stress the much grander missions that it was also involved in (namely leading the EU and the G8 for six months).

For Angela Merkel, turning Germany's EU presidency into a success was therefore of considerable personal importance in resurrecting both the flagging fortunes of the Grand Coalition that she leads and also the opinion poll ratings of her own party, the CDU/CSU. Merkel's tenure as Germany's first female chancellor began with her claiming that the coalition would make "many small steps forward" as it reformed Germany's ailing economy and creaking institutional framework (Die Zeit, 9 January 2006). Although Merkel herself enjoyed high popularity ratings until early 2006, they soon started falling – as did the electorate's opinion of her party – as the 'small steps' failed to really lead anywhere. A much trumpeted health care reform met with intra-party and inter-party disdain as well as public lethargy, while attempts to reinvigorate

Germany's federal structures have, at best, received only lukewarm support from the German population. Merkel therefore needed Germany's tenure as European Union president to be successful more than most.<sup>6</sup>

Traditionally, German leaders have benefited from being in office when Germany held the EU presidency; the need to present a united German front and the widespread belief that it is in Germany's interests to play a constructive and responsible role as president naturally gave the Chancellor an extra sense of statesman-like gravitas. 2007 was no different and it was only as the presidency was being handed over to Portugal that the leader of the Social Democratic Party, Kurt Beck, launched a decidedly grumpy campaign that aimed to discredit Merkel's recent achievements (see *Der Spiegel*, 12 June 2007). Divisions between the coalition partners and within the CDU/CSU – both between federal actors with different agendas and between a number of significant provincial politicians (most notably Edmund Stoiber, Christian Wulff and Roland Koch) and the national government – prompted Merkel to articulate Germany's EU agenda with some caution. Everyone was aware that the EU had a number of significant challenges ahead. "We are faced" as Germany's Foreign Minister, Frank-Walter Steinmeier also added "with a tough bundle of issues to deal with" (*Financial Times Deutschland*, 10 October 2006). The German presidency therefore consciously sought to expend most of its energy on 'small steps' of reform at the EU level much as it was attempting to do at home. Merkel and Steinmeier (although predominantly Merkel) tried to install more confidence in both the EU's mission and also in its processes; vital not just abroad, but also, even in Euro-enthusiastic Germany, at home. The German presidency was conscious in trying – even if only in abstract ways – to bring the EU back closer to a European citizenry that is increasingly seeing it as being far-removed from their everyday lives. Each of Germany's cabinet ministers made a conscious effort to carry out his/her duties as near as is possible to his/her own constituency (*Financial Times Deutschland*, 10 October 2006) and the 50<sup>th</sup> anniversary celebrations were not as grandiose as many thought (feared) they might have been. One thing that Germany was very careful of not doing was articulating ideas that involved increasing EU spending. Few, if any, states would have supported any such financial expansion, least of all Germany itself

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<sup>6</sup> Part of this section is drawn from Hough and Quaglia (2007)

which is just beginning to recover strongly after facing a large budget deficit, relatively low growth and high unemployment (particularly in the East) over a long period.

Merkel therefore found a number of strong allies in her attempt to make a success of the presidency. First, as indicated above, Germany's pro-European elite consensus remains strong and there were no (public) debates within the Grand Coalition that undermined her government in its attempts to operationalise the presidency's aims. While the CDU/CSU and SPD have different socio-economic agendas at home, these differences were not played out at the EU level. Second, Merkel also possessed a clear ally, José Manuel Barroso. Barroso and Merkel have developed a good working relationship and both share common ground; Merkel frequently stresses how well the German government works with the Barroso-led Commission and is acutely aware that she is likely to need strong support from the Commission if she is to fulfil her European agenda. Barroso, meanwhile, has not forgotten that it was Merkel who gave him the decisive support he needed to become Commission President in the first place and he sorely needs a successful German presidency to inject some dynamism into the work of his own institution. Barroso also pursues a socio-economic reform agenda that Merkel can easily live with (Handelsblatt, 12 October 2006).

However, rather than domestic politics having a direct impact on the way the presidency was conducted, the impact went – if anything – in the opposite direction. Domestic consensus on Europe allowed Merkel much more room for manoeuvre within both the EU and the G8 but her various successes gave her only short breathing space from her travails at home. As the presidency drew to a close, life within the Grand Coalition became increasingly uncomfortable, principally as the SPD became ever more desperate to profile itself against the popular Merkel. The SPD's three most prominent federal politicians, Beck, Peter Struck and Franz Muntefering, subsequently took it upon themselves to launch a wave of attacks on their federal coalition partner. Success for Merkel abroad has paradoxically led to greater tensions in her coalition at home.

## **An assessment**

So, was the German presidency in 2007 a good presidency of the EU? Which criteria should be used in order to conduct such an assessment? And how does this contribute to the debate on big and small member states managing the presidency?

Some preliminary remarks are needed. First, there is a tendency to judge a presidency on the activities it can move along relatively quickly, such as foreign policy issues and IGCs. These are things that are not co-decided by the EP (as opposed to those areas where co-decision applies such as internal market issues). Where co-decision is necessary, achievements are less clearly attributable to the quality of the presidency.

Second, as outlined in section two, there are four key roles that a presidency is expected to perform. These are: *business manager; mediator; political leader; external representative*. The activities and policy areas dealt with in the previous sections are particularly suitable to evaluate each of these functions. Hence, in the negotiations on the Constitutional Treaty (now, the 'reform treaty'), the role of the presidency as mediator was brought to the fore. In the areas of economic policy, energy and environment, the function of the presidency as business manager and to a more limited extent as political leader was particularly important. The external relations of the EU constitute a suitable testing ground in order to assess the role of the presidency as external representative. Each role in each policy area could be evaluated on the basis of outcomes - which only in part lie within the control of the presidency - and performance (how the presidency behaved), regardless of whether it achieved the desired results or not.

Germany acted as an effective mediator in finding a way forward on the constitutional impasse and a positive outcome – the agreement on the road map for the IGC in the autumn 2007 – was secured. The performance of Angela Merkel was positively evaluated by many of the participants. In economic policy objectives and therefore results were rather limited. In energy and environmental policy (which represented priorities for Germany, as explained below) progress was made, facilitated by the proactive stance of the presidency. On external relations, the presidency's performance in meeting many of its own stated objectives and those of the EU was at best mixed.

Yet, for the public (and many seasoned observers) it was nevertheless considered a success, partly because these objectives changed as a result of developments during the presidency. The general attitude towards Russia and concern about climate change evolved during the six months and the German presidency was judged to have dealt well with these issues.

It should be noted that the four roles performed by the presidency are the traditional 'communitarian' way of evaluating each presidency. However, evaluation could also be based on performance with respect to the objectives that the presidency sets for itself. For a country like Germany of course, it is quite conceivable that success in pushing forward the 'Community interest' is also in the German 'national interest' because there is a reasonable consensus on the importance of deeper integration in Germany. Presidency-specific aims may therefore be a more applicable benchmark against which to judge a presidency as they are the key aims that the presidency itself outlines. This 'national interest' approach can be gauged by looking at the priorities indicated (more or less explicitly) in the programme of the presidency, as well as those that become clear during the semester in office. For example, an agreement on the constitutional treaty was in the German national interest. While some commentators, particularly in Poland, accused Germany of pushing hard for a constitutional settlement because it would give it more voting power in the Council, the reality is that the national consensus on the need for deeper European integration transformed success on the constitution into a clear 'national interest'. Failure to get agreement would have substantially weakened the Union, something which Germany would definitely have considered against its own national interest.

Energy policy and climate changes were domestically important for Germany, hence they were priorities for the presidency, and important steps forwards were made at the EU level. However, in the case of the European Neighbourhood Policy, which was also a priority for Germany at the beginning of the presidency, very little was achieved because the Mediterranean member states had very different policy preferences, limiting Germany's room for manoeuvre in this field. This illustrates the importance of the structural context within which the presidency acts. Hence, the German presidency scored quite well, even using 'non communitarian' evaluation criteria.

In the literature it is suggested that smaller countries tend to make more successful presidencies than larger ones (Elgstrom 2003, Hayes-Renshaw and Wallace 1997). Three main reasons are generally given for this; first, small countries have fewer interests to defend, hence they are likely to act as impartial mediators; second, the limited size of their civil service requires close collaboration with EU bodies, especially the Commission's Secretariat General and the Council Secretariat; and finally they are better placed to seek consensus, explore possibilities for trade offs, to coalition build and are less prone to muscle flexing. In addition, they are also less likely to undertake unilateral initiatives and tend to be more aware of the range of national sensitivities in conducting external relations on behalf of the EU.

Why does the German presidency in 2007 seem to contradict this trend? Generally speaking, past German presidencies were positively evaluated. One important reason why this was also the case in 2007 is that in the management of the presidency the German government tended to work quite closely with EU institutions, as the institutional structure of the community is highly valued by Germany. This is generally less the case for the other big member states, whereas it is quite common for the small member states, which have limited staff available to allocate to the activities of the presidency. The general view is that the German government had good relations with the EP, facilitated by the fact that the president of the parliament is German and Germany has the largest number of MEPs. Reportedly, the presidency seems to have worked closely with the Commission. As far as the ability to negotiate is concerned, Germany performed quite well, probably because of Germany's in-built consensus politics. No matter what the majorities in Germany's upper and lower houses of parliament, for example, consensus is still needed to successfully produce legislation; a cultural norm that does German politicians no harm in negotiating at the European level.

In sum, the German presidency never aimed to 'reinvent the EU', despite this being (somewhat strangely) one of the presidency's slogans. Such an aim was taken seriously by no one in either Berlin or Brussels. But, this – in the words of the Rolling Stones – might well not quite have been the presidency that many Europhiles wanted, but in a practical sense it was perhaps very much what the EU needed.



Germany's tenure in office was, perhaps surprisingly given some of the issues on the agenda, rather unspectacular and decidedly workmanlike. This perhaps befits the style of German Chancellor Angela Merkel, who undoubtedly came out of the period with her reputation very much intact. After two years of treading water, the German presidency has at least given the EU a renewed sense of direction. It will be for others to build on these foundations in the future.

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