

COMOS Conference 2013

Coelner Monnet Vereinigung für EU-Studien e.V.

Cologne Monnet Association for EU Studies e.V.

The European Council The Many Faces of a Key Institution

Brussels, 20 – 21 June 2013

Representation of the State of North Rhine-Westphalia to the EU

Rue Montoyer 47, 1000 Brussels

In cooperation with



***Trans European Policy Studies Association
(TEPSA), Brussels***

ie Institut für
ip Europäische Politik

***Institute for European Politics
(IEP), Berlin***

Supported in the Framework of the Förderinitiative „Dialog Wissenschaft und Praxis“
of the Hanns Martin Schleyer-Stiftung, Cologne

Programme

Thursday, June 20

- 14h00 **Welcome**
- Elfriede Regelsberger**, Institute for European Politics, Berlin
-
- 14h30 – 16h00 **Evolution of the European Council**
- Chair: **Tobias Kunstein**, University of Cologne and COMOS, Cologne
- Andrew Duff**, Member of the European Parliament
Jean-Paul Jacqu e, TEPSA Secretary General, Brussels
Philippe de Schoutheete, EGMONT Institute
-
- 16h00 – 16h30 **Coffee Break**
-
- 16h30 – 18h00 **The European Council on the Global Stage**
- Chair: **Mathias Jopp**, Institute for European Politics, Berlin
- Gianni Bonvicini**, Istituto Affari Internazionali, Rome
Jim Cloos, Council of the European Union
Geoffrey Edwards, University of Cambridge
-
- 19h00 **Addresses in Honour of Wolfgang Wessels' Anniversaries**
- Hartmut Marhold**, CIFE, Nice/Berlin and COMOS, Cologne
Mathias Jopp, Institute for European Politics, Berlin
-
- 19h30 **Dinner**
- Key Note Speech: **Luuk van Middelaar**
 Member of Cabinet of President Herman Van Rompuy
 Club Royal des Officiers du R giment des Guides
 32 rue d'Arlon, 1000 Brussels

(cont'd overleaf)

Friday, 21 June

9h30 – 9h40

Welcome

Rainer Steffens, Head of the Representation of the State of North Rhine-Westphalia to the EU, Brussels

9h40 – 11h00

The European Council as the EU's Economic Government

Chair: **Tobias Kunstein**, University of Cologne and COMOS, Cologne

Iain Begg, London School of Economics

Janis Emmanouilidis, European Policy Centre, Brussels

Gabriel Glöckler, European Central Bank

11h00 – 11h30

Coffee Break

11h30 – 12h30

Concluding Remarks

Philippe de Schoutheete, EGMONT Institute

Jean-Paul Jacqu e, TEPSA Secretary General, Brussels

Wolfgang Wessels, University of Cologne

12h30 – 13h30

Lunch

14h30 – 16h00

COMOS General Assembly of Members (Members Only)

Report

by Tobias Kunstein and Wulf Reiners

The 2013 Conference of the Coelner Monnet Association for EU Studies e.V. (COMOS) took place on June 20 and 21 in Brussels, Belgium. Entitled „*The European Council – The Many Faces of a Key Institution*“. The conference was jointly organised with the Institute for European Politics, Berlin (IEP) and the Trans European Policy Studies Association, Brussels (TEPSA). It convened an impressive line-up of EU experts, both from inside the political apparatus in Brussels as well as from academia, to discuss the European Council and its role in the EU's development. The audience was composed of junior researchers, students, professors and other experts in EU politics and policies.

Thursday, June 20

After a welcome and brief introduction of the topic by *Elfriede Regelsberger* (Institut für Europäische Politik Berlin), the first panel dealt with the evolution of the European Council. *Tobias Kunstein* (University of Cologne) as chair of the panel briefly introduced the panellists and encouraged participants to join the general discussion following the introductory statements.

The first speaker *Andrew Duff* (Member of the European Parliament) started his intervention with references to the founding moments of the European Council, in particular the meetings in Den Hague (1969), Paris (1972), and Copenhagen (1973), when political leaders became aware of the enormous capacity of political decisions taken on the level of Head of States and Government. Drawing the conclusions from these three summit meetings, the European Council finally was established, according to Duff, as part of a compromise that included the European Parliament's right to direct elections. He admitted, however, that solid historical proof for this hypothesis was lacking so far. Andrew Duff described the decision to make the President of the European Commission a part of the European Council as a mistake. He argued that this setup put the Commission into "complicity" of decisions which it did not necessarily support, especially given that the Heads of States or Government rarely took responsibility for legislation emanating from the European level. Another weakness of the institutional setup was in his view that the European Council never became part of the legislative procedure, not even in the Lisbon Treaty, which ended the European Council's 'unlawfulness' by lifting it to the level of an official EU institution. In view of the current developments Duff explained that during the years of crises the European Council arrogated

to itself powers it didn't have, for instance by putting de facto taxes on Greece. Although these decisions might have been necessary, they were not in line with the Treaties.

Turning to the role of the President of the European Council, he argued that the various presidencies in the EU architecture had become a liability, especially in terms of external representation. Duff underlined that the setup of presidencies could lead to significant political problems, for instance in cases when Barroso and Van Rompuy disagreed. Furthermore, he hinted at the absurdity of situations where both the president of the European Commission and the president of the European Council participated in the same event at the same time saying the same, and questioned the use of this arrangement. Also the family photo of the G8, with Barroso and Van Rompuy on the outer edges, illustrated in his view the weak image the EU projected to the outside.

In the final part of his initial intervention, Duff focused on the question what leaders ought to do and think about the current problems. He presented the idea of the 'Spinelli Group' to fundamentally review the EU Treaties and proposed a set of modifications. For instance, the new EU Treaty should oblige Heads of States and Governments to meet in the General Affairs Council so that they get engaged in the legislative procedures. He also proposed to reform the presidency of the European Council and to elect future presidents for 2,5 years not from outside but inside the group of Heads and States of Governments. Both proposals were grounded, according to Duff, on the assumption that the Commission emerged stronger in the future as an executive authority, as a government. A Convention to be convened in 2015 could take up these ideas.

Jean-Paul Jacqué (Secretary-General of TEPSA and former Head of the Legal Service of the Council) subsequently analysed the evolution of the internal workings of the European Council. On a general level, he argued, the institution underwent a significant evolution from informal to formal, even if for a long time it proved to be difficult to define the European Council – best exemplified by the EU Treaties such as the Single European Act or the Treaty of Maastricht where no specific duties for this institution were specified. He stressed that the European Council used to work well, despite of (or perhaps because of) a lack of formal internal rules and there was for a long time no need to change this. For a long time, in his view, there was no need to change this. However, enlargement had changed the game, since informal meetings in the enlarged group were no longer possible. According to him, one symptom was that presidency conclusions had become longer and longer, from a single page in the early years of the European Council's existence, to up to 60 pages today, often lacking a clear message. Against this background he rejected the view that the European

Council was some kind of deus-ex-machina whenever the EU ran into problems. At the same time Jacqué stressed the importance of agendas for the European Council and the incapability of the heads of state and government to discuss or solve unprepared questions. He argued that the European Council was good at taking well-prepared political decisions, whereas technical questions needed to be discussed by the national ministers. Hence, as one turning point in the evolution of the European Council Jacqué identified the ‘Sevilla Conclusions’, where the meeting preparations and the meeting agenda (incl. accompanying letter and main points) were reformed. However, it was the Lisbon Treaty only that put into form the Sevilla Conclusions, finally making it possible to master its demands by (1) establishing the European Council as an institution to overcome the cumbersome distinction between the Council on the level of heads of state and government and the European Council, and (2) installing a permanent president who ensured continuity and constituted a memory of the institution that also took care of the follow-up work, Jacqué argued.

In the following Jacqué explained that Van Rompuy had been a good choice as the first president due to his low profile and that he was – all in all – a success for the institutions. A candidate like Blair – probably overloaded with too high expectations – might not have worked that well or would have at least served as a source of conflict. He made clear that Van Rompuy had gained his authority progressively and reminded the audience of Van Rompuy’s answer to the questions which power he as the president of the European Council possessed: “the power of the agenda”.

Against this background Jacqué proposed that the presidents of the Commission and the European Council should in the future write the reports of the meetings of the European Council together. He explained that the right of initiative used to be the most important right of the Commission, but it had been taken over by the European Council. Consequently, nowadays the Commission was often no more than the guardian of the Treaties without de facto agenda setting power or right of initiative. In this sense he agreed with Andrew Duff that the Commission could participate in the European Council, but should not be a member and thus “become part of a compromise”. He also welcomed Duff’s idea that the president of the European Council could hold a national position in parallel to his EU function, since this setup would force the president to be part of the EU compromise with the real need to apply it at home.

On the other hand, fusing the positions of the presidents of the European Council and the European Commission could not work, Jacqué considered, as legislative initiative and compromise-finding were two different functions that needed to remain separated. Otherwise

the Commission would run risk of losing its power to look for the general interest and to criticise the compromises of the European Council.

The third panellist, *Philippe de Schoutheete*, a former Belgian diplomat, underlined the role of Jean Monnet as a trailblazer for the introduction of the European Council, when he argued in 1973 that the heads of states and governments should meet as a provisional government of Europe. However, de Schoutheete reasoned that the exclusion of the President of the European Commission would have never been accepted at that time in order not to harm the balance of the system as a whole. In the following, de Schoutheete characterised the European Council as a 'hybrid animal' that had undergone a considerable change over the decades from a "pouvoir constituant" to a "pouvoir constituée". By highlighting recent developments, de Schoutheete argued that the European Commission today had more power than ever, but not the same kind of power it used to have. Still, all the powers conferred to the Commission came from the European Council, well exemplified by the many summits dealing with the economic and financial crises, de Schoutheete said. He continued explaining that although these crises were linked to national sovereignty, at least for the Eurozone countries central issues such as macroeconomic policy coordination, control of the budget and the elements of the European semester all became business of the European Commission. Hence, one could identify today, de Schoutheete argued, a higher level of executive power for the European Commission.

A further element of the hybridity of the – intergovernmental – European Council was its president, who himself was not an intergovernmental figure. In this context, Van Rompuy needed to rely on the Commission's administration, as he didn't have a comparable one on its own, at the same time he had "brought back Barroso" so that both institutions could work together in both institutions' interests.

In the following discussions Mathias Jopp addressed the Euro Summits as a new phenomenon in the crisis and the efforts for stronger economic coordination and the construction of a banking union. He highlighted that not all initiatives had been introduced by the European Council as a whole, that the on-going institutionalisation was not foreseen in the Treaties, and that tensions between the "ins" and "outs" were likely to arise. The role of the European Council as the institutional architect therefore needed further investigation in the future. Jacques Vandamme supported the view that the European Commission needed a stronger role in the political system as the basic weakness of the Union was the lack of an executive power, which was still divided between different institutions. Philippe de Schoutheete stressed the flexibility of the system, best illustrated by the fact that the director

of the European Central Bank had become a part of the European Council – not formally, but de facto – and exerted a great influence on its members.

Concerning the EU's foreign policy de Schoutheete recalled the development from the times of the European Political Cooperation to the Maastricht Treaty, a period in which the Common Foreign and Security Policy had gone “up and up”. However, today's heads of states or governments did not want to discuss foreign policy issues on the EU level with a view to a common foreign policy, de Schoutheete said. As a result there was little support for the new High Representative. Consequently, CFSP had used to be a promising field in the 1970s, but this was no longer true for today. In view of Andrew Duff's proposal for another change of the Treaty, he remarked that 2025 could be a more appropriate timing than a Convention in 2015.

Jean Paul Jacqué responded that the development of the EU system followed the logic from informal to formal, resulting in the fact that after some time certain – previously informal – elements became part of the Treaty. One expression of this development was the mushrooming of institutions. Once created, Jacqué continued, institutions were difficult to change and a successful Treaty change needed many elements: Not only a failure of the Treaty, but also new ideas and discussions of these new ideas by both politicians of all institutions and by academics. Consequently, the European Council could be labelled the ‘Master of the Treaties’, but also this master needed to build any Treaty change on a basic consensus and an adequate public opinion, and also needed to respect the procedural demands. The budget procedure illustrated, Jacqué said, how the solving of a political problem could fail again and again, be it in the Amsterdam or the Nice revision of the Treaties.

Jacqué concluded with the assessment that the current financial crisis was a problem that necessitated the engagement of the European Council given the legitimacy dimension involved. The category of problems asked for the European Council and – despite its legal powers – not the Council. Furthermore, the fact that Angela Merkel was at the heart of a critical debate all over Europe instead of Barroso – as it had been in the past –, illustrated that legitimacy was transferred also from the Commission to the European Council.

Andrew Duff commenced his concluding intervention by saying that the European Council did not deliver convincing solutions and that summits were staged as mediatic dramas with national journalists from all over the world who got fuelled by the European Council's messages to report back home 27 national stories of the meeting. As a second point, he proposed to separate the meetings of the Euro Summit from the European Council so that

meetings dealing with such far reaching decisions would not need to take place in the middle of the night anymore. With regard to the relation between the European Parliament and the European Council, Duff reported of Herman van Rompuy's words to be "not accountable to the European Parliament". Van Rompuy declined, Duff said, to answer written questions of the European Parliament on the European Council, but limited the scope of his reports to his activities as the president. Finally, Andrew Duff explained why another convention at this time was a valuable idea: Seeing that the British Prime Minister Cameron had opened up the question of UK's membership and given that the fiscal compact needed to get integrated into EU law constituted windows of opportunity to start negotiations on a Treaty change. The 'stretching of Lisbon' was not acceptable after the crisis anymore, Duff argued. Instead, forces to codify the measures of crisis management, also on fiscal discipline and fiscal solidarity to save the Euro existed, also for legitimacy reasons, so that there was no time to lose, according to him.

The conference's second panel dealt with the European Council on the Global Stage. It was chaired by *Matthias Jopp* (Institut für Europäische Politik Berlin). *Gianni Bonvicini* (Istituto Affari Internazionali Rome) commenced his statement with an overview of the innovations of the Lisbon Treaty in the field of external action, ranging from the Union's legal personality to the permanent president of the European Council and the European External Action Service. He continued with an analysis of the global performance of Europe and the role of the European Council as crisis manager therein. Despite the Lisbon innovations, Bonvicini argued, the European Council was not capable of delivering answers to pressing problems such as Mali or Syria. This was mainly due to a lack of strategic setup and strategic innovation, he said. A major problem in this context was that the Member States did not use an instrument like the permanent structured cooperation due to a lack of interest or lack of time in view of the various internal crises. Bonvicini continued that the European Council needed to address its lack of priorities and resources, in particular the limited budget for the Common Foreign and Security Policy. Otherwise it would remain an ineffective global actor who is often marginalised on the international stage. He argued that the overlap between the representative functions of the President of the European Council and of the High Representative was a major impediment to a stronger global role for the EU. With a view to the Lisbon Treaty, he argued that flexible instruments to make progress, for example in the area of defence, existed. However, he believed that there was a lack of will to pursue these options further.

Jim Cloos (Council of the EU) began his analysis with the statement that it was not the European Council who was supposed to appear on the global stage, but the EU as a whole. The role of the European Council in this context was, he continued, to shape the EU's global actorness. He described the intra-institutional relations as a precondition for a coherent external position of the EU. In his view, negotiations between the EU institutions were very difficult at times, as illustrated by the difficulty to adopt the Multi-Annual Financial Framework 2014-2020. While agreeing that the Lisbon Treaty had clarified the legal framework and even codified some of the existing practices, he noted that day-to-day business remained more or less unchanged. The one exception was the introduction of the quasi-permanent president. He considered this innovation as useful because the rotating presidency system was disadvantageous in terms of visibility and external representation. In contrast to other speakers, he saw no overlap between the President of the European Council and the High Representative, given that their responsibilities pertained to different levels. In the light of recent developments, he asked whether the European Council could be described in terms of an "Über-Council": the final Multi-Annual Financial Framework 2014-2020 had actually been negotiated at the level of Heads of State or Government. In his view, the external representation of the EU was still too fragmented with trade, development and external aspects of Community policies under the Commission's control, and the overall relations with strategic partners, enlargement, ENP and the CFSP with the European Council as the determining force. In particular, he considered that the impact of the EU at global level could be higher if the number of statements was reduced and the length of the European Council's declarations was shortened.

Cloos then reminded the audience of a number of foreign policy challenges of the past, ranging from Iraq 2003, when Europe was divided and Solana's hands were tied, to the Arab Spring, when many efforts were undertaken to overcome the differences among European leaders, and Georgia 2008, when Sarkozy in a time without a permanent president of the European Council happened to chair the European Council and eventually became the "president of Europe" for a certain period of time.

Cloos continued his intervention with remarks on the negotiations with strategic partners such as China and Russia, who were not very well publicised since talks took place secretly without public conclusions. He believed that keeping these dialogues confidential was justifiable given the better results that could be achieved this way. The European Council remained the best place for decisions on EU external action, he argued, as it constituted the club of the most legitimate representatives of the Member States and 90 per cent of the means of the EU's foreign policies were located in the Member States, Cloos said.

As regards future developments Cloos expected serious discussions on defence policy in the next years. He closed his intervention noting that the institutional setup was ever evolving and had produced a lot of changes indeed. One example was that in the beginning of his career the Commission had not been allowed to speak on behalf of the Union during G7 or G8 meetings, whereas today it had a much stronger influence in this arena.

Geoffrey Edwards (University of Cambridge) juxtaposed the need for effectiveness in external representation with the Member States' "sovereignty reflex". Whether the European Council was fit for purpose in his view depended on the commitment of Member States to the common goal. He pointed to the difficulty of aligning the many voices (the Presidents of the European Council and of the Commission, the High Representative, the Council President, etc.) and underlined the domestic responsibilities of the Heads of State or Government, whose political survival was decided by their voters and not at EU level. More precisely he pointed at the continuous series of elections which constituted the political unit leaders were thinking of. Hence, Geoffrey Edwards argued, it was especially difficult to get the Head of State or Government's support for long-term issues. He welcomed the choice of Van Rompuy as European Council President given his skill as conciliator and his diplomatic style which was exactly the contrary to a president behaving like a 'primadonna with megaphone'. He reminded the audience of Van Rompuy's speech at the College of Europe, when he announced to focus on key issues. In this light, Edwards continued, one needed to recognise that Van Rompuy met weekly with President Barroso, but on a monthly basis with Catherine Ashton. The downside of this *modus operandi* was that individual Heads of State or Government at times used the European Council as their own stage. In general, however, he believed that the Member States saw the European Council as useful complement to their national foreign policies, especially since the Heads of State or Government gained influence in the national context at the expense of national foreign ministers.

The general discussion highlighted a number of additional points. For instance, the question in how far new or other persons on the key positions of the president of the European Council and of the High Representative was discussed. Jim Cloos argued that there was no such thing as a "Kompetenzkompetenz" on EU level and that in external action a consensus was needed for most steps. Consequently, one should not ask for something from the EU it couldn't deliver, he said. He furthermore explained that the diplomatic style of Van Rompuy, his approach as a facilitator, had been the only possible way. A President Blair, for instance, would have been more in the public, he continued, but wouldn't have accounted for more influence or input. Cloos also argued that personality was important in the meetings of the European Council, but not decisively so. In fact, a President Merkel couldn't have the same

weight as a Chancellor Merkel in the same meeting. In any case, Cloos concluded, a president playing his role as a “boss of the bosses” would have no chance to become a successful president. As far as the Commission was concerned, he noted that the institution had “overplayed its hand” in the area of mixed competences where it had been asked to represent the EU externally. As a result, its competences for external representation were cut back to areas of exclusive EU competence. As regards the lack of strategic thinking, Cloos said, it was devoured by the crises, on which was put emphasis for good reasons. However, the main problem was that the European Council had lost its function as an “espace de reflexion”, since nowadays 28 persons wanted to speak about the same problem. Also, many problems were discussed in details before any strategic problems had been identified. He closed his intervention by arguing that the triple hat of the High Representative was a difficult construction, which made it hardly possible to play any of the roles reasonably. In particular, this kind of combination should not be replicated for the post of the Presidents of the European Council and of the Commission. Mixing these positions together would be completely absurd and wouldn't help to solve the present institutional challenges.

With a view to the strategic aspects of the debate, Gianni Bonvicini responded that many forces were nowadays outside the EU, not inside. He agreed that a common position of 28 Heads of State or Governments was very difficult to achieve and expressed hope that the High Representative exercised her right of initiative in the future. He stressed his view that civilian missions and economic sanctions on EU level belonged to the policy instruments that were impossible to apply as a nation state and therefore added value to national foreign policies. He concluded his statement by pointing at the socialisation function of the European Council which should lead to less clearly articulated national foreign policies.

Geoffrey Edwards concluded the panel with remarks on the business relations with China, where the EU found itself in competition with individual Member States and the contradiction in Prime Minister Cameron's current approach to talk externally with President Obama about the Free Trade Agreement between the EU and the US, whereas his major focus internally laid on a referendum on the future relations between the UK and the EU.

The first conference day was concluded with a joint dinner of all participants, accompanied by a key note address delivered by *Luuk van Middelaar*, Member of Cabinet of President Herman Van Rompuy.

Friday, June 21

The first panel on the conference's second day, chaired by *Tobias Kunstein* (University of Cologne) dealt with Economic Governance. The question whether or not the European Council could be considered as the EU's Economic Government formed the starting point for discussions. *Iain Begg* (London School of Economics) started by linking the term "Economic Governance" to the degree of political discretion in economic policy making. He described that, in particular, a political counterpart to the European Central Bank was discussed under that label. He explained that in the EU monetary policy and fiscal and structural policy were not linked. There was disagreement among experts whether this link was needed or not, he said, but it had become clear during the years of crisis that monetary policy alone was not enough. He then outlined different coordination procedures at EU level while stressing that competence for economic policy making remained at national level. As a corollary, Finance Ministers were in charge and not Heads of State or Government. He argued that it belonged to the functions of an economic government to react to economic crises, but also strategic thinking about the general economic development. One problem was, in his view, that the topics of an economic government fell under the auspices of the Finance Ministers, whereas the European Council approached the topic with a wider perspective. Consequently, the current setup not always allowed for the right expertise at the right time and place. On the other hand, when it came to the question how to share burden within the Union, the European Council was exactly the right place to negotiate this was the forum to integrate the national tax payers into the EU system – in absence of an European tax payer.

Ian Begg went on to discuss a number of questions: Should the economic government follow a design forestalling moral hazard? Or rather ensure solidarity, or discipline, or flexibility? How would it be legitimised and who had the mandate to put the system in place? Who could monitor its implementation? Finally, what could the European Council deliver? Would it float above the fray or get bogged down into details? He argued that the European Council was not the right place for an economic government, as such a government needed to work non stop and not six or eight times a year. He furthermore stressed that a stable administrative capacity was needed and that the European Council – as a "power station" – was not connected to the system in detail, not least due to the short term focus of its members who sometimes discussed issues too much in details and sometimes too abstractly. From his point of view, ECOFIN questions bounced up to the European Council too often, which was not good for the system as a whole.

He then turned to European Council conclusions, which, in his view, did not show enough continuity. References to earlier conclusions were rare, and there was a risk of the European Council deviating from what it set out before. This was particularly likely to happen when new members joined the club – like recently Président Hollande – and shifts in strategy became apparent. This setup constituted a threat to the European Council as an economic government, Begg said. In recent years, however, against the background that the European Council “sucked in” decision-making during the financial and sovereign debt crisis, the body could be described as a string puller for an economic government. Iain Begg closed his intervention by hinting at the lack of a European treasury and by concluding that an authentic economic government of the EU was still missing.

Janis Emmanouilidis (European Policy Centre Brussels and author of summit analyses following each European Council) agreed with Begg that an executive body which could be described as economic government simply did not exist in the EU, neither in the form of the European Council nor in the form of the Eurosummits. Less competence for policy-making at the national level translated into more coordination at the European level at most. Given that in his view the Member States were against a central fiscal policy and that for some Member States the current system went too far already, a change of the situation was not likely for the time being. By way of example, he pointed to Belgium and the French reaction to economic policy guidelines recently addressed to the country. He also referred to the idea of “mutual contracts” between governments and the EU in the framework of the European Semester. This would, in his view, complement the present “rules and sanctions” regime with incentives for countries. He argued that carrots and sticks were needed, but noted that this was an idea in the making and that there had been no progress on this issue over the past months. In fact, an increasing exhaustion was recognizable and things in were progressing very slowly and with less ambition than originally envisaged, Emmanouilidis said.

While agreeing that the European Council did play a role in economic governance, he underlined that the body was in crisis mode since 2010, with more than 20 summits ever since. He considered it as ‘natural’ and not surprising that the crisis was a time for the Heads of State or Government, as this was simply a time of the executives. However, he expected the European Council to play a less prominent role once the crisis was less severe and that it disappeared to a certain extent from the public radar once the crisis abated. At a more theoretical level, he asked the question whether the EU had become more intergovernmental in the aftermath of the various crises. He argued that the system nowadays was too blurred to think in a classic intergovernmental – supranational distinction. Also the European Council was not purely intergovernmental. It was also unclear, Emmanouilidis continued, how the

Commission uses its new influences after the crisis. Certainly, he stated, the European Council faced a legitimacy problem at the national level, although the EU had always been dependent on it in the. With a view to the different roles of individual countries, he used the term of “imbalanced intergovernmentalism” with one player much stronger than the rest. In this context, he highlighted the double role of Germany as a benign hegemon, as a leader on the one hand, and as a scapegoat on the other.

Gabriel Glöckler (European Central Bank) concluded the first round of interventions. He started by asking whether Puetter’s assertion that the European Council constituted the EU’s centre of gravity was still holding true. He noted that since the Paris Summit the European Central Bank was invited to the European Council meetings and had exerted a strong influence ever since, be it in the form of an agenda setter, be it as the institution to deal with complex follow-up processes. Starting from the distinction between markets and politics, he underlined that markets apparently did perceive the European Council as an economic government and demanded swift and real action on its end. Importantly, the agenda was driven by the need to present a concept to investors. In this context he reminded the audience of the Van Rompuy task force and the fiscal compact, two initiatives directly aimed at satisfying requests from the markets.

In terms of the institutional balance and making reference to D. Hodson, he argued that the vacuum left by the Commission was filled by other actors such as the IMF (which had recently opened a new office in Brussels), the ECB, and apparently the European Council. However, if one wanted to sell a 10 year bond of the EU, one needed to present a coherent concept of the EU and its economic government to potential investors, Glöckler said.

Turning to the most recent point on the agenda, banking union, he briefly outlined the “accidental revolution”, the planned reforms and the underlying principle of “joint money – joint control”. He also outlined the ECB’s most recent non-standard policy measures and considered the OMT in particular as a success in terms of calming investors. In this context he didn’t want to exclude that the Commission might come in again as a central player once the agenda was set. Gabriel Glöckler then underlined the multi-faceted character the financial and sovereign debt crisis which required simultaneous progress on several fronts. Whereas a comprehensive package would have been required, EU leaders only just fulfilled market expectations. He stressed, however, that this alone did not justify the criticism of a “marktkonforme Demokratie”. Instead, any assessment needed to consider that a meltdown was successfully prevented. He concluded by saying that the ECB would welcome an

economic government as an “interlocutor”, whereas the idea of a “counterweight” was flawed.

The ensuing general discussion addressed, inter alia, the role of the Commission in more detail. It was argued by some that the Commission, due to its politicization, had lost the trust of the Member States and was no longer seen as impartial. By contrast, other participants believed that it was unfair to “overload” the Commission with tasks it was never meant to deliver. Whereas the ECB, the tough stance of which was largely welcomed, enjoyed the trust of the markets and was therefore in a position to act, the Commission did not dispose of comparable means to tackle the crisis. A third point of view was that it was questionable whether the Commission was the right place to make tough political decisions. It had had the opportunity to open procedures under the Six-Pack against Slovenia and Spain, but chose not to.

With a view to the Eurosummit, the impression was that they made sense if there were substantial issues to discuss and to report home. But generally, the EU did not suffer from a lack of meetings, so Eurosummits should be convened only when there was a need for a decision. On the Presidency of the Eurosummit, Iain Begg remarked that it might be efficient to continue the current practice of letting the European Council president chair both formats. However, he underlined that this would mean that the President of the European Council could never come from a Euro-out country.

It was considered that although the breadth of reforms in terms of economic governance would never have been predicted some years ago, these arrangements were pushing the limits at the current juncture. Especially with a view to a fiscal capacity for the EU, participants showed some scepticism. It was considered as unlikely that the EU would have the ability to create a fiscal capacity markedly above its present 1% budget.

The legitimacy of the reforms was also discussed, in particular with a view to the loss of sovereignty in crisis countries such as Greece. The tendency of the European Council to legislate came to the fore in the debate. Some participants argued that technical details mattered due to the sweeping character of reforms, and these details increasingly found their way into the presidency conclusions. Consequently, the ECOFIN Council would not have been the appropriate level of decision-making because of the high amounts of money on the table. However, decision-making institutions could not be delinked from legitimacy. In this respect, it was argued that the European Council invited the ECB President as a source of expertise.

In the final session, *Jean-Paul Jacqué* (Secretary-General of TEPSA) and *Wolfgang Wessels* (University of Cologne) presented their interpretation of the main lines of discussion at the conference. Jean-Paul Jacqué described the European Council as an isolated institution, arguing that the link between Council and European Council was not very strong. In the economic field, national competence had remained largely unrestricted from EU influence. But the problem with the coordination approach was implementation, as illustrated by the lacklustre impact of the Open Method of Coordination. But the European Council, in his view, had accepted to hand over implementation to the European Commission, namely in the framework of the European Semester. He noted that the European Parliament had attempted to gain some control over the European Council by arguing in favour of providing the European Council with a legislative capacity. The relationship between the European Council and the ECB, however, was a black hole in his view. On the question whether it was useful to create a new Eurozone administration, he argued that the Commission should do the job.

Wolfgang Wessels underlined that the European Council was still an under-researched topic. Starting from the differentiation between the Member States' "problem-solving instinct" and their "sovereignty reflex", he described the European Council's intention, in the words of Milward, to rescue the nation state. In this interpretation, the Commission was the guardian of the changes agreed by the Heads of State or Government so far. He also pointed to the role of the ECJ, which shared the competence of final interpretation of EU law with the European Council.

Subsequent to lunch, COMOS e.V. held its annual general meeting.

Evaluation

The evaluation of and discussions about the COMOS Conference prove that the conference has been very much appreciated by all participants. The conference stood out due to the efficient organisation and the very suitable conference venue in the Representation of North Rhine-Westphalia to the European Union. The participants highlighted especially the pleasant working atmosphere as well as the stimulating panel discussions within the framework of formal and informal meetings.

Topic and content have been of great value for the participants since they could develop new perspectives on the European Council and foster a better understanding of its role within the EU. The up-to-date references to the financial crisis and the future of the European Union added additional and revealing insights beyond the general media coverage. Especially the

discussions between academics and practitioners permitted a profound view into the different aspects of the topic.

To hold the conference in Brussels was the perfect match to the academic frame. The vivid exchange between students, academics and practitioners provided a dynamic atmosphere and was appreciated by the participants as enriching the conference programme. The possibility to continue discussions and networking during the informal parts proved as successful and was assessed positively in the evaluation. The organisers and participants would like to thank the Hanns Martin Schleyer-Stiftung for its valuable support. Thanks are also due to the Institut für Europäische Politik Berlin and the Trans European Policy Studies Association, Brüssel, who helped to implement the event in both financial and organisational terms.