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*THE PRESIDENT OF THE EUROPEAN COUNCIL
AFTER LISBON : HIS ROLE IN THE EUROPEAN
UNION'S DECISION-MAKING*

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Master 120 in European studies

Academic year 2016-2017

September session



I declare on my honour that this dissertation is my own work, completed without unauthorised external assistance, that it has been submitted to no another institution for assessment, and that it has never been published, either in whole or in part. All the information (ideas, sentences, graphs, maps, tables, etc.) taken from or referring to primary or secondary sources are properly referenced using the current university method.

I declare that I have taken note of and adhere to the Code of Ethics for students with regard to borrowing, quoting from and using various sources, and am aware that plagiarism is a serious offence.

At the end of my course of studies, I would like to thank warmly all the persons who have provided me help and who have contributed to the realization of this thesis.

I would like to sincerely thank Professor Luuk van Middelaar, who has always made himself available. His valuable experience and his sound opinions proved to be of great help during the drafting of this work.

My thanks go also to Mr. Jean De Ruyt, who was kind to take time from his schedule so that we could have a substantial conversation. This interview has provided this work with an added value.

I am also grateful to Debora and Diana as well as to my parents.

It is impossible to complete this thesis without expressing a special thought to all the people which stand beside me in the course of my studies. My mother, Eugenia and my sister, Silvia for their patience and trust. A particular thank to Paloma for her presence and valuable advice.

***** To my father *****

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INTRODUCTION

In the last few years, we observed the introduction of a political and institutional innovation in European integration. The European Council, which brings together the Heads of State and Government of the 28 Member States of the European Union, has been institutionalized under a permanent presidency. For this function, Mr. Herman Van Rompuy, former Prime Minister of Belgium, was initially elected for a period of two years and a half, a mandate that was renewed once. The current president is the former Polish Prime Minister Donald Tusk, who was re-elected for a second term from 1 June 2017 to 30 November 2019.

In the initial phases of the European Council, divided between the concern of the control of a single personality and the ambition of performing European leadership, Member States decided upon a system of equal rotation. The arrangement seemed ideal. However, subsequent developments and enlargements have clearly shown its limits, ambitions which definitely called for a new and more suitable leadership.

Questions regarding the European leadership and the visibility of the European Union have always been the subject of discussion. Who is leading the Union? Who is representing the Union? These were among the most debated issues.

Thanks to the Treaty of Lisbon and the establishment of a permanent President for the European Council, some answers were given. However, inevitably, they lead to others: Which role plays this new figure within the system of presidencies? Which are the powers of this new President? What is his influence on different Heads of State and Government?

All these questions lead us to present and analyze the object of study of my thesis: Given that this function was not clearly defined by the Treaty of Lisbon, which type of leadership have Mr. Van Rompuy and Mr. Tusk ascertained inside this institution? With the arrival of Mr. Tusk at the head of the European Council is it possible to observe a development regarding the functions of this figure? And moreover: Is the President of the European Council rather a spokesman or a real President?

To answer these questions, this thesis will be divided into three main sections. The first part is of a historical and theoretical nature and focuses on analyzing the arguments and controversies which led to the establishment of the permanent Presidency.

The second section is more analytical in nature. We will first present the arguments and the controversies behind the appointment of Mr. Van Rompuy. We will then underline the institutional and relational challenges that the President had to deal with at the dawn of his first mandate. Finally, we will attempt to analyze the major events that was confronted with during his first mandate and we will also consider the kind of relationship he maintained with the European actors.

The third section will contain an assessment of the presidency of Donald Tusk. We will start by presenting the discussions and arguments which led to the appointment of this personality as the successor of Mr. Van Rompuy. We will then consider the way in which

Mr. Tusk tackled the major issues present on the agenda of the European Council. This will allow us to compare these two presidencies.

Moreover, as a first step, we will concentrate on the arguments and the disputes, which have led to the establishment of the European Council. Subsequently, we will analyze the main tasks of this new institution at the time of its creation.

1.1.1. Theoretical concepts

In order to carry out this research, we have to define a theoretical framework. A series of concepts will be employed in order to analyze the action and the position of the two permanent Presidents of the European Council. Their strategy and their achievements regarding the different Heads of State and Government but also regarding the other leaders of the European Union will allow us to highlight the big moments of their mandates. We will elaborate a series of hypotheses to analyze the mandate of both Van Rompuy and Tusk. Before conducting a critical assessment of the actions of these two presidents, we will try to define the principal theoretical elements, which we will employ in our analysis, in particular the concept of leadership, interaction and the notion of chairman and president.

First of all, the concept of leadership appears essential. According to Oran Young, leadership refers to *“the actions of individuals who endeavor to solve or circumvent the collective action problems that plague the efforts of parties seeking to reap joint gains in processes of institutional bargaining”*. At the start of the term of office, a lot of questions were made regarding the kind of presidency that Herman Van Rompuy would have exercised. The permanent President would have had the possibility of being a president leader in the manner of Sarkozy, which could have led the European Union in the same way as this personality conducts the debates in his country, or he could have played the role of a simple “chairman”, which could have simply been a mediator between the different parties or preside the meetings of the European Council.

In the case of Herman Van Rompuy, we can speak of a particular form of leadership that he has exercised at the head of the European Council. As a matter of fact, François Bastin and Lisa Isnard, on the basis of the work of Oran Young, have explained the different types of leadership that a personality can play in order to analyze the position of Herman Van Rompuy.¹

A first category is the one of the entrepreneurial leadership, which is characterized by particular skills of negotiator coupled with problems of public policy. These skills of negotiator can be observed while performing three missions: the management of the political agenda, the proposal of solutions which can reach consensus and the assistance of the negotiations until the moment where the deal is reached. The entrepreneurial leader

¹ Isnard L. and Bastin C., *“The function of the permanent President: assessment of the leadership of Herman Van Rompuy”*, Law and European Affairs, 2013/1.

is an individual who leads by making use of negotiating skill to influence the manner in which issues are presented in the context of institutional bargaining.

A second type is the collaborative leadership refers to the mobilization of constituents far more than it involves providing instructions. This kind of leadership is characterized by a great consideration for the opinions of the Member States, while maintaining at the same time a common direction for the European project. Moreover, this kind of leadership appears very important in the moments where the institutions are facing a big change or a crisis. At the level of the European Union, it requires taking into consideration the different opinions of the Member States, while at the same time proposing a common project or solution.²

Another kind of leadership that we will consider for the analysis of Tusk presidency is the authoritative leadership. This type of leadership is among the six typologies which were defined by the scholar Goleman.³ According to the author, the authoritative leader is a visionary. This leader mobilizes the other actors toward a vision, an idea, which he considers useful and essential in order to provide an appropriate solution to a problem. Moreover, if we consider the style's impact on flexibility, the author argues that an authoritative leader states the end but generally gives people plenty of leeway to devise their own means. This leader gives people the freedom to innovate and take calculated risks. In his article, Goleman has summarized this kind of leadership with a single phrase; "Come with me". Because of its positive impact, this style can function in almost every situation. However, it is quite effective in a context of crisis, when a clear direction is needed and when changes require a new vision.

Secondly, the concept of interaction occupies a leading role for the analysis of the mandate of Herman Van Rompuy. As a matter of fact, it is quite difficult to understand this function without relating it with a series of others actors, which are strongly linked with it. According to the definition of Becker, an interaction is a "*face to face situation where the individuals in question are involved in a dynamic process which changes with the time*".⁴ During the interactions, the different actors can develop a series of antipathies and affinities which can influence the work of the European Council. For this reason, it is essential to study the work of Van Rompuy, taking into account that he depends on constant interdependences with other personalities and that his room for manouvre is very limited.

To conclude, it is necessary to clearly define the concepts of "chairman" and "president", by presenting the elements which are different between these two words. The chairman organizes, prepares and convenes the meetings, establishes the agenda and participates to the debates of the assembly. He does not enjoy any kind of formal power of decision. This is the case of the president of the Security Council of the United Nations.⁵

On the contrary, in the presidential form of governments like the United States or the semi-presidential form of France, the president is characterized by important powers and is

² Young O., "Political leadership and regime formation: on the development of institutions in international society", International Organizations, vol.43, no. 3, 1991.

³ Goleman D., "Leadership that gets results", Harvard Business Review, 2007.

⁴ Becker H. and McCall M., "Symbolic interaction and cultural studies", University of Chicago Press, 1990.

⁵ Delors J., "The stable president of the European Council: yes to a chairman, no to an executive president", Revue du droit de l'Union européenne, 2009.

considered the undisputed leader of the executive. In the American system, the president, at the same time, Head of State and Government, takes the decisions in completely independence.⁶ Beside the chairman and the executive president, the presidency can also be of a symbolic type. For example, in Germany, the executive power is assigned to the federal government presided by the Chancellor. The federal president disposes of limited powers.

1.1.2. Research question and hypotheses

Three hypotheses will guide this thesis with the aim of answering the research question: Which were the personal and political resources on which Herman Van Rompuy and Donald Tusk could draw in order to play their role at the head of the European Council and what kind of leadership did they exercise?

The first hypothesis seeks to demonstrate that even if Herman Van Rompuy did not hold any decision-making power, both within the European Council and the European institutions, he succeeded in having an impact on them thanks to his compromise power and his capacity of shaping the agenda.

The second hypothesis assumes that by means of a series of interactions with European actors, as well as with Heads of State and Government, Herman Van Rompuy was able to find a place within the European leadership and to transform the figure of the permanent President of the European Council into a pivotal one.

The third hypothesis is that Donald Tusk played a role in the European Union's decision-making thanks to his ability of mobilizing significant actors towards his proposals and by giving them the freedom to choose their own means to achieve the goal.

⁶ Darity W., "*International encyclopedia of the social sciences*", Macmillan reference USA, 2008.

FIRST CHAPTER: THE ESTABLISHMENT OF THE FUNCTION OF PERMANENT PRESIDENT FOR THE EUROPEAN COUNCIL

2.1. The European Council

The European Council, which at the beginning was only an informal meeting of the Heads of State and government, is today completely integrated in the institutional framework of the European Union. Its presidency has been subjected to various changes in the last decades, leading to an outstanding recognition with the Treaty of Lisbon. To understand the ambiguities and the challenges which have led to the creation of a permanent President for the European Council, we will focus on the European Council and the reasons of its establishment.

2.1.1. The creation of the European Council and its first steps

According to Jan Werts, the first evidence of the European Council goes back to 1953 in the context of the European Coal and Steel Community. Michel Debré, member of the constitutional Commission of the Assembly, suggested the idea of a political union between the European countries, purely intergovernmental, which should have been directed by a conference of Heads of State and Government. Even if this idea was dropped at the moment of the signature of the Treaty of Rome in 1957, this confederal vision of the European integration with a political power concentrated at the highest level will be part of the dynamic of the European decision-making from now on.

Consequently, Heads of State and Government decided to gather outside the framework of the Community, via the “European summits”. The formal context and the high political value of these meetings enabled the European leaders to find consensus over sensitive issues and to discuss foreign policy.⁷

In this context, the European leaders had the opportunity to talk over the political cooperation and to debate questions linked to the Community level. The first phase of these summits, largely dominated by the Gaullist thinking, saw the failure of this type of European political integration (plan Fouchet of De Gaulle in 1961).

The second phase of the summits began with the Hague Summit in 1969. In this period, a new President came to power in France: Georges Pompidou. With the arrival of a more flexible Head of State in France, a series of compromises allowed the adhesion of the United Kingdom to the Community. Starting from this moment, summits became a place of

⁷ Werts Jan, *The European Council*, London, John Harper Publishing, 2008, p. 9.

negotiation concerning the Community issues. The Hague Summit contributed also to launch the process, which will lead to the creation of the economic and monetary Union.⁸

Despite the utility of the summits within the Community framework, the French proposal about the institutionalization of these summits is perceived as premature in 1969.

Nevertheless, this proposal will be presented during the debates leading to the Paris summit in 1972 and to the Copenhagen summit in December 1973. In March 1972, the Vedel report is already envisaging such an institutionalization.⁹ The mission of impulsion of the European leaders as well as the political visibility of these meetings would have a positive impact on a Community, whose development of competences clearly required a stronger political leadership.

The conclusions of both summits proved to be disappointing. The first encountered a series of difficulties in the preparatory work and must address the dispute between the French and the German government as for the implementation of the monetary Union. Moreover, the lack of preparation, the domestic problems and the different conception in the design of European policies were not in favour of an institutionalization of the European summits.

Despite some blockages, summits became progressively a necessity in order to bring the European project forward. On the one hand, the integration focused on policies increasingly sensitive (monetary Union, enlargement), and on the other hand, Europe was experiencing the lack of political leadership. The Commission, the European Parliament and the Council of ministers were not able to provide a solution. It is for this reason that the question of institutionalizing the European summits came to the fore.

During the Paris summit of December 1974, the Heads of State and Government agreed on the creation of the European Council, a framework now formal and regular for the meetings between the European leaders. Even if Georges Pompidou had already proposed such a transformation, the realization of this idea will be the result of the work of Valéry Giscard d'Estaing.

The French President took advantage of the French presidency of the second semester in 1974 and of his collaboration with the German Chancellor Helmut Schmidt to prompt the discussion. However, this French stubbornness wanting to ensure a certain control over European affairs was not the only reason for the creation of the European Council. Other reasons played a major role before arriving to such a decision.

First of all, the troubled global context has contributed to a large extent in this regard. On 15 August 1971, Richard Nixon suspended the convertibility of the dollar in gold, which provoked the failure of the Bretton Woods system. Such an event was followed by a period of crisis, which reached its peak in 1973 with the Yom Kippur War and the first oil shock. The economic and energetic crisis undermined the international environment and illustrated the necessity of a political leadership capable of acting at the global level.¹⁰

⁸ Bulmer Simon and Wessels Wolfgang, *The European Council: Decision-making in European Politics*, London, Macmillan, 1987, p. 30-40.

⁹ Bulmer Simon and Wessels Wolfgang, op. cit., p. 30-32.

¹⁰ Werts Jan, op.cit., p. 15-16.

Subsequently, at the Community level the development of the integration process turned to be very complex. On the one hand, European institutions resulted very weak. The Luxembourg compromise of 1966 has given Member States the possibility to claim a sort of veto right within the Council of ministers when vital interests are at stake. Moreover, the Commission was experiencing a lack of leadership and was not able to gain political stature, while the European Parliament suffered from a deficit of democratic legitimacy. This blockage of the European institutions and the absence of a center for the decision-making will be overcome by the creation of the European Council.

Another element, which allowed the European Union to gain political leadership, was the support of a series of personalities, which distinguished themselves at the time of the establishment of the European Council. Jean Monnet, already in favour of the European summits, developed the idea of creating a “European provisional government” composed of Heads of State and Government of the European countries. In spite of the fact that this project failed to come into existence, Monnet’s proposals relaunched the debate on the institutionalization of the summits. His involvement helped to ease the wariness of the Benelux countries, who feared that regular summitry would undermine the European Commission and favour the larger countries.

Further contributions will be introduced with the arrival of Helmut Schmidt and Valéry Giscard d’Estaing on the political scene. These two leaders shared the same conception about the need of the “repoliticisation” of the Community, a conception that will allow the creation of the European Council. Both leaders were aware of the fact that the Commission did not have the means to develop itself in a European government and it is for this reason that they strongly advocated the establishment of a center of political decision-making, a “*guiding body*”.¹¹

The constituent Treaty of the European Council was included in the final conclusion of the Paris summit of December 1974, a document which laid the foundation for the development of this new institution:

“The Heads of Government have therefore decided to meet accompanied by the Ministers of Foreign Affairs, three times a year and whenever necessary, in the Council of the Communities and in the context of political cooperation. (...) In order to ensure consistency in Community activities and continuity of work, the Ministers of Foreign Affairs meeting in the Council of the Community, will act as initiators and coordinators. They may hold political cooperation meetings at the same time. These arrangements do not in any way affect the rules and procedures laid down in the Treaties or the provisions on political cooperation in the Luxembourg and Copenhagen Reports. (...) With a view to progress towards European unity, the Heads of Government reaffirm their determination gradually to adopt common positions and coordinate their diplomatic action in all areas of international affairs which affect the interests of the European Community.”¹²

The conclusion of the Paris summit remained elusive and quite ambiguous as to the functioning and the role of the European Council. Treaties did not provide any additional value in this regard and for many years, it was difficult to determine the rules and the

¹¹ Werts Jan, op.cit., p. 13.

¹² Final communiqué of the meeting of the Heads of Government of the Community, Bulletin of the European Communities, No. 12 1974, p.2.

precise functions of the European Council as well as the value of its acts. We have to wait until 1983 in order to have a clearer formal idea over the tasks of the European Council.

It will be at the moment of the signature of the Solemn Declaration on European Union at Stuttgart, that Heads of State and Government agreed on the fact that the European Council is a body providing political impetus to the European integration, which defines the general political guidelines, extends the cooperation between Member States in new areas and expresses the common position of the Union in the field of foreign policy.¹³ Thus, since the beginning of its creation, the European Council was, according to the expression used by Jan Werts, “in statu nascendi”.¹⁴

2.1.2. The presidency of the European Council

After having analysed the conflicts and the ambiguities at the origin of the creation of the European Council, we will now take into consideration another element of great importance: its presidency. The conclusion to the Paris summit proved to be too vague and elusive as for the role of the European Council, an aspect that remained in place also as for the functions attributed to its presidency. One of the main characteristic of the presidency at the beginning of its creation was its rotating nature. The six-month rotation system for the presidency of the Council of ministers was a fundamental principle established with the Treaty of Rome. This principle was the symbol of equality between member states, which allowed every country to provide leadership to the Community, avoiding the domination of the big Member States.¹⁵

It was then agreed that also the European Council should follow this system and that the Heads of State and Government of the Member State responsible of the presidency of the Council of ministers will assure the presidency. Such parallelism has reassured the small States, which feared the establishment of an independent European Council and a directorate of large countries. The main aim of a rotating presidency was to contain a misuse of power that a longer period could have generated and to avoid the supremacy of a single thanks to the principle of the “*reciprocal sharing of power*”.¹⁶

At the moment of the creation of the European Council, there were no rules of procedure as for the presidency. The different functions we will talk about, represent only a synthesis of what the practice has codified in the last decades.

First of all, the presidency enjoys a role of initiator since it is in charge of organizing the meetings of the European Council. The presidency is responsible for deciding the date, the place and the questions to be tackled inside this kind of framework. Next to this role of

¹³ Final communiqué of the Solemn Declaration on European Union (Stuttgart, 19 June 1983), Bulletin of the European Communities. No. 6 1983, Luxembourg: Office for official publications of the European Communities, p. 24-29.

¹⁴ Werts Jan, op.cit., p.5.

¹⁵ Crum Ben, *Accountability and Personalisation of the European Council Presidency*, Journal of European Integration, vol.31, No. 6, November 2009, p. 680-700.

¹⁶ Crum Ben, op.cit., p. 691.

preparation, the presidency is also entitled with the drafting of the conclusions of the meetings of Heads of State and government. Thanks to this organizational power, the presidency can partly control the political agenda of the European Council, by setting it according to its own interests and the current issues.¹⁷

As to the role of mediator, the presidency is in charge of leading the meeting and of taking the responsibility of the compromise reached between the various Member States.¹⁸

Finally, the presidency exercises also a representation role, mainly with regard to the external relations. The questions of foreign policy will lead to an increasing prestige and authority, which will affect the presidency as a whole. However, this function has raised concerns about the so-called “primus inter pares” dilemma:

*“As with the other functions fulfilled by the Presidency, the function of external representation involves a dilemma between providing strong and energetic leadership on behalf of the EU and consensus-building in developing common responses within the EU circle”.*¹⁹ The fact remains that, the presidency does not speak in the name of the Community, but in the name of all Member States of this Community, having the possibility of remaining a “primus inter pares”.

2.2. The debate over the permanent presidency

The disputes linked to a possible permanent presidency for the European Council may be seen as indicative in order to understand the ambiguities around this function. This section identifies first the initial reasons of such a debate and considers the different reform proposals.

2.2.1. Reasons of the debate

The first reflections over the success and the limits of the rotating presidency were published only in the 70's.

First of all, the presidency had at his disposition only six months of mandate, which constituted a major disadvantage in terms of continuity, efficiency and adjustment. The presidency had no time to assert itself before it was already time to deliver an assessment of his work. The shortness of the mandate was in some cases also a valid explanation for

¹⁷ Regelsberger Elfriede and Bonvicini Gianni, *The Organizational and Political Implications of the European Council*, in Wessels Wolfgang, *The European Council: Evaluations and Prospects*, European Institute of Public Administration, Maastricht, 1988, p.160-180.

¹⁸ Elgstrom Ole, *The honest broker? The Council Presidency as a mediator*, in Elgstrom Ole, *European Council Presidencies: A Comparative Perspective*, London, Routledge, 2003, p. 30-43.

¹⁹ Bengtsson Rikard, *The Council Presidency and external representation*, in Elgstrom Ole, op.cit., p. 55-70.

an excessive personalization of the function.²⁰ Some presidents like Silvio Berlusconi in 2003, dedicated themselves to assert their personal profile instead of ensuring an efficient management, often because of their interests or domestic pressures.

The domestic pressure constituted a recurring problem for the presidency of the European Council. National interests arrived at the agenda of the presidency with a certain frequency, rendering the mandatory impartiality more challenging. In these conditions, it was more difficult for the presidency to build close ties, capable of furthering the compromise with other Member States.²¹

The principal weakness of the rotating presidency related also to the lack of continuity. Actually, the majority of dossiers could not be solved or completed within a period of six months. Every new presidency needed a period of adjustment, which provoked a waste of time and energy. Another disadvantage of this system was linked to the quick changes between strong and weak presidencies equipped with a different degree of experience and resources.

2.2.2. Advantages of a permanent presidency

The main supporters of the European Council found themselves between the partisans of a permanent presidency. Valéry Giscard d'Estaing and the big Member States were the main leaders during the preparatory work both of the Convention and of the Treaty of Lisbon. The biggest demonstration of this reform appeared in the speech of the Prime Ministers of Spain and Great Britain, José-Maria Aznar and Tony Blair, and of the French President, Jacques Chirac. All these personalities were in favour of a stable President for the European Council, elected among the Heads of Government, but released of national responsibilities. Which were the arguments in order to support such a position?

In a speech at Strasbourg in 2002, Jacques Chirac argued that it was necessary to give the Union a President. Such a figure should embody and represent the Union to the rest of the world and provide the stability, which the European Union needed in order to be stronger.²²

The supporters of a permanent presidency were convinced of the fact that with a longer mandate, it was possible to ensure more continuity to the European Union's action and to provide it with a stronger leadership. In addition to the advantages of the continuity as to both the action and the representation of the European Union, a permanent presidency presented a double convenience.

On the one hand, the person holding such a position was totally devoted to his task since it was not more performing his national mandate, following the example of the President of

²⁰ Council of the European Union, *Operation of the Council with an Enlarged Union in Prospect*. Report by the Working Party set up by the Secretary- General of the Council, Brussels, 10 March 1999 (SN 21139/99).

²¹ CEPS- EGMONT- EPC, *The Treaty of Lisbon: Implementing the Institutional Innovations*, p. 40-45.

²² Chirac Jacques, Speech held in Strasbourg on 6 March 2002, p.10-20. Retrieved from http://www.jacqueschirac-asso.fr/archives/elysee.fr/elysee/elysee.fr/anglais/speeches_and_documents/2007.

the Commission. He became in this way a real and full-time expert of Europe, with the necessary skills and experience. On the other hand, he had the opportunity of getting rid of the domestic pressure, having the possibility of acting in a more efficient way, as an “honest broker”.²³

Moreover, the European Union was increasingly dealing with sensitive issues, which automatically required more coordination between Heads of State and Government. Provide the European Union with a high profile political leader constituted one of the British arguments in favour of a permanent presidency. This was the thesis of the advocates of a lasting presidency for the European Council.

2.2.3. The arguments of the opponents

In the same way as the creation of the European Council caused concern among the small Member States, its presidency raised the same misgivings. The idea of a permanent presidency for the European Council was thus considered as a new attempt to reinforce the power of the big Member States, which already had a more efficient bargaining power.

In general, the opponents will support the establishment of a stronger and powerful Commission or they will advocate the preservation of the rotation mechanism. In June 2002, the Chancellor Gerhard Schröder took a stand against the position maintained by personalities like Blair and Chirac, welcoming the idea of having a President of the Commission, who should be the Chief of the European government.

A couple of months later, a Commission’s communication confirmed its interest about the maintenance of the rotation system, since it emphasizes the European commitment of every single Member State.²⁴ On their side, the Benelux countries supported by a coalition of small countries were in favour of keeping the rotation mechanism and they proposed a reinforcement of the Community method through the election of the President of the European Commission by the European Parliament. The Penelope project of the Prodi Commission tried to raise the Commission statute to the one of “European government”.²⁵

The arguments against the establishment of a lasting presidency showed a series of limits and weaknesses of the function. First of all, the new arrangement would destroy the unity of command of the Council of ministers which ensures a certain administrative and political efficiency. With a permanent President, the General Affairs Council could not more guarantee the good preparation and the monitoring of the meetings of the European Council.²⁶

Moreover, the emergence of an additional figure inside the European presidential scenario could have led to potential rivalries. On the one hand, the external representation and the

²³ Elgstrom Ole, op. cit., p.35-40.

²⁴ Barnier Michel and Vitorino Antonio, *For the European Union: peace, freedom, solidarity*. The Commission’s communication on the institutional architecture, December 2002, IP/02/1802, p. 15-20.

²⁵ Werts Jan, op.cit., p. 144.

²⁶ CEPS- EGMONT- EPC, op. cit., p. 40-55.

sharing of responsibilities would be divided between the different key players of the Union, leading to confusion and disputes.²⁷

The opponents to the rotation system considered that there were also a series of problems, which directly affected the person elected at the head of the European Council. The candidate chosen by the Heads of State and Government could result inappropriate for such a sensitive function. A series of leaders feared the choice of an authoritarian or an incompetent personality.²⁸ As a result, the controversy over the function of the permanent President will not be reduced to purely functional arguments, but was part of the larger debate on the institutional balance of the European Union.

2.2.4. The final compromise

If the debates of the Convention on the Future of Europe were made public in order to bring citizens closer to the European Union, a Presidium was convened to take the main decisions behind closed doors.²⁹

It is in this context that a Franco-German compromise on the question of the permanent presidency of the European Council has been found on 23 January 2003. As we have previously noted, the Franco-German collaboration turned out to be an efficient driving force for the European integration. In the framework of the Convention, it enjoyed a kind of renown and has directly obtained the support of Valéry Giscard d'Estaing. This collaboration has succeeded in reconciling the proposals of Tony Blair and Chirac with certain aspects claimed by Germany and the Benelux countries.

The Foreign Affairs Ministers of France and Germany, Dominique de Villepin and Joschka Fischer, negotiated the compromise. It was established that just like the Commission and the European Parliament, the European Council will obtain a stable presidency. In an enlarged European Union, it was necessary to ensure continuity, stability and visibility to the head of the European Council.³⁰

To meet the requirements of Germany and the small Member States, the arrangement reinforced the position of the President of the European Commission, who will be elected by the European Parliament. Another part of the agreement related to the new function of the European minister of Foreign affairs that will become member of the Commission and will preside the External Relations Council. These two concessions reached the objective of a reinforcement of the Commission and were capable of convincing and reassuring the institutions and the small Member States.

²⁷ CEPS- EGMONT- EPC, op. cit, p. 45-47.

²⁸ Ibidem, p. 50-60.

²⁹ Haroche Pierre, *The President of the European Council: Story of a Constitutional Myth*, European Journal of Common Market Studies, No. 538 2010, pp. 275-288.

³⁰ Villepin Dominique de and Joschka Fischer, *Franco-German Contribution to the European Convention concerning the Union's institutional architecture*, CONV 489/03, European Convention, Brussels, 16 January 2003.

At the level of the Council of ministers, the text offered a solution halfway between the permanent presidency and the rotating presidency. It was agreed that the General Affairs Council will be presided by the General Secretary of the Council. The Ecofin Council, the Eurogroup and the Justice and Home Affairs Council will elect their Presidents for a period of two years among the members of the Council. The presidency of the other configurations of the Council should be organised to guarantee the greatest possible participation of all Member States based on an equal rotation.³¹

The final text approved by the intergovernmental Conference on 29 October 2004 basically mirrored the Franco-German proposal and adopted the minimalist perspective of the small Member States. Devoid of the executive power and of an own administration, the permanent President will limit itself to the function of chairman, working in order to reach a consensus between the European leaders. As for the presidency of the Council configurations, the Member States representatives will ensure it according to a system of equal rotation, except for the one of the Foreign Affairs Council.

The Constitutional Treaty would never come into force. The French and Dutch refusal in a referendum of 2005 will lead to the failure of the European Constitution. The fact remains that this lack of success does not bring repercussions on our object of study since the Treaty of Lisbon reintroduced to a large extent the provisions concerning the European Council and its presidency.³²

Finally, the compromise adopted, presented a double-headed presidential system, with on the one hand a stable President for the European Council, and on the other hand a reinforcement for the function of the President of the European Commission.

After having analysed the arguments and the process, which led to the establishment of a permanent President, it is clear that the debates and the problems addressed during the Convention on the Future of Europe were very similar to the ones present at the moment of the creation of the European Council in 1974.

Moreover, in that period, the creation of the European Council driven by France and the big countries has been compensated by an agreement regarding the election of the members of the Parliament by universal suffrage, a request made by the small Member States. Furthermore, the guarantee that the European Council cannot take formal decisions strangely referred to the limits set for the function of the permanent President. Thus, the European Council, despite a strong initial opposition, has gradually consolidated up to become the key institution of the European Union.

³¹ Ibidem, p. 5- 15.

³² *Treaty establishing a Constitution for Europe*, 29 October 2004, article I-24, Official Journal of the European Union.

SECOND CHAPTER: ASSESSMENT OF HERMAN VAN ROMPUY'S PRESIDENCY

In this second chapter we will concentrate our attention on the most significant events of the presidency of Herman Van Rompuy. Having taken his office in the middle of the most important financial crisis since the launch of the single currency, he had to face numerous turmoils, beginning with the worrying situation of Greece, which was threatening all the Eurozone. In this regard, vital steps had to be taken by the European leaders so to avoid the default of this country. Herman Van Rompuy will be immediately plunged in the management of this crisis and will have to find appropriate solutions in order to ensure the sustainability of the Eurozone and to bring together the countries around a common project.

For this reason, we will analyze these important events at the economic and financial level, which will give Herman Van Rompuy the possibility of taking the initiative regarding a favourite subject, namely the economy. Moreover, we will deal with other key events of his mandates like the creation of the Task Force, the adoption of the Six-Pack and the establishment of the Fiscal Compact, to demonstrate that the permanent President exercised both a collaborative and entrepreneurial leadership. Having a good knowledge of the subject, he will be able to use the techniques of setting the agenda and of leadership in order to upgrade his function and to get noticed.

The other aspect on which we will concentrate is the one of the external relations, in particular the emergence of the Arab Spring and the question of the enlargement, where the result has not met the expectations, mainly because of a less pronounced leadership. Having a lot of experience and extensive personal networks, the Heads of State or Government of big countries like France, Germany and the UK are very much involved in dealing with foreign policy issues and try to lead the work of the European Council in this field.

While analysing the presidency of Herman Van Rompuy, it will be important to pay attention to the relations that the President developed inside the European institutions. Whether with the President of the Commission or with the leaders of the different European countries, the permanent President will have to find a course of action to follow so that to successfully carry out his mission.

To get started, it is necessary to concentrate our attention on the main events which led to the election of Herman Van Rompuy and on his first steps.

3.1. The appointment procedure of Herman Van Rompuy

The controversies over the choice of the permanent President have been debated for a long time in the media. However, in order to better understand the motivation of this kind of

decision it is useful to analyze the events which led to the appointment of Mr. Van Rompuy.

The choice of the first President of the European Council was tightly linked to the discussions regarding the establishment of this new post. For this reason, the new figure had to comply with some criteria typical of the European diversity. Following the treaty of Lisbon, the appointment of the most important figures for the European Union must be decided taking into account the demographical and geographical diversity of the Union and of its Member States.³³

During the nomination of important figures like the President of the Commission, the High Representative and the President of the European Council, due attention should be paid to maintain the necessary equilibrium between old and new States, big and small ones, between women and men as well as balancing the political trends of the Union. In June 2009, the elections for the Parliament resulted in the victory of the centre-right inside the six big Member States, confirming the fact that the European People's Party was the biggest political group of the European Union.³⁴

This event has certainly been of great help for the decision of extending the mandate of the President of the Commission, José Manuel Barroso. Moreover, the new function of President of the European Council has been offered in a first round to Tony Blair, ex leader of the Labour Party. His personality was certainly in line with the criteria requested for the appointment of these figures, since he came from a Northern country and he was from the Left, contrary to Mr. Barroso.

Despite the initial backing from Nicolas Sarkozy, the former British Prime Minister was perceived as too Atlanticist, too unpredictable and too prone to political grandstanding. It was also feared that he would have great difficulty in co-existing with the figure of the High Representative, trying to subordinate that personality to his own.

Moreover, some European leaders had bitter memories of his collaboration with George W. Bush in launching the invasion of Iraq, an episode which had profoundly split the Union at a time when it was trying to strengthen its capacity to speak with a common voice in the field of foreign policy.³⁵

The candidacy of Tony Blair as President of the European Council was completely abandoned at a dinner in October 2009 in Paris, during which the French-German couple formed by Sarkozy and Merkel debated about the advantages of placing Herman Van Rompuy at the head of this institution. At the end of October, before the start of the European Council summit, the leaders of the socialist parties delivered a communication in the United Kingdom by informing Gordon Brown of the fact that an understanding was reached with the European People's Party. In this regard, it was decided that the function of permanent President would have been performed by a leader of the centre-right and a personality from the Left would fulfill the post of High Representative.³⁶

³³ Article 15 paragraph 6 and article 17 paragraph 7 TEU.

³⁴ Barber T., *"The appointments of Herman Van Rompuy and Catherine Ashton"*, Journal of Common Market Studies, vol. 58, issue s1, pp.10, 2010.

³⁵ Barber T., op.cit.

³⁶ Addley E., *"Exit Tony Blair, enter Herman Van Rompuy, frontrunner for top EU jobs"*, The Guardian, November 2009.

Having marginalized Blair, the three Heads of Government which showed interest for this post were the ones representing the countries, which initially were against the creation of this figure: the Prime Minister of Luxemburg, Jean-Claude Juncker, the Prime Minister of the Netherlands, Jan Pieter Balkenende, and of Belgium, Herman Van Rompuy.³⁷

The Dutch Prime Minister Balkenende, President of the Christian Democratic Appeal party, was in power in the Netherlands since 2002. As a successor of Jaap de Hoop Scheffer, he had obtained a resounding victory at the 2002 elections, mostly because he was able to distance himself from those who had demonized the extreme-right leader Pim Fortuyn.

Jean-Claude Juncker, contrary to Herman Van Rompuy and Balkenende, was a very well-known figure in Brussels. Since 1995 he had held the post of Prime Minister of Luxemburg, he was appointed as Finance Minister and he was also at the head of the Eurogroup since 2005, being reappointed three times for this function.³⁸

Herman Van Rompuy, a Flemish Christian Democrat, was a low profile and moderate figure who obtained good results on the Belgian political scene. At the European level, he was little known, but his first appearance at the European Council of March 2009 will not go unnoticed: the Secretary-General of the Council, Pierre de Boissieu, was convinced of the fact that Mr. Van Rompuy had the ideal profile to perform this new post. Despite an initial reluctance, Van Rompuy will realize that the public opinion would be proud to see a compatriot at the head of the Union, after the failure of Guy Verhofstadt and Jean-Luc Dehaene to become President of the Commission.

Jean-Claude Juncker did not need to campaign for this position because he was well-known inside the European Union. However, he will try to build a coalition of small Member States to counterbalance the decision of Germany, much more in favour of new personalities who could relaunch the Union.

The Dutch had launched an active campaign, to support the position of Jan Pieter Balkenende, given his upcoming retirement from the national scene. Nevertheless, even if he was present at all the European Councils since 2002, he appeared as a limited figure, as somebody who would not have been able to propose a global vision of the European policies.³⁹

The President-in-Office of the European Council, Fredrik Reinfeldt, sympathized for this personality, but this had not been confirmed by his colleagues coming from the big Member States and as a matter of fact he was out of the picture before the meeting of November 19; having understood the situation Mr. Balkenende decided to retire his candidacy before the beginning of the summit.

The third candidate was Herman Van Rompuy. The Belgian Prime Minister could not openly start a campaign, but he will commission his staff to closely follow the efforts of the Swedish Prime Minister. Given the recent history, the biggest obstacle was to convince the British Prime Minister that he could have been a valid personality at the head of the European Council. Fortunately, Gordon Brown appreciated Mr Van Rompuy: being both

³⁷ Theakston K. and de Vries J., *Former leaders in modern democracies*, Palgrave Macmillan, 2012.

³⁸ De Ruyt Jean, *Le leadership dans l'Union européenne*, Presses Universitaires de Louvain, pp. 30-45, 2015.

³⁹ Barber T., *EU embarks on voyage of discovery after Lisbon*, Financial Times, October 2009.

pragmatic and economists, they had the possibility of sharing their opinions in a bilateral meeting, during which they referred to the economic crisis.⁴⁰

Ultimately, the British government had not strong reactions regarding the failure of the candidacy of Tony Blair, mostly because they perceived the personality of Herman Van Rompuy as an acceptable one. Contrary to Jean-Luc Dehaene and Guy Verhofstadt, two figures who received the veto from Great Britain in 1994 and 2004 for being federalist, Mr. Van Rompuy was perceived as a person who will not advocate ambitious schemes of integration inside the Union, leading to a heated debate in British politics.

Moreover, before participating to the European Council summit of 19 November, Mr. Van Rompuy will also receive the French support from the part of President Sarkozy.⁴¹ Lastly, on the way out of the meeting between the EU leaders, he will encounter Jean-Claude Juncker who will acknowledge his defeat.

3.2. Interaction with the European actors

In this part of the chapter, we will consider the relationship that Herman Van Rompuy established with important figures of the European Union in order to verify our second hypothesis: By means of a series of interactions with European actors, as well as with Heads of State and Government, Herman Van Rompuy was able to find a place within the European leadership and to transform the figure of the permanent President of the European Council into a pivotal one.

Given the lack of formal power of the permanent President, these informal links were very important for this figure since they have allowed Mr. Van Rompuy to exercise an entrepreneurial leadership.

3.2.1. Interactions with the rotating presidency

First of all, we have to observe that there is a privileged relationship between the Council of ministers and the European Council. As a matter of fact, President Van Rompuy used to meet the members of the General Affairs Council on the days preceding the European Council summits. The personality called to hold the rotating presidency had a very important role to play next to Mr. Van Rompuy. The Head of State or Government of this Member State participated to the meetings organized before the summits of the European Council and advised the permanent President for significant issues, while dealing also with sensitive problems.

⁴⁰ Howorth J., op.cit, pp.17.

⁴¹ De Ruyt J., op.cit.

The Prime Minister responsible for the rotating presidency of the Council is also an important figure who can establish a link between these two institutions, since he is both member of the European Council and in contact with the ministers of his country. It is for this reason that President Van Rompuy has established regular meetings with this figure, both in the run-up to the summits of the European Council and at the beginning of each presidency in order to guarantee the follow-up of all decisions.

Establishing a good contact with the rotating presidency after the entry into force of the Lisbon treaty, represented a huge challenge for Mr. Van Rompuy.⁴² The ten countries President Van Rompuy had to work with, during his presidency, go from big and small founding countries like Italy and Belgium, to big and small new countries as Poland and Cyprus.

Moreover, having missed the opportunity of presiding the European Council because of the new arrangements of the Lisbon Treaty, may have transformed the holding of the rotating presidency into a negative experience for the new Member States.⁴³

The first country that held the rotating presidency from January to June 2010 was Spain. The attitude taken by this presidency under the Permanent President has set a path which was followed also by the other presidencies. After being appointed at the head of the European Council, Mr. Van Rompuy visited Madrid in November 2009 and he came to an understanding with President Zapatero about the establishment of a working group which should help the coordination between the rotating presidency and the permanent presidency.⁴⁴

This group was formed by members of the Foreign Ministry and representatives of the staff of Van Rompuy and Zapatero. The working group revealed to be very useful since it created a common agenda to be followed inside both institutions, dealing with job creation and economic recovery. The implementation of the reforms concerning the rotating presidency were difficult to accept for Prime Minister José Luis Zapatero, as confirmed by his discourses and actions, from which we can understand that he had the hope to play a more outstanding role.⁴⁵

In particular, Prime Minister Zapatero was really determined to host the EU-US summit in Madrid, rather than in Brussels and such an event was one of the examples that confirmed Zapatero's desire of being influential inside the European Union. However, the American President Barack Obama decided to cancel the summit and this resulted in a complete embarrassment for the Spanish government and the European Union as a whole.⁴⁶ After a few months an EU-US summit was nevertheless organised in Lisbon on the 20 of November 2010, in the margins of the NATO summit.

⁴² Kaczynski Piotr Maciej, *"Polish Council Presidency 2011: Ambitions and Limitations"*, Swedish Institute for European Policy Studies, pp. 34, 2011.

⁴³ Crum Ben, *"Accountability and Personalisation of the European Council Presidency"*, Journal of European Integration, vol.31, No. 6, November 2009.

⁴⁴ Closa C., *"Institutional Innovation in the EU: The 'Permanent' Presidency of the European Council"*, Instituto de Políticas y Bienes Públicos (IPP) CSIC, Working Paper, pp. 25, 2011.

⁴⁵ Bergmüller Florian, *"Spain's Europeanist Presidency: Solid Starting Block for the European Council President and High Representative?"*, SWP Working Paper 2010/06, Berlin, Stiftung Wissenschaft Politik, 2010.

⁴⁶ Closa C., op.cit, pp. 19.

Concerning the external role of the permanent president of the European Council, the Spanish presidency has played a significant role in helping Van Rompuy to take the lead. In this regard, the attitude of the Spanish rotating presidency was quite instrumental because it agreed that Van Rompuy could chair all the bilateral summits scheduled during that period in Spain (Central America, Caribbean, Latin America and Mercosur).⁴⁷

The following Belgian presidency was not more successful than the Spanish one for a series of reasons. Actually, at that period Belgium was characterized by a caretaker government and for this reason it would have been unable to exercise a strong role and put into question the authority of the permanent President.⁴⁸

The Belgian presidency of the Council of Ministers during the second half of 2010 was the first to operate under a fully implemented Lisbon regime, since the Spanish presidency of the first half of 2010 still appeared as a transitional phase. The Belgians acknowledged institutional change and from the beginning they adopted a low profile to comply with it.

This country hoped to establish a very close relationship between the European Council President and the rotating presidency. The words of Drieskens contributed to confirm this understanding, as he stated that *"It is clear... that the Belgian diplomatic corps is putting itself at the service of Van Rompuy. ... By doing so, Belgium not only wants to ensure the smooth implementation of the Lisbon Treaty, but also hopes to introduce practices that will be followed by future rotating Presidencies"*.⁴⁹

The Belgian presidency was generally considered to be a success; however, this came with a price. Actually, the Belgian rotating presidency accepted leaving the lead to Herman Van Rompuy, basing itself on the consideration that this should be the way things would work.

A good example of this development was represented by the Roma crisis in 2010 and the subsequent misunderstandings between the European Commission and France. At that time, the Justice and Home Affairs Council chaired by Belgium revealed to be very careful about its declarations and refused to take sides.⁵⁰

The presidency of Belgium which supported the leading role of the permanent President was well equipped to set the path and to initiate this new institutional practice.⁵¹ The Polish model of the rotating presidency was more political than functional, but at the same time it did not exasperate both President Van Rompuy and the members of the European Council, leading to a situation in which the two figures worked pretty well in practice. The other seven Member States which took the rotating presidency after Poland decided to follow the path set by the Belgian presidency, which introduced a "functional" or "administrative" model for the Council presidency.

⁴⁷ Gonzalez Miguel, "Zapatero cedes protagonism to Rompuy. The new leader of the EU will take the lead", El Pais, December 2009, accessed on 14 April 2017.

⁴⁸ Foret François and Rittelmeyer Yann-Sven, "The European Council and European Governance: The commanding heights of the EU", London, Routledge, pp.15, 2013.

⁴⁹ Drieskens Edith, Van Hecke S. and Bursens P., "The 2010 Belgian Presidency: Driving in the EU's Back Seat", Swedish Institute for European Policy Studies, pp.41, December 2010.

⁵⁰ Foret François and Rittelmeyer Yann-Sven, op.cit, pp. 26.

⁵¹ Kirkpatrick Andrew, "Review of Belgium: Readjusting the Council Presidency: Belgian Leadership in the EU", edited by S. Van Hecke and P. Bursens, Brussels: ASP, 2011, Journal of Common Market Studies, 50:5, 2012.

As we can observe, there are many interdependences between both the rotating presidency and the President of the European Council. Close ties between these two figures are needed so that the Union's institutional machinery can function effectively. In this regard, Van Rompuy and his staff decided to build this relationship before a country assumed the function of the rotating presidency.

Actually, the permanent president of the European Council collaborated with each rotating presidency via the Trio.⁵² This group formed by the three countries, which will be called to hold the rotating presidency, was launched in 2007. The aim of the Trio was to improve continuity and efficiency in the functioning of the rotating presidency by having group of countries which collaborate for a period of eighteen months.

Finally, we have to keep in mind that it is important not to overlook the role of the rotating presidency, even if this figure has lost some powers after the entry into force of the Treaty of Lisbon. As a matter of fact, the rotating presidency is still very useful to the President of the European Council and it continues to have a fully developed role inside the European leadership.

3.2.2. Cooperation with Heads of State

Even if the President of the European Council is not allowed to take the final decision, but this is a prerogative of the Heads of State and Government, he has the power of setting the agenda and this gives him the possibility of expressing his ideas.

Differently from what happens within a national government, in the case of the permanent president of the European Council it is more difficult to establish contacts with all the actors. While at the national level, the Head of State or Government works with the same individuals in most of the cases, the President of the European Council is confronted with a continuous change regarding different Members of the Council because of national elections and he is called to establish a good relationship with each representative inside the Council.⁵³

Moreover, he can not collaborate with the same leaders of the Member States and those develop different ideas in comparison with their predecessors, which represents a very complicated situation in order to get to a final understanding. In this regard, it is necessary to try to find a common ground with each Head of State or Government, who is a member of the European Council.

During his mandates, Mr. Van Rompuy has cultivated good relations with national leaders. In this context, Herman Van Rompuy was called to aggregate the different positions to be capable of reaching the compromise between European Member States.

To this end, in order to be informed of the different positions and have the possibility of meeting privately the other members of the European Council, President Van Rompuy has

⁵² Fernández Pasarín A., "Change and stability of the EU institutional system: The communitarisation of the Council Presidency", *Journal of European Integration*, Vol.30, N°5, pp. 617-634, 2008.

⁵³ Van Rompuy H., "Europe in the Storm. Promise and Prejudice", Davidsfonds, Brussels, pp. 110, 2014.

used the so-called practice of touring the capitals, visiting all of them once a year. The idea of the permanent president was that all members of the Council should leave negotiations as winners and in this regard, during his mandates, he has strongly insisted on the fact that all countries should be involved when decisions are taken inside this institution.⁵⁴

This role of conciliator can be also confirmed through potential confessionals, which can be organized by the permanent president of the European Council. This last practice has continued to become very important for President Van Rompuy.

The purpose of these confessionals and their utility has been clearly explained by the French Prime Minister Lionel Jospin, who stated that: “*These bilateral meetings will give the possibility to listen to the questions of major concern for each delegation and to test a series of solutions in order to reach consensus*”.⁵⁵

Therefore, President Van Rompuy succeeded in establishing good contacts with the Heads of State and Government. Despite the economic crisis at the beginning of his mandate, he was able to instil solidarity between the countries and it is for this reason that states of the Eurozone but also those of the European Union as a whole collaborated in this situation, leading to the stability of the single currency.

3.2.3. Relation with the Franco-German couple

Concerning the relationship between Mr. Van Rompuy and the Franco-German duo, he has established solid contacts with these actors, which are the pillar of the European stability. Nevertheless, given the extent of the economic crisis, the President of the European Council had to tackle some conflicts inside this duo. The discrepancies between the economic policy of France and that of Germany has certainly challenged not only his mediator capacities, but also his ability to preside over the discussions.⁵⁶

President Van Rompuy has discussed in various occasions about the necessity of reaching a common position between France and Germany inside the European Union. During his mandate, Mr. Van Rompuy has realized that the only alternative is to pay attention to the leaders of the two most powerful Member States of the Eurozone. While taking into account the differences regarding the economic and political culture, an agreement between these two countries could provide a reasonable basis for negotiation around which every participant could meet.⁵⁷

However, it has been difficult for President Van Rompuy to preside the European Council in the presence of two big players like Merkel and Sarkozy, whose own relationship was

⁵⁴ Conseil européen, *Discours d'acceptation de Herman Van Rompuy à l'occasion de sa nomination à premier Président permanent du Conseil européen*, 19 novembre 2009.

⁵⁵ Rittelmeyer Yann-Sven, “*The Institutionalization of the European Council Presidency: Institutional Dependence and Franco-German Inflections*”, *Politique européenne*, nr. 35, pp. 55-82, 2011.

⁵⁶ Van Rompuy H., “*Europe in the Storm. Promise and Prejudice*”, Davidsfonds, Brussels, 2014.

⁵⁷ Spiegel Online, “*Reactions to the Greece package*”, July 2011, available at <http://www.spiegel.de/politik/ausland/0,1518,775858,00.html>.

really consolidated. Despite deep personal differences between them and the divergent policy preferences of their own governments, the two leaders did not have much room of manoeuvre than to work together in order to respond to the Eurozone crisis. Initially, they seemed far apart.⁵⁸

In 2010, following a typical French position, Sarkozy claimed a form of economic governance inside which the role of the national leaders of the Eurozone countries would have been strengthened and he also suggested a degree of political involvement in the functioning of the European Central Bank. On the other side, Angela Merkel refused the idea of creating new institutions, referring mainly to frequent meetings of the Eurozone Heads of State and Governments and she also expressed herself in favour of the independence of the ECB.⁵⁹

Apart from these different established national positions, Chancellor Merkel seemed astonished by the amount of Greece's debt and uninformed of its consequences for both the stability of the Eurozone and of German creditors. The position taken by the German Chancellor was viewed by many leaders inside the European Union as being extremely prudent and also ill-considered. When she decided to take a decision, on 11 February 2010, Angela Merkel stand firm on the involvement of the IMF in any bail-out, she also considered that support should have been given to Greece as a last resort and lastly, she insisted on reforming the Stability and Growth Pact.⁶⁰

The way in which Angela Merkel proposed her decision followed clearly the direction of the Franco- German couple. First of all, she succeeded in persuading President Sarkozy about this position, despite the fact that the French leader had been always against the involvement of the IMF since this could have confirmed the inability of the European Union to face the economic crisis in an independent way and because this would have certainly strengthened the profile of Dominique Strauss-Kahn, the former Director of the IMF, a potential competitor in the then upcoming French presidential election of 2012.

The leaders of France and Germany decided to present their plan to the others Eurozone Heads of State and Government during a pre-summit on 25 March 2010, a plan which appeared as a proposal formulated by the Franco-German tandem. Therefore, the European Council found itself in front of a *fait accompli* and was not able to do anything else but to agree on the Franco-German proposal for a Greek rescue package. Nevertheless, on this occasion Merkel was viewed by the other Eurozone leaders as someone concentrated on the national interest and indifferent in solidarity among the European Member States.⁶¹

Other examples related to this fear of a "Directorate" inside the European Union has been raised by the press. This ranges from the agreement adopted without prior notification in October 2010 at Deauville. This deal has been established in a particular context because

⁵⁸ Dauvergne A., "The Treaty of Lisbon: Assessment and prospects as of summer 2011," Notre Europe, October 2011.

⁵⁹ De Schoutheete Philippe, "The European Council and the community method", Jacques Delors Institute, Policy Paper 56, pp. 18, 2012.

⁶⁰ Dinan Desmond, "Governance and Institutions: Implementing the Lisbon Treaty in the Shadow of the Euro Crisis", Journal of Common Market Studies, Volume 49, pp.103-121, 2011.

⁶¹ Höing Oliver and Wessels Wolfgang, "The Franco-German tandem in the European Council after Lisbon", Centre international de formation européenne, L'Europe en Formation, n°362, pp.81-100, 2011.

in October 2010 national leaders had scheduled to debate on a funding mechanism to replace the European Financial Stability Facility, introduced in May 2010.

Shortly before the summit, the Franco-German couple came together in Deauville and delivered a statement that they expected the European Council had to follow. Differently from the previous episode, Angela Merkel did not enforce her own decisions, but she took into consideration some suggestions designed by the French President Sarkozy. Chancellor Merkel agreed on the fact that sanctions should not be imposed automatically, but should be left at the discretion of the national finance ministers.⁶²

In exchange, Sarkozy consented to the idea of Merkel about sanctioning the transgressors of the Stability and Growth Pact by making them lose their voting rights in the Council. This proposal was among the most contested ones and for this reason, Angela Merkel decided to renounce to the idea of sanctioning the countries, but a deal was reached with the other leaders concerning a possible amendment to the Treaty of Lisbon enabling the creation of a permanent bail-out mechanism.⁶³

The details were debated before and during the 2010 October and December meetings of the European Council. In this occasion, the Eurozone leaders came to the understanding changing the Lisbon Treaty so that to create the European Stability Mechanism and to introduce a provision according to which this mechanism would have been triggered only if necessary for the stability of the Eurozone.⁶⁴

Merkel's close collaboration with Sarkozy certainly highlighted the centrality of the Franco-German partnership in the European Union decision-making. For this reason, even if David Cameron was personally closer to Merkel, the history of his country inside the EU and its lack of involvement in the Eurozone cancelled out the creation of an important Anglo-German tandem, which could have competed with the Franco-German couple.⁶⁵

In this difficult situation, President Van Rompuy was able to position himself as a skilful conciliator. On the one hand, he was capable of maintaining a trust relationship with the Franco-German duo and on the other hand he reassured all the European countries about his impartiality, thanks to a balanced approach during debates and to his effective involvement regarding the preparation of meetings.

⁶² De Schoutheete Philippe, "The European Council and the community method", Jacques Delors Institute, Policy Paper 56, 2012.

⁶³ Dinan Desmond, "Governance and Institutions: Implementing the Lisbon Treaty in the Shadow of the Euro Crisis", Journal of Common Market Studies, Volume 49, pp.103-121, 2011.

⁶⁴ Dinan Desmond, "The Post-Lisbon European Council Presidency: An Interim Assessment", West European Politics, pp. 35, 2013.

⁶⁵ Toth Annamaria, "Herman Van Rompuy: How to be friends with everyone without being liked by anyone", Nouvelle Europe, March 2012.

3.2.4. Relation established with the President of the Commission

Another important interlocutor for President Van Rompuy was the President of the Commission. Since the creation of the European Council, the relation between these two leaders was extensively discussed by a series of scholars and political personalities. Even if a lot of forecasting communicated the possibility of a significant rivalry between these two personalities, it appears that a shared understanding was settled between them.

Following the declarations made by the latter, the two leaders agreed on the fact that the absence of a good understanding and the existence of power games could have provoked negative consequences for the European Union and its weakening.⁶⁶ Besides being called to work together on a daily basis, a close collaboration was essential between President Van Rompuy and the President of the Commission Barroso to safeguard the smooth conduct of European policies.⁶⁷

The entry into force of the Lisbon Treaty has contributed to the development of the relationship between these figures since it called a more stable cooperation. Actually, according to article 15(6) of the Treaty on the European Union, the President of the European Council has to cooperate with the President of the Commission when ensuring the preparation and continuity of the work of the European Council. Moreover, as a member of the European Council, the Commission President has to participate in the drafting of its agenda and conclusions.⁶⁸

Treaty provisions like article 15(6) of the Treaty on the European Union also require cooperation between the two Presidents when preparing the work of the European Council– whether when the President of the European Council establishes the annotated draft agenda of its meetings or when preparing its decisions or conclusions (Article 3(1) of the European Council Rules of Procedure).⁶⁹

In order to give full effect to the provisions of the Treaty and try to avoid misunderstanding between them, the two Presidents have agreed to meet each other every week in order to debate about the agenda of the European Council. Furthermore, the way in which the European Council is composed helps to promote the collaboration between these two Presidents. Actually, the President of the European Commission is a full member of the European Council and consequently he is bound by the conclusions adopted inside this institution.⁷⁰

However, during the debt crisis and with the proposals for a new economic governance, the distribution of labour between these two figures did not appear so noticeable. Member States decided to ask Mr. Van Rompuy to undertake relevant studies and make recommendations which should have been assigned to President Barroso.

⁶⁶ Speech by Herman Van Rompuy at the European Parliament, PCE 135/10, June 2010, available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en.pdf.

⁶⁷ Closa Carlos, “*Institutional Innovation in the EU: The Permanent Presidency of the European Council*,” Instituto de Políticas Y Bienes Públicos, pp. 29, 2011/06.

⁶⁸ Article 15 paragraph 6 TEU.

⁶⁹ Article 3 of the European Council Rules of Procedure.

⁷⁰ Jacqu  J.P., “*The Councils after Lisbon*”, *Revue des affaires europ ennes*, 2012/2.

This situation which was contrary to the traditional manner of proceeding became the rule for the European Council meeting of March 2011, which was convened in order to find appropriate solutions for the economic crisis. In particular, the help and the expertise of the Commission services remained essential for the President of the European Council to implement the mandates entrusted to him.⁷¹

Moreover, what we should observe is the fact that the contacts established between these two personalities have also been successful for the development of new topics, which could help make the Union stronger. By way of example, the last meetings between these leaders have contributed to shape the 2013-2020 multiannual financial framework.

President Van Rompuy gave a voice to the interests of the European leaders, since he explained why the European Union's budget could not become so far-reaching as initially planned by the European Commission, given the fiscal position in most European States.

During his mandate, the President of the European Council has also worked in conjunction with José Manuel Barroso in some key areas for the European Union. Thanks to their collaboration, they were both able to represent the Union on the international stage. In particular, with regard to the foreign policy of the European Union, the President of the European Commission, alongside Mr. Van Rompuy, is called to speak on behalf of the Union during the meetings with high-level figures from around the world.

Moreover, Mr. Van Rompuy and Mr. Barroso decided to set up a series of rules. In particular, at international meetings at the level of Heads of State, the Presidents of both the European Council and the European Commission are responsible to personify the Union on the global stage.⁷² The division of the interventions will be established between the two Presidents, bearing in mind article 15 and 17 of the TEU.⁷³

For the arrangement of summits like the G8 and G20, where the leaders of the world's largest advanced and emerging countries meet to deal with the critical issues affecting the global economy, both Presidents will designate one personal representative. An agreement has been reached according to which the personal representative of the President of the European Commission will be the G20 assistant. Conversely, the personal representative of the President of the European Council will be the G8 assistant. These assistants will together determine their working methods and they will collaborate with different agents.⁷⁴

As we have previously observed, a lot of interactions took place between the President of the European Council and the President of the Commission both in an informal and formal way. The European Council could confer a series of mandates to the Commission to fulfil some requirements and to develop crisis management mechanisms. Although the dispute between the President of the European Commission and the European Council has been

⁷¹ Ludlow Peter, "The European Councils of February and March 2011", EuroComment, Briefing Notes, Vol 8. N° 5 and 6, pp. 45, August 2011.

⁷² President Van Rompuy: joint letter with European Commission President José Manuel Barroso on EU priorities for the G-20 summit, June 2010, available at http://www.consilium.europa.eu/uedocs/cms_data/pressdata/en/115454.pdf.

⁷³ De Schoutheete Philippe, "The European Council and the community method", Jacques Delors Institute, Policy Paper 56, pp. 21, 2012.

⁷⁴ Kaczyński, Piotr Maciej et al., "The Treaty of Lisbon: A Second Look at the Institutional Innovations", Joint CEPS, EGMONT and EPC Study, pp. 47, September 2010.

predicted by the experts, a mutual interest developed between the two, was able to defeat such pessimistic forecasts.

3.2.5. Contacts with the European Parliament

The contacts between the European Council and the Parliament remained limited following the Treaty of Lisbon. Actually, the links between these two institutions were activated only during two important moments of the Union's calendar.

At the beginning of each European Council summit, the President of the Parliament illustrates the position of this institution to the members of the European Council. In return, the President of the European Council presents the activities carried out during his work to the members of the European Parliament and he also opens a debate concerning the results achieved at the most recent summit.

Even if both institutions communicated to their counterpart the kind of activities carried out during their mandates and even if these statements gave the possibility to these two institutions to perform a formal exchange of views, these aspects were nevertheless limited in scope. The value of these positions remained only declaratory and did not correspond to the legislative consultation that European parliamentarians have demanded since the creation of the European Council.⁷⁵

To provide an example of these formal arrangements, we can refer to the monthly meeting organized between Mr. Van Rompuy and Mr. Buzek in order to discuss co-operation between the European Council and the European Parliament and to follow up on each summit's conclusions. These two Presidents worked well together also because they shared an ideological affinity, being on the centre-right.⁷⁶

These consultations ensured that when providing the political impetus for the development of political priorities, the European Council was informed about the position of the Parliament and could consider it.

An example of this was the discussion that Mr. Buzek had with the European leaders regarding the 2011 EU Budget during the European Council summit of October 2010. In this occasion, he underlined the fact that the Parliament was in favour of a consistent budget so that the Union would have been able to realize its policies and he also pointed out the disequilibrium between increasing competences and diminishing funding.

The intention of the speech delivered by the President of the Parliament was to show that the annual budget was only one per cent of the Member States' national income, that the

⁷⁵ Dinan D., *"The Post-Lisbon European Council Presidency: An Interim Assessment"*, West European Politics 36/6, October 2013, p.1260-1262.

⁷⁶ Dinan D., *op.cit.*

budget has been underspent and that the Union has to give unspent money back to the European governments.⁷⁷

The tone of Van Rompuy's dealings with the Parliament changed when Martin Schulz became president in January 2012. First of all, Schulz, as a leader of the Socialist Group, was on the opposite side politically from Van Rompuy. Moreover, Schulz was much more forceful than Buzek and his aim was to turn the Parliament presidency into a powerful political position. This decision created a sort of alarm among national leaders, who preferred to keep the European Council far away from the European Parliament.⁷⁸ Despite these initial expectations, Mr. Van Rompuy met Schulz regularly and spoke frequently at Parliament plenary sessions.

Coming back to the question of the interactions between the Parliament and the President of the European Council, we have to note that despite the fact that contacts remained quite limited after the Lisbon Treaty since Mr. Van Rompuy did not always get a cordial reception from the part of some Eurosceptic MEPs, he has always paid particular attention to the good relationship with the European institutions and it is for this reason that he showed interest in having a more far-reaching contact with them, just from the beginning of his mandate.

Herman Van Rompuy decided to inform and to communicate with this institution as early as possible to get it involved in defining the European policies. Consequently, from the outset of his first mandate, Mr. Van Rompuy has established informal contacts with the Parliament, with the leaders of the political groups and with key figures like the rapporteurs.

Such an approach has been confirmed by the President of the European Council in his speech of February 2010 delivered in front of the European Parliament. On this occasion, Herman Van Rompuy affirmed that: *"As regards my relationship with the European Parliament, the Treaty is quite brief on this. It simply requires that I report to you after meetings of the European Council. That means a minimum of four times a year, though in most years that is more likely to be five or six and may, in the future, rise to ten. (...)*

I will continue to multiply other useful contacts with MEPs such as the meetings I have begun with leaders of Groups and the monthly meeting I have with your President".⁷⁹

This declaration soon became reality because Mr. Van Rompuy held a meeting with seven chairs of EP committees and the leaders of party groups and addressed the European People's Party and the Party of European Socialists group meetings on 3 March 2010.⁸⁰ While these meetings improve communication and mutual knowledge and foster interpersonal conferences, they are not truly mechanisms of accountability but rather instruments for interinstitutional relations.

⁷⁷ Buzek Jerzy, "State of the Union: three cheers for the Lisbon Treaty and two warnings for political parties", Journal of Common Market Studies, vol.49, pp. 7-18, 2011.

⁷⁸ Dinan D., op.cit.

⁷⁹ European Council, "Speech by Herman Van Rompuy, President of the European Council at the European Parliament," February 2010, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/113028.pdf.

⁸⁰ Closa Carlos, "Institutional Innovation in the EU: The Permanent Presidency of the European Council," Instituto de Políticas Y Bienes Públicos, 2011/06, p.19.

3.3. Assessment of the main events presided by Herman Van Rompuy at the head of the European Council

3.3.1. An enabling environment: the economic crisis and the first informal meeting of February 2010

During the formal assumption of office of Mr. Van Rompuy, the economic crisis of the Eurozone becomes even more acute and the situation is getting increasingly critical. To better understand the context which characterizes the mandate of the permanent President and the challenges of this function, it is necessary to go back to 2006. At that time, in the United States, the mortgage loans later defined as “subprimes” accounted for 10% of the mortgage market. However, an excessive reliance in the sustainability of the economic conditions is meant to lead to an over-estimation of the value of the dwellings, one of the factors which has contributed to a huge real estate bubble.

The bursting of the speculative bubble has then marked the beginning of the financial crisis in the United States. Following the American banking problems and the bankruptcy of the investment bank Lehman Brothers, the crisis reached all the countries of the European Union by September 2008. Facing this situation, the Member States intervened to rescue the banks, a decision which led to the increase of deficits and public debts.⁸¹

The presidency of Herman Van Rompuy begins in an even more confusing context because in the autumn of 2009 Greece is experiencing a change of government. Furthermore, at the European Council meeting of December, the Greek Prime Minister Papandreou revealed the terrible state of his country’s public finances. By addressing his colleagues, he was not afraid to hide the fraud and the corruption present in his country. In this occasion, he even showed the real figures for the deficit, closer to 15%.

Thanks to his strong affirmations, Prime Minister Papandreou was able to shock but also to impress the other Heads of State and Government. This significant heartfelt appeal offered the possibility to Mr. Van Rompuy to take his first decisive actions, but no one foresaw how the Greek situation would have set in motion a series of events that would influence the work of the European Council for the following years.

It was in this turbulent context that the first informal summit was officially held by the new President of the European Council. After having taken over the official functions, his answer to these first problems were handled with great care and a series of consultations. This meeting, initially intended as a summit between the Heads of State and Government to define the future common strategies was completely redefined because of the Greek episode. The Greek crisis was not a recent one like it was outlined by the Commission in one of its reports a few days earlier, but the fact that the Greek problem came only a month after that Mr. Van Rompuy arrived at the head of the European Council, this event will directly involve this figure from the very beginning.

⁸¹ Paulo S., *“Europe and the global financial crisis: taking stock of the EU’s policy response”*, Foundation Robert Schuman, pp. 12, 2011.

On the one hand, this was an extraordinary opportunity to show to the whole of Europe that he was able to handle this kind of event and of crisis. However, conversely, inheriting such a large-scale file, which was about to explode for many years, could have been very disturbing for his first mandate. The Commission, while focusing its attention on the case of Greece, established that this country was developing an economic policy in contradiction with the one of the other Eurozone members.

Despite the fact that the wake-up call was provided also by the European Central Bank and by the European Council in 2009, the Greek finances continued to deteriorate. For this reason, the European institutions under the leadership of the President of the Commission and of the President of the European Council had to react to avoid that the crisis would have extended to the other Member States. Nevertheless, these two figures could not have acted without the approval of the Member States, since when it comes to the economic subjects, it is mainly the Member States who have the final say, given the fact that only countries have capital available. Moreover, the European institutions are behind the initiative of certain decisions, but at the same time they are unable to act without the Member States.⁸²

In this case, the role of Herman Van Rompuy was dual, on one side having to intervene to find the best possible solutions together with the other European institutions and on the other hand trying to convince the Eurozone countries about the efficiency of the measures to be taken in order to guarantee the strength of the Eurozone.

In this context, the country which occupied an uncomfortable position regarding the economic crisis was Germany. As the strongest country of the Eurozone in economic terms, Germany was considered the most appropriate one regarding a possible intervention in order to save Greece. In this regard, no one wanted to take the lead and the position of the European Union was far from being clear. The Union had the full capacity of helping Greece, but at the same time no national leader was ready to actually take his responsibilities, waiting that the European leaders would have tried to stabilize the situation.

In the midst of this crisis context, the meeting of 11 February 2010 was really welcomed by the market and the media like a moment of truth. This event was favourably considered not only by Greece, but by the whole Eurozone. In the absence of a solution for the economic crisis, this situation could have provoked serious problems. During the Ecofin meeting, which took place some days before, there were a lot of discussions between the Franco-German couple, but also with the Greek Prime Minister Papandreou which was received at the Elysée and who was constantly in touch with the German Chancellor. A few hours before the holding of the informal summit, the European Union was not capable of speaking with the same voice and President Van Rompuy tried to prove worthy for his first challenge.⁸³

At this occasion, the most interested country was Germany, which feared the consequences of a possible Greek bailout and the negative effects on the other Eurozone members, because some of its banks decided to hold Greek bonds. Facing this difficulty, Chancellor Merkel was ready to act and thanks to a meeting with the French President

⁸² European Council, *Declaration of the Heads of State and Government*, Brussels, February 2010.

⁸³ Van Rompuy H., *Europe in the storm*, op.cit, pp. 29.

Nicolas Sarkozy, they were successful in presenting a position, later considered as the European position. The particular context called into question the traditional Franco-German couple, and this, could have affected the role of the permanent President.⁸⁴

Nevertheless, in a letter that he sent to the Heads of State and Government two days before this first meeting, he decided to change the object of the discussion, given the fact that all the attention was focused on him due to the difficult economic situation. Being at the head of such an important institution, President Van Rompuy had the possibility of using this instrument of setting the agenda in order to put on the table of the European Council the financial crisis and the Greek situation. Some hours before the European Council summit, the European Union did not have a common line. Despite this difficulty, the permanent President managed the situation well with a skilful management of the timing and the personal interactions.

The new President was fully aware of this capacity, he knew that he should have played an influential role and that he should have tried to build a spirit of compromise to carry out his task. Nevertheless, without the approval of the Heads of State and Government and mainly of the Franco-German couple, he found himself isolated because the treaties did not authorize the permanent President to take unilateral decisions. Having to play on different fields, the role of Herman Van Rompuy was among the most complex ones and this personality proved to be a reliable partner.

In this regard, if President Van Rompuy would have decided not to take the initiative, no one else would have done it since it was only this figure who has actually expanded and organized the debate in order to find a solution. First of all, the permanent President postponed the beginning of the summit at noon, a decision which allowed him to organize a meeting behind closed doors in the morning with Angela Merkel, Nicolas Sarkozy and Papandreou. He took this kind of decision with the view of balancing the interests of all parties.⁸⁵

Furthermore, he invited to lunch Jean-Claude Juncker, President of the Eurogroup, but also Zapatero and Barroso, respectively rotating President for Spain and the President of the Commission. The day of the permanent President was full of commitments since he was trying to find appropriate solutions with the key stakeholders, but also together with his colleagues. The private meeting behind closed doors with the Heads of State and Government began by mid-morning and this event could have turned into a real war if the meeting would have not been well organized by Herman Van Rompuy.⁸⁶

Tension was tangible for all, but the permanent President was able to make every participant agree on a common objective thanks to the fact that he carefully listened the arguments of all the parties. President Van Rompuy prepared very well this critical moment and he took into account the opinion of his colleagues during the previous days and during the same morning of the summit. After the private meeting with the key stakeholders, the permanent President was able to build an agreement which was shared with the other European leaders. During this informal meeting, Van Rompuy played a

⁸⁴ Van Rompuy H., "The European Council in 2010", Publications office of the European Union, pp. 23, January 2011.

⁸⁵ Roussel B., "The European Council, the great beginning of Herman Van Rompuy", Euroduvillage, 2010.

⁸⁶ Van Rompuy H., "Europe in the Storm. Promise and Prejudice", Davidsfonds, Brussels, 2014.

central role in the drafting of the declaration of Heads of State and Government, whose aim was to introduce coordinated measures in order to safeguard the financial stability of the Eurozone as a whole.

At this occasion, Van Rompuy's presentation in front of the other leaders was quite short and without discussion at the end. He was able to identify the interest of all Heads of State in one single document, thanks to his multilateral talks and to present the conclusions to the media. Finally, Van Rompuy realized the final communiqué, a document which was vague enough to satisfy the different parties and was able to reassure the investors.

However, inside the European Council, things have changed and the contribution of President Van Rompuy was really useful. The document that he decided to present in front of his colleagues was the result of his work and of his staff, which was capable to deliver an answer to the Greek crisis in a very short period of time. What emerged from the report of the permanent President was mainly the fact that the responsibility of the Eurozone members, following the principle of solidarity, was to help Greece if there were no resources left for this country. In his official declaration, he has also reaffirmed that all the Eurozone countries have to pursue national policies, which should comply with the agreed rules. According to the permanent President, the Eurozone members have the shared responsibility in terms of economic and financial stability.⁸⁷

The Finance ministers gathered inside the Ecofin Council were asked to provide recommendations to Greece in order to get back in the black and the Commission was responsible for ensuring the implementation of the recommendations by the Greek government. The deal suggested that the European leaders would have provided assistance to Greece, only if this country failed to solve its problems alone, in order to ensure the stability of the Eurozone.

For his part, Juncker, the President of the Eurogroup, addressed this thematic meeting by clarifying a bit the vague declaration of Van Rompuy and by arguing that the Council has foremost reassured the investors relative to the euro.

During the informal meeting of February 2010, Van Rompuy made his presence felt in the debates, which led to the compromise. At a time when expectations were very high to ensure a lasting solution, the permanent President had the responsibility to balance the conflicting interests. In this context, he exercised a collaborative leadership, which refers to the involvement of the key stakeholders rather than issuing commands. Facing this difficult situation, Herman Van Rompuy was able to take a leading role within the European leadership, since he was capable of gathering all the key members of the European Council in order to find appropriate solutions to overcome the Greek crisis.

⁸⁷ Roussel B., op.cit, pp.14.

3.3.2. The creation of the Task Force

The establishment of the so-called “Task Force” gave the permanent President a new opportunity to showcase his capabilities and to increase his position within the EU institutions. The main aim of this new structure was to introduce an alternative mechanism to face the economic crisis, to strengthen the fiscal discipline, to reduce the divergences in terms of competitiveness between European countries and particularly to reinforce the economic governance.⁸⁸ These four objectives will constitute the basis of a significant legislative package which will be elaborated by the Commission and will turn into the Six-Pack. At this occasion, the German Chancellor Merkel, has asked the permanent President to establish this working group and this development proved to be a unique opportunity for Van Rompuy in order to build compromises with the help of his working group. Herman Van Rompuy was an important figure for the creation of this working group and while being at the head of this new arrangement he has succeeded in demonstrating that he had not just played the role of a chairman, but he was able to contribute to the political leadership of the European Union.

The working group led by Mr. Van Rompuy was formed by a series of influential figures in the field of economic policy-making like the President of the Eurogroup, the President of the European Central Bank and the Finance Ministers of the European countries. On 26 May 2010, the Task Force convened in a first meeting which was held in Brussels and the working group clearly demonstrated the willingness of finding an appropriate deal to achieve a better economic coherence between all Member States.⁸⁹

As a matter of fact, the Task Force was put in place with the intention of avoiding that other economic crisis could happen in the future, without focusing on the recent developments and without considering the latest crisis. One of the first concern of the President of the European Council was to reestablish trust concerning the economic and monetary union.⁹⁰ The sphere of action of Van Rompuy in this area will not limit to the institutional dialogue. As a matter of fact, the days following the delivery of the conclusions, the permanent President did not hesitate to present himself as the leader of the reform of the economic governance of the European Union in front of external actors. This position has been clearly illustrated by his intervention during the eight edition of the “World Investment Conference”, a meeting of international investors at La Baule on the 2 of June 2010. During his intervention, he was able to show his capacities, which went further than the one of a simple chairman. In this regard, the permanent President has not hesitated to point the finger at the mistakes committed by France and Germany because of their violations of the Stability and Growth Pact in 2003, but also because of the mistakes in terms of economic policies made by the governments with a high debt ratio, particularly in a context characterized by the drop in interest rates following the introduction of the euro, like for example Greece.⁹¹

⁸⁸ European Council, *Remarks of Mr. Van Rompuy following the first meeting of the Task Force on the economic governance*, Brussels, May 2010.

⁸⁹ The working group has set ambitious objectives for their first meeting, Europaforum, May 2010.

⁹⁰ Van Rompuy H., “*Europe in the storm*”, op.cit.

⁹¹ European Council, *Key note speech by Van Rompuy at the World Investment conference*, Brussels, June 2010.

Moreover, President Van Rompuy did not forget to underline that “*everybody is now aware that we need a stronger economic governance within the Union and within the euro in particular*” and in this way he was showing his increasing involvement for the political leadership of the Eurozone. The permanent President will have the opportunity of demonstrating his rise in power during the following convocations of the two informal meetings of the Eurozone, on the 25 of March and on the 7 of May 2010. At the time, this kind of gathering did not have any legal basis and the presidency of these summits failed to possess any of these prerogatives.⁹²

The beginning of the month of June 2010 was characterized by the holding of the second meeting of the Task Force. At this occasion, the working group proposed a series of solutions in order to strengthen the provisions of the Stability and Growth Pact. However, the problematic of the macroeconomic imbalances required a substantive analytical work and the creation of new provisions.⁹³ The permanent President asked the Commission to establish indicators of competitiveness and to develop the tools which will allow to introduce a preventive monitoring system in addition to the existing excessive deficit procedure. This strategy will be confirmed by the European Council meeting of 17 June 2010, during which Herman Van Rompuy was able to communicate to the others a report containing the progress of the work made by the Task Force.⁹⁴

Following these meetings, Mr. Van Rompuy will continue to organize convocations and conferences but also to have contacts with a series of actors regarding the economic governance until October 2010, which was the established deadline in order to advance the conclusions of the Task Force to the European Council.⁹⁵ Jean-Claude Juncker was quite skeptical about the successful completion of the work conducted by the permanent president, since he considered that Mr. Van Rompuy had limited opportunities to submit the results of the Task Force by the end of October.⁹⁶ Another important gathering of the Task Force regarding the role played by Van Rompuy was the fifth meeting of September 2010. At this stage of the legislative process, the permanent President will underline the central role played by the working group that he presided. While Herman Van Rompuy emphasized in his conclusions the existence of a high degree of convergence in the area of macroeconomic surveillance, this meeting was also characterized by diverging views inside the Franco-German couple. Despite the fact that the work led by Herman Van Rompuy enjoyed a consensus regarding the reforms to be introduced, the 27 European Council leaders did not agree on the practical provisions of the reform package of the SGP. In this context, it appeared clearly that the role of the permanent President was to find a compromise between the countries supporting the position of Germany, in favour of the automatic allocation of sanctions, and the countries supporting the ideas of France, which advocated a certain degree of flexibility.

⁹² Van Rompuy Herman, “*Europe in the storm*”, op.cit, pp.24.

⁹³ Remarks by Herman Van Rompuy following the second meeting of the Task Force on economic governance, Brussels, June 2010 PCE 118/10.

⁹⁴ European Council, *Conclusions of the European Council*, Brussels, 17 June 2010, available at http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/115348.pdf.

⁹⁵ European Council, *Herman Van Rompuy, President of the European Council, sends the report of the Task Force to the Heads of State and Government*, Brussels, 22 October 2010.

⁹⁶ “*Jean-Claude Juncker and Van Rompuy discussed about economic governance*”, Europaforum, August 2010.

Herman Van Rompuy has taken a consensual position in relation to the different Heads of State and Government. Furthermore, he does not have to satisfy an electorate, under penalty of not being reelected. The permanent President can search for the compromise between the different members of the Council, knowing that if he will not commit major political mistakes, there is the possibility of being reelected.

Moreover, in his book, "Europe in the storm" President Van Rompuy stated that he has assisted to the most difficult decision that he ever saw around the table of the Council during the month of July 2011. The Slovak Prime Minister, which was representing a country even poorer than Greece, had to accept the rescue plan for the latter. If this country would have refused to give his consent, unanimity would not have been reached and the European Union would not have the possibility to act in this regard. However, in this occasion, the Prime Minister had not the support of her government. Moreover, he was aware of the fact that if she had accepted to save Greece, he had to confront with early elections, which she could have eventually lost. Looking at this episode, it is obvious that the Heads of State and Government had less margin of manouvre than the permanent President during the discussions inside the European Council. For this reason, President Van Rompuy could intervene so that to try to pull the chestnuts out of the fire and to find elements to be agreed by everybody.⁹⁷

Despite the initial reluctance of some European actors, the Task Force gathered around Herman Van Rompuy, had the capacity of taking decisions on a lot of issues, in particular it was possible to agree the possibility of adopting sanctions for the European countries that did not approve measures in order to comply with the Stability Pact.⁹⁸ The permanent President received a lot of appreciations since he proved very attentive in monitoring the economic indicators of the European countries, by asking them to provide their accounts to the Union, which would have been analyzed by the European Commission.⁹⁹

The Member States risking the state of default would first receive a warning, then they would be informed of this situation through a recommendation coming from the executive and lastly in case of non-compliance with the indications of the EU, they will suffer from financial sanctions.¹⁰⁰ The Task Force led by the permanent president was characterized by a strong intergovernmental basis to avoid that the European institutions would obtain new competences. Even if national leaders were in favour of intergovernmentalism to speed the decision-making process in this field, they have anyway granted powers to a supranational institution like the Commission thanks to the pressure coming from the President of the European Council.¹⁰¹

⁹⁷ "Small steps for the European Union on the economic governance", Euractiv, September 2010.

⁹⁸ European Council, *Strengthening economic governance in the EU, report of the Task Force*, October 2010.

⁹⁹ de Senneville B., "Van Rompuy brings together his Task Force in the economic turmoil", Euractiv, June 2010.

¹⁰⁰ "EU ministers discuss sanctions for debt-laden economies", Euractiv, June 2010.

¹⁰¹ European Commission, *Communication from the Commission to the European Parliament, the European Council, the Council, the European Central Bank, the Economic and Social committee relative to the reinforcing of the economic policy coordination*, Brussels, COM(2010) 250, May 2010.

During the summit of the 28 of October 2010, the European Council will approve the last report of the Task Force on the economic governance.¹⁰² Nevertheless, we have to wait until the 28 of September 2011 so that the final version of the Six-Pack will be voted by the European Parliament. In one of his declarations pronounced the same day, President Van Rompuy stated that *“the work of the Task Force on economic governance that I had the honour to chair paved the way to this fundamental agreement.”*¹⁰³

Moreover, the fact that the Council worked with the Commission must be considered as a positive thing because this collaboration was necessary for a harmonization inside the Union. The strong relation between these two institutions was clearly based on a common interest. In particular, the Commission provided its expertise and its financial and human resources to the President of the European Council, while the President of the Commission could have reinforced his role inside the Council, with the support of the permanent President.¹⁰⁴ After having followed a series of recommendations that the Commission had proposed to the working group, a good coordination was gaining ground between the two institutions. As a matter of fact, the two presidents will speak with one voice regarding the crisis of the euro during a lot of conferences.

Lastly, we can observe that Herman Van Rompuy has demonstrated his capacities of leadership also in this occasion and has established himself as a major figure, even if his work risked to overlap with the one of the President of the Eurogroup. During the meetings of the Task Force, Van Rompuy exercised both his entrepreneurial and collective leadership, by being able to conduct sound negotiations with the other ministers inside the Task Force and having put in place a good relationship with the Commission.

3.3.3. The institutionalization of the Eurozone summits

Since the beginning of the crisis, special attention was devoted to the economic and monetary union and for this reason the President of the Commission and the permanent President of the European Council jointly considered the possibility of changing the treaties to enable the countries of the Eurozone to play a greater role.

Regarding the establishment of the Euro summit, the French position, voiced by President Sarkozy, claimed that it was up to the Heads of State or Government of the Eurozone to take on additional responsibilities for dealing with the crisis, as they were the only policy-makers with the necessary democratic legitimacy to do so.¹⁰⁵ Other members of this group, particularly German Chancellor Merkel, were more hesitant and several members of the European Council outside the Eurozone voiced strong concerns regarding their

¹⁰² European Council, *Herman Van Rompuy sends to the Heads of State and Government the report of the working group on the economic governance*, Brussels, October 2010.

¹⁰³ European Council, *Herman Van Rompuy welcomes today's agreement on the economic legislative package*, Brussels, September 2011.

¹⁰⁴ Laursen F., *“The EU's Lisbon treaty: institutional choices and implementation”*, Routledge, pp.67, 2016.

¹⁰⁵ Sarkozy N., *Speech by M. Nicolas Sarkozy, President of the Republic, before the European Parliament*, Strasbourg, 21 October 2008, available at <http://www.ambafranceuk.org/President-Sarkozy-s-speech-before.html>

exclusion from deliberations, which could undermine the unity of the European Council. Despite such concerns, the heads of the Eurozone were able to set up the Euro summit. The rationale for this exclusive set-up was formally summarized by Herman Van Rompuy, who stated that *“those who share a common currency, which by the way in the Union is the norm and not the exception, need to take some common decisions.”*¹⁰⁶

Moreover, there was a two-day period between the summit of the European Council and the meeting of the Eurozone members and even though nothing had been formally scheduled for these days, the gatherings between the different Heads of State and Government began to proliferate. All the countries were ready to give more flexibility to the Eurozone summit, so that it could successfully accomplish a certain number of objectives. Although the first summit of this kind has been held in October 2008 to meet the challenges of the banking crisis, three years later, a decision was taken to institutionalize this gathering and to put in place a President for this meeting. Finally, on Sunday, 23 October 2011, the informal euro-area forum assigned itself the status of a permanent meeting format under the name of “Euro Summit”.

The President ad interim for this assembly was Herman Van Rompuy, while waiting for the official appointment of the first President in May 2012. In this regard, we can observe that the Heads of State or Government of the Eurozone appointed the permanent President of the European Council also as the President of the Euro summit, with the intention of ensuring some consistency between the Euro summit and the plenary of the European Council. This “double hat” was supposed to alleviate the concerns of those countries that were not part of the Euro summit and feared being obliged to accept what the smaller circle decided.¹⁰⁷

Further steps to complete the institutionalization of the Euro Summit format were taken with the adoption of the Fiscal Treaty, which largely reiterated the 26 October conclusions on the introduction of the Euro summit meetings. The Fiscal treaty referred to the Heads of the euro-area and the President of the Commission as the members of the Euro summit, and stipulated that the European Central Bank President was invited to take part in such meetings, a formula also used in relation to the Eurogroup.

During a precedent meeting, President Van Rompuy was asked to make a series of amendment proposals regarding this subject and this personality, with the help of the President of the Commission and the President of the Eurogroup, will be able to submit in time his modifications to the treaty.¹⁰⁸

Although the amount of time was very short, President Van Rompuy tried to complete his task as quickly as possible so that his proposals would have arrived before the ones of the Franco-German couple, which was also trying to submit a declaration regarding this issue. Herman Van Rompuy quickly realized that if he had succeeded to publish his report before

¹⁰⁶ Van Rompuy, Herman, Speech at the Humboldt University, Walter Hallstein Institute, “*The discovery of co-responsibility: Europe in the debt crisis*”, 2012, Berlin.

¹⁰⁷ Puetter U., “*The European Council and the Council: new intergovernmentalism and institutional change*”, Oxford University press, 2014.

¹⁰⁸ Dinan D., “*Leadership in the European Council: an assessment of Herman Van Rompuy’s presidency*”, Journal of European integration, vol. 39 issue 2, 2017.

the one of the Franco-German tandem, he would have gained the initiative of the debates and that he would have the possibility of leading the discussions around his proposals.¹⁰⁹

Lastly, Herman Van Rompuy proved to be an entrepreneurial leader during the events which led to the institutionalization of the Eurozone summits, since he was capable to conciliate the interests of the parties involved. Thanks to regular interactions with the members of the Eurozone and a good understanding with the President of the Commission, he was able to present a series of valid proposals, which were rapidly accepted by the Member States, an episode which further confirmed his ability of reaching the compromise inside the European Council.

3.3.4. The end of the first mandate of Herman Van Rompuy: the Treaty on Stability, Coordination and Governance

The last semester of the first mandate of Van Rompuy was characterized by two salient events for the stability of the Eurozone. The treaty on Stability, Coordination and Governance was signed by the leaders of the European countries and it entered officially into force at the beginning of 2013. This episode can be seen as a great achievement for Herman Van Rompuy, who was at the origin of the whole process. This treaty, an instrument of control but also discipline, was one of the big concerns for the President during his first mandate and it will be only in 2013 that the negotiations will come to an end.¹¹⁰

To better understand the role played by the permanent President regarding the creation of the Fiscal Compact, it is useful to consider the main events which led to the development of this innovation. The work performed by the European Council and by his President in the context of economic crisis and sovereign debt was indisputable. However, the shortcomings of the economic and monetary union were so huge that the situation began to deteriorate.

An assistance program has been allocated to Ireland in November 2010, but also to Portugal in May 2011, and discussions for a second aid program for Greece took place during the month of July 2011. As a matter of fact, without a real economic union, the monetary union falls apart in case of crisis. For this reason, the measures adopted under the pressure of the markets have to be coupled with long term measures concerning a real economic governance of the Union, and in particular of the Eurozone.¹¹¹

Once again, the President of the European Council was asked to submit a report, in close cooperation with the President of the Commission and the President of the Eurogroup, regarding the possible ways to deepen the European Union. During the European Council of 9 December 2011, a debate was opened in order to discuss a better budgetary

¹⁰⁹ Ludlow P., “*The European Council of 8 and 9 December 2011*”, Eurocomment, January 2012.

¹¹⁰ General Secretariat of the Council of the European Union, “*The European Council in 2012*”, January 2013, pp. 39, Luxembourg.

¹¹¹ Isnard L. and Bastin C., op.cit.

integration. Even if all the European leaders were convinced about the fact that stricter rules were needed (in particular the so-called “golden rule”), the main problem was about the modality to be applied. The Germans wanted to include these strict budgetary rules in the Lisbon treaty.¹¹²

During the night of 8-9 December, President Van Rompuy decided to first manage an agreement on the content of the new budgetary rules. In order to achieve this result, he also split the discussion into two parts; first dealing with the “what” and then concentrating on the “how”. Moreover, the discussion turned to the legal means. In this case, enshrining the new fiscal rule in the Union law would require a treaty change. Knowing the obstacle this represented, the permanent President proposed a lighter option, a simplified revision, the so-called protocol 12 regarding the excessive deficit. Despite this idea, the President did not reach a consensus on this method, although it had the support of a large majority of the leaders.¹¹³

Another problem came from the United Kingdom. As a matter of fact, late in the night, Prime Minister David Cameron threatened to use his veto against any form of Treaty change, unless the United Kingdom would have obtained in return exceptions from the new banking union for the City of London. The situation became even more complicated because the British did not send any kind of document to the President to explain what this country wanted. At three o'clock in the morning the European Council summit was caught in a deadlock. President Van Rompuy decided to propose a position which could have conciliated the interests between Germany, France, Great Britain and other countries. In this regard, the negotiations dealing with the establishment of the Fiscal Compact are particularly interesting for our research questions.

For the first time, the President stated clearly that he did not agree with the position of the German Chancellor and the French President Sarkozy in the conceptual understanding of the amendments.

However, in the end, there was no majority view because the British decided to block the negotiations in any way. This was quite clear when the latter came in the middle of the night with a request list regarding the financial service of London. For this reason, the permanent President decided to lead the negotiations and not to allow more time to the British. The external pressure was really great and after an hour of fruitless discussion, Herman Van Rompuy concluded that the meeting will proceed with a voluntary treaty among those governments willing to participate, outside the formal Union framework. In this situation, it was the President himself who decided that this deal will take place outside the treaties together with the Member States, which wanted to go further. In this way, the veto threat was circumvented.¹¹⁴

This particular event has clearly demonstrated that the President of the European Council can play a role which overtakes the one of a simple chairman, by being very active during negotiations and having the capability of taking the initiative even at a difficult moment. The permanent President has proven that in the event of a deadlock, he can take a lot of

¹¹² Closa C., “*Institutional innovation in the EU: the permanent presidency of the European Council*”, Instituto de Políticas y bienes publicos, Madrid, pp. 27, 2011.

¹¹³ Van Rompuy Herman, “*Europe in the storm*”, op.cit, pp.43.

¹¹⁴ Van Rompuy H., op.cit, pp.45.

good decisions, which allow to go further while respecting the common will of the countries inside the European Union.

The Treaty on Stability, Coordination and Governance inside the economic and monetary union, commonly known as the Fiscal Compact, was finally signed during the European Council of March 2012 by 25 Member States, since the United Kingdom and the Czech Republic refused to participate to this process. For Herman Van Rompuy, this was a pleasant surprise, not least because the 17 Eurozone members were joined by 8 non-euro countries.¹¹⁵

This treaty could have entered into force only after the ratification from the part of 12 out of the 17 Member States of the Eurozone. The implication of the European Council and of his President regarding the economic crisis has drawn a lot of criticism. According to some authors, the community method will be marginalized by the adoption of those measures, which were approved at the highest level on an intergovernmental basis. However, despite the fact that some measures have been adopted following the intergovernmental logic, like for example the aid program for Greece or the Fiscal Compact, others have followed the community method, like in the case of the Six-Pack.

For this reason, during the context of crisis, solutions could be found at various levels. The permanent President understood well this aspect and has clearly answered to this criticism and to those personalities who consider that the European Council seized the decision-making powers. During one of his discourses, President Van Rompuy stated that when new rules have to be introduced, the European Council finds itself in a good position in order to make its contribution. Moreover, he added that being the permanent President, he tried to find the compromise while respecting the interests and the sensibilities of each country, but also the prerogatives of the institutions.¹¹⁶

Another big evolution of the first mandate of Herman Van Rompuy is represented by the European Stability Mechanism, which was agreed by the other European leaders. This mechanism, temporarily created to save Greece and to provide the necessary help to another country, which could have experienced the same problematics, is a permanent fund. Closely linked with the Fiscal Compact, it is another project that President Van Rompuy was able to manage during his first mandate in order to transform it into a permanent mechanism.

The European Council adopted this mechanism at its meeting on 16–17 December 2010. On 11 July 2011, Finance Ministers signed the Treaty establishing the European Stability Mechanism, an intergovernmental agreement between the 18 members of the euro area. The treaty came into force on 27 September 2012 when Germany ratified it, thereby surpassing the minimum ratification threshold of 90 per cent of the ESM's original capital requirements. The ESM began its operations on 8 October 2012 with a lending capacity of €700 billion and it disbursed its first loans to Spain in December 2012.¹¹⁷

¹¹⁵ Schimmelfennig, F., “*Liberal intergovernmentalism and the euro area crisis*”, *Journal of European Public Policy*, Vol. 22, No. 2, 2015, pp. 177–95.

¹¹⁶ European Council, *Conclusions of the European Council of 28 and 29 June 2012*, Brussels, EUCO 76/12.

¹¹⁷ Ioannou D., Leblond P. and Niemann A., “*European integration and the crisis: practice and theory*”, *Journal of European Public Policy*, vol. 22 issue 2, pp.19, 2015.

According to François Bastin and Lisa Isnard, two authors who dedicated their research to the leadership of Herman Van Rompuy, the president exercised a collaborative and entrepreneurial leadership during the negotiations of the Fiscal Compact and the adoption of the Six-Pack.¹¹⁸ In this regard, the permanent President was able to reconcile the different national interests inside the Franco-German couple and between the latter and the other Member States. During the whole process, he was able to present himself as an essential element for the conciliation. Moreover, he could involve the Commission and to maintain peaceful relations with Barroso while realizing the Six-Pack. These further developments have to be considered as a big victory for the European Council, which experienced major progress for the European legislative process and for President Van Rompuy who was at the initiative of these projects.

3.4. The role played by the permanent President on the global stage

The European foreign policy has always been a source of disagreement between the different Member States since the State is considered the main actor in the conduct of national affairs. In this regard, we should remember that the Union was particularly split concerning the war conducted by the Americans in Iraq.

The entry into force of the Lisbon treaty has raised huge expectations as for the foreign policy of the European Union. A lot of new elements have been introduced in this occasion in order to increase the efficiency and the visibility of the Union at the global level: a European External Action Service, a High Representative and lastly a permanent president for the European Council with a representation task. For this reason, it is appropriate to analyze the role and the approach taken by President Van Rompuy after the innovations set by the Lisbon treaty.¹¹⁹

During the meeting of Copenhagen of December 2009, the European Union was kept on the sidelines of the final deal reached between India, China, the United States and Brazil. The developing countries turned to be significant actors of the globalisation. Therefore, the power shifted to these new strong countries.

After having observed the failure of the Union in the context of the Copenhagen meeting, President Van Rompuy took a very realistic stance, even if at the same time he showed a lot of determination. During a conference held at the Collège d'Europe he considered that in order to participate to significant negotiations, the European Union had to assert itself at the political level.¹²⁰ According to President Van Rompuy, the first step consisted in choosing with a lot of attention the countries which could have become the partners of the Union and at the same time try to understand which kind of position to undertake with these actors. For this reason, after the challenges of the economic crisis, the permanent

¹¹⁸ Isnard L. and Bastin C., op.cit.

¹¹⁹ European Council, *Speech by Van Rompuy at Belgium-Japan Association: one year in the Council presidency*, Brussels, February 2011.

¹²⁰ European Council, *Speech held by Herman Van Rompuy, President of the European Council at the Collège d'Europe, "The challenges for Europe in a changing world"*, February 2010.

President decided to convene the first summit regarding the strategic partnership of the European Union in September 2010.

Moreover, during the international meetings it was established that the representation of the Union will be guaranteed by both the President of the Commission and the President of the European Council. Even if it was possible to observe some grey areas in this regard, the two figures have succeeded in setting a good coordination.

President Van Rompuy has affirmed that during the G20 summit of Seoul in November 2010, the representation was assured by the two presidents, which intervened in this occasion, even if they presented their point of view on different subjects.

In times of significant crises, the European Council was called to react immediately and was directly involved. There were emergency summits after the outbreak of the war in Iraq in 2003, after the bombings of 11 September 2001 or again in September 2008 following the conflict between Russia and Georgia.

This last situation was partly managed by the French President Nicolas Sarkozy, at the time holding the presidency of the Council of ministers. In this context, thanks to the fact that President Sarkozy was entrusted with a dual legitimacy, both European and French, he was able to gain a strong position and obtain finally the cease fire. President Sarkozy showed a lot of ability and commitment in solving this conflict, however, it is quite difficult to know if President Van Rompuy could have obtained the same successful outcome, even if he had spoken in the name of the 27 Heads of State and Government.

At the beginning of 2011, a huge political crisis erupted in North Africa and more specifically in Libya. In particular, the country was close to civil war, with its leader killing his own population and a humanitarian crisis present across the Mediterranean. However, also in this situation the Union proved to be very much divided between the various Member States and powerless.¹²¹ Nevertheless, the permanent President has decided to convene an extraordinary meeting of the European Council in March 2011. After this summit, a minimum position has been agreed between the different countries, which has enabled the international community to organize its actions. In this occasion, Mr. Van Rompuy has again demonstrated a significant spirit of initiative and has shown his capability of setting the agenda in order to establish a summit of the European Council on a topical issue.¹²²

This kind of meeting is quite exceptional and as a matter of fact this was the fourth time in the history, after the war in Iraq, the episode of 11 September and the conflict between Russia and Georgia, that such a gathering took place. This episode was certainly the most important one during the first mandate of Herman Van Rompuy concerning the foreign policy and we can argue that such a situation would not be reproduced during his presidency.

Moreover, French President Sarkozy demonstrated also in this situation the will to take action. In his book, "Europe in the storm", President Van Rompuy tells us that in that occasion he returned early from his holiday in the Dolomites and he came directly to the

¹²¹ Howorth J., "The new faces of Lisbon: assessing the performance of Catherine Ashton and Herman Van Rompuy on the global stage", *European Foreign Affairs Review*, 2011.

¹²² Van Rompuy H., "The European Council in 2011", *op.cit.*, pp. 45.

Elysée Palace. The objective of both leaders was to start an action, which should have been agreed inside the European setting.¹²³

During the extraordinary meeting of March 2011, the 27 accepted that the safety of the Libyan citizens had to be guaranteed by all means. The Member States arrived to an agreement concerning the military action, which should have been based on regional support and a UN resolution. After a few days in New York, the UN Security Council supported the French proposal, which was backed also by President Van Rompuy, by adopting a resolution dealing with the protection of the Libyan population.

The following Saturday, the Heads of State of 11 countries with significant military equipment decided to convene in the Elysée, together with the American Secretary of State. During this meeting, all the participants gave their support for a military action and at the end of this summit, the French air force was prepared to launch an attack against the troops of Khadafi around the city of Benghazi.¹²⁴

As a matter of fact, the European Union has managed to act and to intervene in this context through peaceful means, thanks to the initial initiative of the President of the European Council. In this respect, we can also mention the sanctions adopted against the nuclear program in Iran. Nevertheless, in a general way, the Union is facing a lot of difficulties in order to speak with a more coherent voice on the international stage and to address and solve external conflicts.¹²⁵

The decisions taken inside the Union are usually too weak and delayed due to the lack of unity, despite the important innovations introduced with the Lisbon treaty. For example, the Palestinian application for United Nations membership before the Security Council of the United Nations was not supported by the Union as a whole and did not receive a unified European position as regards the timing.

Even though President Van Rompuy recognized that Member States cannot reach an agreement on all the subjects, he stated that these disagreements were rare and limited. In the case of the Palestinian application for the United Nations membership, the lack of common vision should not be interpreted as meaning that the Union is not characterized by a common foreign policy.¹²⁶

Finally, he declared that in the current situation, when facing sensitive aspects like the one dealing with Iran or the Palestinian-Israeli conflict, the 27 Member States very easily found common positions, sometimes within a matter of hours.

Regarding the question of the enlargement, during his first mandate, President Van Rompuy has given a huge importance to the possible accession of the Western Balkans to the European Union. During his mandate, he made this point both publicly and in meetings with European Presidents and Prime Ministers. He also decided to visit all the countries of the region a number of times.¹²⁷

¹²³ Van Rompuy, *“Europe in the storm”*, op.cit, pp. 32.

¹²⁴ Nivet B., *“Europe and the Arab Spring”*, Opinions, 2011, Paris.

¹²⁵ Labaki M., *“Europe tries to hide his divisions”*, Le Soir, September 2011.

¹²⁶ European Council, *“Europe on the international stage”*, speech held by Van Rompuy at Chatham House, May 2012, London.

¹²⁷ Isnard L. and Bastin C., op.cit.

As a matter of fact, Serbia has obtained the status of candidate in 2012, while Montenegro has achieved the same result in December 2010. Moreover, a lot of negotiations were conducted so that to prepare the ground for the accession of Croatia, which became a member of the Union in January 2013. The only country of the region in which the situation is more problematic is Bosnia-Herzegovina, but following the words of Herman Van Rompuy, since the country will be surrounded by States, part of the EU, it will probably follow the path set by the others.

Another candidate country was Turkey, a State that the President officially visited in May 2013. In his book, President Van Rompuy tells us that he was very well received by President Gul and the Prime Minister Erdogan in Ankara. In this occasion, the Turks made clear the desire to start a strong relation with the European Union. Nevertheless, since then, the internal situation of the country has become very problematic. For this reason, Turkey has to work hard before it can meet the requirements in order to join the Union.

According to President Van Rompuy, enlargement has always been the most successful tool of foreign policy, by helping our neighbours to become more stable and democratic. The Union has always been considered as an anchor, a haven of prosperity, toward which other societies can aspire.¹²⁸

Despite the fact that is quite difficult to analyze the role played by Mr. Van Rompuy regarding the foreign policy, it appears, however, that the duration of his mandate has allowed him to assert himself as a stable interlocutor at the international level. In 2011, the European Union has obtained a reinforced status to the United Nations, which has led to the fact that the permanent President could speak for the first time in the name of the European Union, at the General Assembly of September 2011.

This development clearly shows the political strength of the Union in terms of representation, an innovation which was possible thanks to the creation of the permanent presidency. For this reason, Herman Van Rompuy has done what was expected from him, no more and no less.

He represented the face and the voice of the 27 and for this reason he was called to intervene during important summits only if the 27 succeeded in reaching an agreement. Working in favour of consensus as for the foreign policy is a real challenge, which is most dependent on the political will of Member States, rather than on the one of the permanent President.

Having been appointed to everyone's surprise, President Van Rompuy has emerged as a central figure in the management of the economic crisis and has ensured with modesty his task of representation. While defining his strategy, he used a double approach, since he tried to place the European Council at the heart of the political process and at the same time to position himself at the head during the preparation of this process.¹²⁹

Regarding the question of the foreign policy, we can argue that the European Union is not highly considered internationally, as can be confirmed by the fact that the Union was marginalized by the BRICS during the first G20 summit in 2010. Dealing mainly with the

¹²⁸ Van Rompuy, *"Europe in the storm"*, op.cit, pp. 25.

¹²⁹ Dinan D., *"Leadership in the European Council: an assessment of Herman Van Rompuy's presidency"*, Journal of European integration, op.cit, pp. 32.

concern of saving the Eurozone, the European Union failed to refocus its attention on its foreign policy and was slow to react.¹³⁰

This criticism is a constant factor which we can reproach also to Mr. Van Rompuy, very much concentrated on the economic issues, without paying sufficient attention to the external affairs. While consulting the agenda of the following European Council summits, we can observe that the questions dealing with the foreign policy, and mainly the subjects about the Arab spring, will be debated only after the working dinner, the less appropriate moment during the whole meeting.

For this reason, we can argue that there was a certain weakness from the part of the permanent President concerning certain questions, mainly when dealing with foreign policy. In conclusion, President Van Rompuy has taken advantage of his power of setting the agenda to postpone these subjects at a later date or in periods where the discussions of the European Council were less followed or less significant.

3.5. Conclusions

After having analyzed the most significant actions of the mandates of Herman Van Rompuy at the head of the European Council, it is necessary to draw up some considerations before discussing them in detail in the final section, which will contain a comparison with the presidency of Donald Tusk.

Upon coming into office, President Van Rompuy has been an excellent planner so that to fight against the economic crisis, that made the European countries fear the worst, in particular those Member States having adopted the euro. The permanent President made use of his prerogatives of setting the agenda to schedule the numerous formal, informal and special summits of the European Council but also in order to play a major role in the decisions taken inside this institution.

The economic governance, the real backbone of Herman Van Rompuy during the whole mandate, will become an important subject of discussion on his first meeting of the European Council. Moreover, he was able to put this subject on his agenda like a strong “political entrepreneur” and he played a substantial role during the negotiation of the Six-Pack two years later. His capacity of setting the agenda in a coherent way will turn out to be his real force, having the possibility of excluding certain subjects which were considered less significant and to structure the latter according to the current events. As we previously observed, the foreign policy was not at the top of his priorities, contrary to the economy which will obtain a major role particularly during the meetings of the Task Force or with the institutionalization of the Euro summits. In this regard, the economy has taken a significant place in his agenda and without the convening of a series of debates and the conciliation between different interests, less achievements would have been endorsed.

¹³⁰ CEPS, EGMONT and EPC, 2010, op.cit.

Moreover, President Van Rompuy turned out to be a real leader, both a collaborative leader thanks to his several interactions with the different members of the European institutions and also an entrepreneurial leader, able to conciliate the interests of the various parties concerned even in times of crisis. Having developed a good relation with the President of the Commission, Herman Van Rompuy had the possibility of creating a stable balance at the top of the European leadership.

In this regard, he was capable of developing a sound collaboration with the President of the Commission, but also with the rotating presidency, the President of the Eurogroup and the President of the Central Bank and to involve them in the discussions regarding the European Council. As for the Member States, President Van Rompuy could demonstrate a certain degree of diplomacy, by solving the conflicts between Merkel and Sarkozy when these two figures were unable to reach a deal, and by convincing the other leaders when the latter showed reluctance to follow them. Moreover, Herman Van Rompuy could lead the European Council towards greater cooperation and interactions between its members and in this sense, he was getting closer to a strong President, even if devoid of the power of decision.

Furthermore, the permanent President was successful in managing the dichotomy between the community and intergovernmental method. In some occasions, he will support the position of the Heads of State, given the fact that he was elected by them and that he is supposed to represent their interests like it was the case during the adoption of the Fiscal Compact. As a matter of fact, the Member States could adopt this new treaty without having to reach the unanimity and thus deciding their fate at the European level.

On the other hand, President Van Rompuy will always try to act in favour of the European interest by ensuring to reinforce the economic governance and to introduce more solidarity mechanisms between the Member States. In this regard, he will try to include the President of the Commission inside the European Council to create a link between these two institutions and to promote the establishment of the community method inside the most intergovernmental institution of the European Union.

His presence at the head of the European Council has therefore allowed to take a certain number of decisions. Without his work as president of the Task Force, the economic governance would not have certainly made such big steps forward. Even if the Council should have reacted to the Eurozone crisis, the permanent President was able to deliver a more coordinated solution and a better follow-up of the decisions of the European Council.

THIRD CHAPTER: ANALYSIS OF THE FIRST MANDATE OF PRESIDENT DONALD TUSK

In this last chapter, we will concentrate our attention on the most significant events of the presidency of Donald Tusk. Having to deal with an unprecedented inward migration of asylum seekers and being called to find a new settlement for Britain ahead of an in/out referendum on EU, President Tusk had to face numerous turmoils. Donald Tusk will be immediately plunged in the management of these crises and will have to find appropriate solutions in order to ensure the stability of the Union.

For this reason, we will analyze these important events, in particular we will deal with the migration challenge and the issue of Brexit, to demonstrate that the permanent President exercised an authoritative leadership. Having a good knowledge of the subjects, he will be able to use the techniques of setting the agenda and of leadership in order to upgrade his function and to get noticed.

The other aspect on which we will concentrate is the foreign policy, in particular the Ukraine crisis. Because of the fact that Donald Tusk, the former Prime Minister of a country having historically tense relations with Russia, took a keen interest in the issue, he was unable to show leadership in this field.

To get started, it is necessary to concentrate our attention on the main events which lead to the election of Mr. Tusk and on his first steps.

4.1. The choice of Donald Tusk

After the nomination of Jean-Claude Juncker at the head of the Commission, there was a European Council meeting on the 16 of July 2014 in order to choose the High Representative. The candidacy of Federica Mogherini was accepted by the socialist leaders since the party of the Italian Prime Minister Renzi has obtained a lot of success during the European elections. In this occasion, it was not possible to nominate also a new permanent President, the most suitable candidate being the Danish Prime Minister, because of the reaction of the Visegrad Group, which claimed that one of the two functions should be covered by a new Member State. For this reason, the European Council concluded that there has been a first discussion on the appointments and there will be a future meeting at the end of August. Despite his lack of success on July 16, Matteo Renzi continued throughout the month of August to lobby for his candidate. Some days before the European Council of 30 August, the seven EU socialist leaders met in Paris and confirmed their choice of Mogherini.

For the post of President of the European Council, the choice remained open until the day before the Council. There were many candidates and the only constraint was the fact that

the new President could not come from southern Europe since Italy had obtained the post of High Representative. This left the possibility for the countries from the East but also the Nordic ones to argue for the presidency of the European Council. For the East three names arrived on the table: Donald Tusk, the Polish Prime Minister; Valdis Dombrovskis, the Prime Minister of Latvia and Andrus Ansip, former Estonian Prime Minister.

From the North, the candidates were the Prime Minister of Denmark Helle Thorning-Schmidt and the Finnish Prime Minister Jyrki Katainen. However, in this context we can observe that the suspense in fact lasted only until the 28 of August when Donald Tusk told Herman Van Rompuy that in the case of a consensus, he would accept the post.

The Polish Prime Minister came from a new Member State and was a man of compromise, quite nuanced in his approach with Russia. For this reason and despite the fact that he had a poor knowledge of English and French, he has gained the respect of his colleagues. When he announced his candidacy, Donald Tusk immediately obtained the support of David Cameron, even if in the previous months, they had a conflict regarding the status of the migrants coming from European countries. As for the other candidates, three of them will obtain the function of Vice-Presidents inside the Commission.¹³¹

Moreover, despite the fact that Poland was not part of the Eurozone, this aspect was not seen as an obstacle since it was expected to adopt the single currency when the Maastricht criteria would have been met. Nevertheless, to avoid any kind of ambiguity, the European Council decided to appoint Donald Tusk not only as President of the European Council, but also as the President of the Euro Summits. This avoided the adverse effects that the allocation of the presidency to another person might have produced. Another aspect which made the problem less acute was the fact that countries like Poland, which adopted the Fiscal Compact, could participate in these meetings.

In this context, only a few minutes were necessary after the beginning of the summit to formally appoint the new President of the European Council.¹³²

When Donald Tusk was appointed, he was already a veteran of the European Council. In fact, he became Prime Minister in Poland in 2007 and his coming to power was welcomed by a lot of countries in the European Union at that time. This is because he occupied this function after Jaroslav Kaczynski, the leader of a strong Eurosceptic party "Freedom and Justice".

Moreover, the new European Council President participated to the Solidarnosc movement; he decided to take part to this movement just from the moment of its creation in 1980, as one of the leaders of the student movement supporting the workers. After the end of communism, he participated in the creation of the Liberal Democratic Congress, which he chaired. Then he was elected as senator in 1997.¹³³

The party of which he was part did not obtain successful results in the elections of 2001 and for this reason, Donald Tusk and other two personalities decided to create a new party called the "Civic Platform". In a very short time, this party was able to gain a considerable

¹³¹ Brown S., *"European Council preview: who will get the EU's remaining top jobs"*, Public Policy Group, pp. 16, August 2014.

¹³² European Council, *Special meeting of the European Council*, EUCO 163/14, Brussels, August 2014.

¹³³ De Ruyt Jean, *Le leadership dans l'Union européenne*, Presses Universitaires de Louvain, pp. 54, 2015.

following. However, President Tusk was defeated in the presidential elections of 2005, which were gained by Lech Kaczynski. After the fall of the rightwing government in Poland, Tusk had the opportunity of becoming Prime Minister in November 2007.¹³⁴

In the following years, Tusk was expected to become the new President, but he decided to remain Prime Minister, leaving the door open for Komorowski, the speaker of the Sejm. Having taken this decision, he was then publicly accused during a campaign organized by the “Freedom and Justice” party. The idea behind this campaign was the fact that the episode of Smolensk was an organized attack by Russia and that the government led by Tusk decided to cover this evidence.

Initially, Donald Tusk was able to resist the pressure coming from those personalities who insisted on his candidacy regarding the post of President of the Commission and subsequently for the function of permanent President of the European Council. This decision was explained by the fact that he knew that once he would have left his post of Prime Minister, the “Freedom and Justice” party would have the possibility of filling it. As a matter of fact, these considerations revealed to be correct. In fact, after the departure of Donald Tusk in May 2015, President Komorowski did not win the presidential elections and they were gained by Andrzej Duda, member of the PiS and a few months later it was the same party which won the legislative elections in Poland.

Moreover, President Tusk was strongly criticized for his poor knowledge of languages. For this reason, when he obtained this new post, he promised “to polish his English” and he took measures in this regard. In fact, this was a necessity for every person in his position as the most important requirement of his mandate was to maintain a permanent contact with the European leaders so that to reach consensus. Lastly, the work completed by Tusk in Poland and the fact that he is a strong politician, shows that he has the political agility necessary for this role.

4.2. The major issues during the first mandate of President Tusk

4.2.1. The migration challenge

One of the biggest challenge for the new President of the European Council and the Member States was certainly the migration crisis. Starting from April 2015, a huge number of refugees from several conflict areas, together with economic migrants from Africa and other zones, became the main subject of discussion during the meetings of the European Council. The Schengen agreement was not conceived to face the consequences of a sudden increase of arrivals like the one of 2015. From April 2015 until the end of the year,

¹³⁴ De Ruyt Jean, op.cit, pp. 61.

more than one million new refugees entered the Schengen area and this question became the main concern for the European leaders.¹³⁵

In this occasion, President Juncker was the first to address this sensitive issue by proposing the resettlement of migrants between the various countries in May 2015. Even if this approach was the most appropriate one from the ethical point of view, a lot of countries reacted in a negative way like the Eastern ones and other Member States seemed unwilling to introduce a mandatory regime of any kind.¹³⁶

The situation in North Africa and the Middle East were the main causes for the migration crisis, even if another pull factor was the declaration of Angela Merkel of September 2015, in which she stated that Germany would not stop migrants entering this country. Moreover, the Dublin Regulation was not more applied when a huge number of asylum-seekers decided to reach the European Union.

At the same time, this crisis provoked a series of logistical problems for Germany and countries like Greece and Italy, where migrants arrived firstly. This situation proved to be difficult also for Greece, the first European country on the Balkan route through which the majority of migrants reached Western Europe. The decision of Chancellor Merkel to suspend the Dublin procedure regarding the Syrian asylum-seekers, giving them the possibility to apply for asylum in Germany, was strongly criticized not only by the local authorities but also by her party.¹³⁷

The huge numbers of the migration crisis coupled with the degree of animosity between the Member States, really complicated the possibility for the European Council to find an appropriate solution. For this reason, at the end of September, the European countries decided to put in place reception centres in Greece and Italy so that to register the migrants. During a Council of Justice and Interior Ministers on 22 September 2015, there was also a proposal regarding the relocation of 120.000 refugees. Nevertheless, a series of countries from East Europe, like Slovakia, Hungary, Romania and the Czech Republic, voted against the decision.¹³⁸

Given the complicated situation, President Tusk decided to convene a meeting of the European Council on 23 September 2015. This kind of position was adopted thanks to the insistence of Angela Merkel. Actually, after the failure of the quota scheme on 14 September, she decided to make three important calls. At this occasion, Donald Tusk received a significant call from the German Chancellor. In her message, Merkel stated that the refugee crisis was of such magnitude that the European leaders should address it. When Tusk returned from a visit in Korea on the morning of 18 September, he began a series of conversations with the Chancellor and in the end he took the initiative to convene a meeting.¹³⁹

¹³⁵ Dinan D., *"Coping with crisis: the role of the European Council President"*, Fordham International Law Journal, volume 39, issue 5, 2016.

¹³⁶ European Commission, *First measures under the European Agenda on migration*, EUCO Press release, Brussels, May 2015.

¹³⁷ Amann M., Gude H. and Muller P., *"Merkel's refugee policy divides Europe"*, Der Spiegel, September 2015.

¹³⁸ *"Migrant crisis: EU ministers approve disputed quota plan"*, BBC News, September 2015.

¹³⁹ Traynor I., *"EU leaders to hold refugee summit"*, The Guardian, September 2015.

Despite these events, President Tusk was very much determined to put his own stamp on the event. The invitation letter that he sent to his colleagues is an excellent example of what we can call an “unremarkable genre”. Even if his speech writer provided him with a draft, Mr. Tusk took the initiative and drawn up the first three paragraphs of the letter. This aspect is quite evident, because in this part the language used does not correspond to the style of an Irish speechwriter, whose mother tongue is English. Moreover, this letter was very important not just for what it said, but also for what it did not say. President Tusk did not cite the relocation and the quota issues. This was, because he believed that the Commission’ focus on quotas has been divisive and distracting.

According to Tusk, if a summit had to be organized, its aim was to transform the tone and enlarge the scope of public debate about the refugee crisis. In this letter, he observed that some countries chose to close their national frontiers, but according to him, this was because “*we Europeans are not able to manage our common external borders*”. He also argued that the European Council should deal with “*policies that we can implement in order to help each other*”.¹⁴⁰ In the mind of Tusk, what was needed first was a constructive discussion about what the EU could do to help countries solve their problems. This kind of approach was not new, because since the first meeting on migration, he opposed the plans of the Commission to set its strategy. However, here the principal challenge was Angela Merkel, who has made strong declarations about welcoming refugees, going beyond what some leaders were ready to accept. For this reason, coming to an agreement with Merkel was difficult, but fortunately also the Chancellor agreed that the European leaders should enlarge the scope of the debate.

In his invitation letter, the issues which were mentioned by Tusk were rather indicative and included assistance to the frontline countries, accelerate the implementation of agreed policies on return, protect EU’s external borders and start collaboration with the Western Balkans. After having sent this letter, President Tusk started his visits in Egypt and in Jordan. The declarations released to the press were quite general; in this occasion, he stated that he had debates with his interlocutors dealing with important issues of common concern.

Having completed his visit in Egypt and Jordan, an informal meeting dealing with the migration challenge was convened on the 23 of September. Here again, Tusk knew what he wanted to obtain and he came with a draft Statement. He had in mind two main objectives: concentrating his attention on the EU’s incapability of managing the external frontiers and transforming the tone of the debate. In this occasion, he affirmed that “*after my visits to Jordan, Egypt and other countries in the region, I realized that our partners are expecting our help to solve their refugee problems rather than thinking of how they can help us. (...) In light of this, the most urgent question we should ask is how to regain control of our external borders.*”¹⁴¹ Moreover, in order to refocus, he circulated a draft Statement in advance of the meeting. Even if this paper was discussed by Coreper on the morning of the summit, its central message did not change.

¹⁴⁰ European Council, *Invitation letter by President Donald Tusk to the members of the European Council*, Brussels, 15 September 2015.

¹⁴¹ European Council, *Doorstep remarks by President Donald Tusk before the Informal meeting of Heads of state or government*, Brussels, September 2015.

President Tusk was able to show leadership also in his opening statement, in which he repeated his intentions. In this regard, he outlined the conclusions that he has drawn from recent developments and asked his colleagues to end the misunderstandings linked to the relocation system and concentrate on the big issues, in particular reinforce the capacity to control the external frontiers and establish a collaboration with Turkey.¹⁴² At the end of the opening statement, Tusk decided to organize a tour de table, which was less frequent in the Van Rompuy years. Tusk decided to use this system in order to avoid that somebody would have intervened on a subject which was already the object of many disagreements. In this context, Orban, Sobotka, Johannis and Fico did not address the issues debated some hours earlier and everybody decided to agree with the Tusk proposals. Peter Ludlow reported that the European Council was “*like a family which had been involved in an almighty row and it was all determined to avoid starting the argument again*”.¹⁴³

Even if Tusk hoped that his draft statement should be approved without debate, Angela Merkel suggested that they should look at the text. The most difficult exchanges involved Merkel and Renzi and dealt with the fact that frontline countries will receive assistance from the institutions so that to guarantee registration of migrants, inter alia ensure relocation. Merkel considered that there should also be a reference to hotspots. Renzi and Tsipras proved not happy about this aspect and therefore they insisted that the reference to relocation should be underlined.¹⁴⁴ In the end, it appeared that the scope of the hotspots was to accelerate relocation. Lastly, a detailed discussion of the text was made, even if in the end President Tusk obtained what he wanted.

Another occasion in which the permanent President showed leadership was on 11 November 2015, when he chaired a meeting in Malta with several African countries.¹⁴⁵ In his opening statement, President Tusk was very clear in arguing that African states had a legal obligation to take back citizens being deported and that Europe, while preferring to persuade people to leave and offering help with building a better life at home, would force out the unwilling. He also added that Europe “*must do more to prevent the trafficking of human beings and the illegal smuggling of migrants by criminal gangs whose only motive is their own profit*” and that Member States should make the development assistance more efficient and create more opportunities for young people to work.¹⁴⁶ At the end of the summit, the European leaders adopted an Action plan, which focused on a series of aspects already suggested by President Tusk, among which address the root causes of migration, fight against migrant smuggling and advance on returning persons which are not entitled to stay in Europe.

During the meetings of September and November 2015, President Tusk exercised a particular type of leadership, namely the authoritative leadership because he was able to mobilize the other European leaders towards his ideas and his proposals. As a matter of fact, all the Heads of State and Government agreed and adopted his draft statement, in which Mr. Tusk submitted possible actions to be taken so that to solve the crisis, mainly

¹⁴² European Council, *Address by President Donald Tusk to the European Parliament on the informal meeting of heads of state or government of 23 September 2015*, Brussels.

¹⁴³ Ludlow P., “*The Refugee crisis*”, Preliminary evaluation 2015/8, Eurocomment, pp. 15, Brussels.

¹⁴⁴ Muller P., “*Europe debates initial reception centers for refugees*”, Der Spiegel, November 2015.

¹⁴⁵ Council of the European Union, *Valletta Conference on migration*, 10387/15, Brussels, June 2015.

¹⁴⁶ European Council, *Opening statement by President Tusk at the Valletta summit on migration*, November 2015.

provide assistance to the frontline countries, accelerate the implementation of agreed policies on return, protect EU's external borders and start collaboration with the Western Balkans. Moreover, an authoritative leader states the overall goal but gives the other actors the freedom to choose their own means of achieving it. In this regard, even if President Tusk considered that big issues like the control of the external frontiers and collaboration with Turkey should have been addressed, he also left room of manoeuvre to the European leaders and gave them the possibility to debate regarding the way to achieve this goal. These important events of the first mandate of Donald Tusk demonstrate that Mr. Tusk was a real leader, contrary to what was argued by Mr. De Ruyt, according to which the permanent President did not play a role in this issue.¹⁴⁷ In the end, most Heads of State and Government agreed with Mr. Tusk, even if Angela Merkel and Juncker did not, hence this was a very difficult moment for the European Council as such.

4.2.2 A new settlement for Britain

During his first mandate, President Tusk had also to deal with the issue of the United Kingdom leaving the European Union. The permanent President proved able to exercise leadership also in this occasion, but before analysing the role played by President Tusk, it is important to understand how did this country end up with organizing a referendum regarding its membership inside the Union.

After being nominated as Prime Minister, David Cameron tried to convince his party about the fact that the United Kingdom should remain a member of the Union. However, once in Downing Street, he was unable to resist pressure coming from his colleagues, which considered that it was necessary to organize a referendum on this subject, since the possibility of leaving the EU became very popular in the country thanks to the rise of the Ukip party, the most significant populist party in the UK.

The troubles of Cameron began to appear when it became clear that the 2010 intake of Tories was more Eurosceptic than the last one, since they strongly advocated the organization of a referendum. For this reason, David Cameron had no other choice than to start to renegotiate Britain's relation with the EU, before announcing the referendum.¹⁴⁸ The UK Prime Minister declared in January 2013, that British people will decide about the status of the United Kingdom inside the Union, thanks to a referendum to be held by the end of 2017.

Following these declarations, David Cameron presented his proposal of reform so that to allow his country remain a member of the Union. For this reason, in November 2015, he set out his demands in a letter to President Tusk. This document concerned the four broad

¹⁴⁷ Interview with Mr. De Ruyt, see annex.

¹⁴⁸ Haysom H., "*David Cameron's adventures in Europe*", Financial Times, January 2016.

areas of UK reform: economic governance, sovereignty, immigration and competitiveness.¹⁴⁹

More specifically, he demanded that people coming to Britain from the EU should be stopped from claiming social benefits for four years, he also wanted an explicit statement that the Union has more than one currency and that any change decided by the Eurozone should be voluntary for non-eurozone countries. Regarding the question of the sovereignty, Cameron's proposals were more specific. He wanted an end to the obligation of UK to work towards an "ever closer union", an enhanced role for national parliaments and a clear statement that national security remained the unique responsibility of Member States.

David Cameron was confident of an agreement that worked for everyone and said that if he achieves the reforms he wanted, he would have campaigned to stay in the EU. He clarified his position in a statement to the Commons in February 2016: *"The question is not could Britain succeed outside the European Union; it is how will we be most successful? How will Britain be most prosperous? How will we create the most jobs? How will we have the most influence on the rules that shape the global economy and affect us? How we will be most secure? I have always said that the best answers to those questions can be found within a reformed European Union. But let me say again that if we cannot secure these changes, I rule nothing out."*¹⁵⁰

In response to the Prime Minister, President Tusk took the lead on this question and made it clear from the very beginning of the process that the European Union will do all in its power to meet Britain's concerns but that the Union will not compromise the values and basic principles, including freedom of movement and the principle of non-discrimination. His initial consultations with all the other countries confirmed this position, even if there was also the will to find a solution to make Britain remain a member of the Union. After more detailed consultations, President Tusk set out in detail the possible terms of a UK renegotiation in a letter to the European leaders in February 2016.¹⁵¹ During the first half of February, Tusk's text was scrutinised by the European leaders, the Parliament and the ECB both individually and collectively, in two meetings of sherpas, presided by Piotr Serafin, Tusk's chief of staff.¹⁵² Conversation continued and for this reason, the last pre-European Council version of conclusions was circulated only on 17 February.

After these discussions, President Tusk prepared a draft reform package, which was presented to the European Council members before the meetings of 18 and 19 February 2016.¹⁵³ The proposal of President Tusk followed the four points underlined by Prime Minister Cameron.¹⁵⁴ On sovereignty, the permanent President considered that the UK

¹⁴⁹ Cameron D., "A new settlement for the United Kingdom in a reformed European Union", London, pp. 43, November 2015.

¹⁵⁰ House of Commons debate, 3 February 2016, available at <https://publications.parliament.uk/pa/cm201516/cmhansrd/cm160203/debate>.

¹⁵¹ European Council, *Letter by President Tusk to the members of the European Council for a new settlement for the UK*, Brussels, 2 February 2016.

¹⁵² Watt N., "Meet the sherpas: the key people negotiating UK-EU reforms", The Guardian, February 2016.

¹⁵³ Poptcheva E. and Eatock D., "The UK's new settlement in the EU", European Parliamentary Research Service, pp. 68, February 2016.

¹⁵⁴ Miller V., "UK's EU reform negotiations: the Tusk package", House of Commons library, Paper n. 7497, pp. 64, 9 February 2016.

should not be committed to further political integration. He stated that there should be respect for subsidiarity and national security responsibilities. Regarding the basket of immigration, President Tusk considered that there must be respect for the principle of free movement and non-discrimination. On competitiveness, the idea of Donald Tusk was to make progress to simplify legislation and reducing burden on business at the European level. Lastly, on economic governance, the position of the permanent President went into the direction of deepening the economic and monetary union and safeguarding the rights and competences of non-participating Member States.

Tusk was aware of the fact the European leaders were the key players and he decided to pay attention to these actors by organizing a plenary session before dinner, during which everybody could have argued on the draft settlement. Moreover, he organized a series of bilateral sessions on specific questions. Despite the fact that Member States were his main interlocutors, Tusk realized that he had to deal with the European Parliament, since parts of the agreement could have been implemented only through secondary legislation. In this regard, Mr. Tusk announced Schulz that he would have liked to meet him at the end of the bilateral sessions and that Mr. Schulz was invited to the Heads of State final session.

After these several meetings, a plenary session was convened by Mr. Tusk on 18 February, in which the permanent President set the tone. In his opening statement, he argued that *"a great deal is at stake. We all know how important is to keep the UK in the Union. (...) I deeply believe that the UK needs Europe and Europe needs the UK."*¹⁵⁵ Moreover, Tusk believed that his draft settlement would have been agreed in the following days. Nevertheless, it was obvious that some questions could only be solved at the level of Heads of State and Government. In this regard, he was ready to welcome comments on the draft and he hoped that his colleagues would only raise issues which were absolutely necessary to address. Following Cameron, Juncker and Draghi, 24 out of 27 leaders expressed their opinions during this session. The tone used was very positive and every speaker confirmed the idea that they wanted an agreement. The German Chancellor acknowledged that Cameron's demands caused difficulties, but if the European Council did not help him *"the UK will leave the Union"*. Furthermore, she analysed the points raised and as far as the indexation of child benefits, she considered that the British demand was defensible because even if *"we have a single market we do not have a social union"*. According to Merkel, there were other better ways than the safety mechanism to solve this issue, but she could have accepted this proposal.¹⁵⁶

Other leaders accepted the draft settlement by delivering positive messages like the Romanian President, who considered that *"We must keep Europe united. I hope therefore that the UK will remain a member"*. According to the Cypriot President, it was necessary to establish a new relationship between the UK and the EU, not just to pacify the UK.

Nevertheless, there were also leaders which raised issues, which could have blocked the deal: François Hollande, Charles Michel and Bohuslav Sobotka. For this reason, Mr. Tusk

¹⁵⁵ Ludlow P., *"Migration policy, the British question and economic policy"*, European Council briefing note 2016/1-3, Eurocomment, pp. 26, February 2016.

¹⁵⁶ Wilkinson M., *"Tusk implores European leaders to back Cameron's deal"*, The Telegraph, February 2016.

took the initiative to organize bilateral meetings with these figures after the session on migration policy.

In this occasion, the questions raised by Hollande dealt with economic governance. The exchanges on 19 February were only the final episodes of a battle between Cameron and Hollande which started after Tusk communicated his draft on 2 February. The position of Hollande was presented during the plenary session and he stated that *“no Treaty amendments, no veto and no changes to the fundamental principles on which the Union is founded will be allowed. (..) As far as paragraph 4 is concerned, common rules should apply to everybody. What the draft text says is unsatisfactory”*. The fourth paragraph of the draft text, which was the basis for the negotiations, stated that *“this is without prejudice to the development of the single rulebook and to Union mechanism of macro-prudential oversight for the prevention of financial risks and to existing powers of the Union institutions and bodies to take action that is necessary to respond to threats to financial stability”*.¹⁵⁷ Moreover, Hollande did not agree with the formulation which seemed to stop the emergence of new institutions to prevent financial risks. The French argued that the Union is a dynamic structure and in this way they arrived to the desired result by cancelling the words in italics.

The Belgian concerns had been underlined in advance of the meeting and the permanent President was prepared to respond to them when he had his bilateral with Michel.¹⁵⁸ The Belgians focused on three points, among which the most important one was the issue of the ever closer union. Actually, the UK wanted to be excluded from the process of an ever closer union. The first try of Mr. Tusk to deal with this issue was unsuccessful and he knew that this passage would have been changed. For this reason, Tusk has prepared some alternatives before meeting Michel, but it was thanks to the Belgian pressure that this point was modified and it read as follows: *“it is recognised that the UK is not committed to further political integration into the EU. The substance of this will be incorporated into the treaties at the time of their next revision in accordance with relevant provisions, so as to make it clear that the references to ever closer union do not apply to the UK.”*¹⁵⁹

Following these individual bilaterals, President Tusk had the possibility to prepare the final text to be reviewed at the working dinner on 19 February.¹⁶⁰ In the end, as Tusk said at the beginning of the plenary session, everybody round the table wanted the UK to stay in the Union. As a result, even the French, Belgians and the Eastern Europeans, who did not have so much sympathy for the draft text, were ready to make compromises and to agree on a binding settlement for the UK.¹⁶¹

During the summit of 18 and 19 February 2016, Mr. Tusk proved again to be an authoritative leader, who succeeded in mobilizing the European leaders towards his proposal, that was clearly clarified in his draft text. The final settlement for the UK resembled to a great extent to the draft document submitted by Mr. Tusk. As a matter of fact, some questions were agreed by the Member States without any kind of modification,

¹⁵⁷ Rankin J., “David Cameron’s EU deal: what he wanted and what he got”, The Guardian, February 2016.

¹⁵⁸ Ludlow P., op.cit.

¹⁵⁹ “Ever closer union: the surrealist Brexit summit”, Euractiv, Brussels, 19 February 2016.

¹⁶⁰ European Council, *European Council conclusions*, EUCO 1/16, Brussels, 19 February 2016.

¹⁶¹ European Council, *Report by President Donald Tusk to the Parliament on the February European Council meeting*, Brussels, 24 February 2016.

in particular the fact that the deepening of the EMU will be voluntary for the non-eurozone countries or that the Union must increase efforts towards enhancing competitiveness.¹⁶² Despite the fact that Mr. Tusk has presented his ideas to his colleagues, he has also given them the possibility to express their own position and to further discuss on these questions, like it was evident during the bilateral meetings he had with President Hollande and Prime Minister Charles Michel. This kind of aspect underlines further the particular type of leadership he exercised.

4.3. *The role played by Donald Tusk in foreign policy*

Over the past years, the position of the European Council in the EU's institutional framework became stronger, and this was true also for foreign policy. The treaty of Lisbon of 2007 confirmed the fact that the European Council has taken a major role in the field of foreign policy. This standing role is reflected in a provision, according to which the permanent President has the right to convene extraordinary meetings in cases of international developments. Despite this development, the European Council's ability to deal with foreign policy is limited by the fact that the body addresses many other questions and it gathers only a few times every year. Regarding the foreign and security policy, the European Council has taken the lead on important structural decisions, but it has also neglected its task of giving important guidance on substantive policies. As a matter of fact, this institution deals mainly with foreign and security issues in situations of urgent crisis.

Moreover, in the context of the Ukrainian crisis, the European Council has begun to adopt declarations while not in session. In this occasion, the declarations were initiated by the permanent President and discussed between the Prime Ministers advisers, the so-called sherpas. In this regard, if this trend continues, it can contribute to the change in the way in which this body deals with foreign policy.

Generally, the leadership exercised by the big EU countries proves to be stronger at the level of the European Council than between foreign ministers. Having a lot of experience and extensive personal networks, the Heads of State or Government of big countries like France, Germany and the UK are very much involved in dealing with foreign policy issues and try to lead the work of the European Council in this field.¹⁶³ Today, these figures are frequently the only national politicians who can arbitrate between clashing internal interests and determine the direction of external policies. Moreover, only the chiefs of the executive branch of the Member States have the political authority to determine the course of the EU's external action.

To understand the role played by President Tusk in this area, we have to firstly look at his powers, as they are set in the treaty. At the time of the adoption of the Lisbon treaty, the

¹⁶² Drachenberg R., "*Outcome of the European Council of 18-19 February 2016*", Post-European Council briefing, European Parliamentary Research Service, pp. 15-24.

¹⁶³ Lehne S., "*Are Prime Ministers taking over EU foreign policy*", Carnegie Europe, pp. 13- 20, February 2015.

Member States decided to establish a rather vague mandate on foreign policy for the new President. In this regard, the President can only “*ensure the external representation of the Union on issues concerning the common foreign and security policy (...)*”.¹⁶⁴ The big countries were very much in favour of this new figure, while the smaller countries feared that a strong President would diminish the powers of the European Commission. For this reason, the lack of direct authority of the permanent President over the High Representative and his limited powers in foreign policy would have had negative consequences regarding the international influence of this figure.

Being at the head of an important institution, the permanent President could have become a significant interlocutor for the political actors around the world. However, the phone number that the American Secretary of State Henry Kissinger asked for many years ago, today belong to the Prime Ministers of the biggest European countries like Germany, France and the UK, which received a lot of calls and this was not the case with the President of the European Council.

In the previous section, we observed that Herman Van Rompuy exercised a modest ambition in international relations by limiting himself to the participation to the summits and few visits beyond the EU. This situation was mainly due to the financial crisis, which left little room and no time for the international activism. If Herman Van Rompuy decided to adopt a low profile on foreign policy, his successor, Donald Tusk, declared that he wanted to exercise a stronger role. In this regard, in his inaugural statement as President of the European Council in December 2014, Mr. Tusk suggested that he wanted to be active in foreign policy. He talked about protecting EU values against external and internal threats, being strong internationally and strengthening the partnership with the United States.¹⁶⁵ In his statements, he also made references to the Ukraine crisis and to a new opening in the Eastern dimension of the European Neighborhood Policy.

According to Mr. Jean De Ruyt, when Tusk came, he wanted to have more responsibilities in the foreign policy, because it was the domain in which he felt comfortable. In particular, President Tusk was an ardent supporter of new EU policies towards Russia. This support was fueled by a strong sensitivity for the precarious geopolitics of Eastern Europe and for the resurgence of Russian hegemony. For this reason, when he was appointed as permanent President, he decided to get involved in this question.

However, the problem with Tusk dealing with foreign policy came from the fact that foreign policy mainly dealt with Putin and he was not accepted as an interlocutor of Putin, because the Poles were the most radical against Russia in the Ukraine crisis.¹⁶⁶ As a matter of fact, in one of the interviews released to the press, President Tusk argued that the question of the Ukrainian crisis was never mentioned at any meeting he had with Russian President Putin and did not appear on the agenda of talks he had with Mr. Putin.¹⁶⁷

The Ukraine crisis which had dominated the agenda in 2014 found an unexpectedly early outcome in February 2015 with the so-called “Second Minsk Agreement”. The first agreement did not contribute to the reputation of the EU institutional leaders: it was

¹⁶⁴ Article 15 TEU.

¹⁶⁵ European Council, *Remarks by President of the European Council Donald Tusk at the handover ceremony with the outgoing President Herman Van Rompuy*, EUCO 258/14, Brussels, 1 December 2014.

¹⁶⁶ Interview with Mr. Jean De Ruyt, see annex.

¹⁶⁷ Novosti R., “*Putin never suggested dividing up Ukraine*”, Radio Poland, 2014.

concluded without them, and with France and Germany representing the Union, in an unusual format – the so-called ‘Normandy’ format, in which we had Putin, Poroschenko, Merkel and Hollande, excluding even the UK and the United States.¹⁶⁸ The same situation happened also in 2015 because the negotiations did not take place at the level of the Foreign Ministers, which did not allow High Representative Mogherini to reinsert herself in a game from which her predecessor had been absent almost from the beginning.

Moreover, President Tusk was also sidelined; his position was limited by the perception that, being Polish, he could hardly avoid accusations of partisan loyalties; thus, he was not really in a position to contribute. Regarding the question of Ukraine, it was mission impossible for Mr. Tusk because he came from Poland and President Putin was convinced about the fact that he will defend only the Polish interest and will not speak in the name of the European Union.

Furthermore, the difficulty relating to Tusk’s involvement in the Ukraine crisis had also hindered the efforts of his predecessor. The treaty of Lisbon did not offer third countries an interlocutor at the highest level – that of heads of state and government – with a mandate equivalent to the mandate of the High Representative to deal with crisis management. The problem is that, in a conflict like the one in Ukraine, the main actors are not the Foreign Ministers – the level of Federica Mogherini – but the level above, which has not the same powers and mandate as the High Representative.¹⁶⁹

Despite the fact that President Tusk wanted to concentrate his attention on foreign policy like Herman Van Rompuy did for the economic crisis, by bringing the 28 leaders into line and connecting their decisions to the EU’s system and to national diplomacies, we cannot say that Tusk plays a role in foreign policy, as is evident for the Middle East and Syria issues.¹⁷⁰ Mogherini has played an important role during her mandate and as much as foreign policy issue are managed by the Foreign Ministers, she is doing very well, but when it comes to the relations between the Heads, it remains unsure that Mr. Tusk will be able to gain this kind of leadership.

4.4. Conclusions

Having analyzed the most significant actions of the Tusk’s presidency, it is necessary to draw up some considerations before discussing them in detail in the final section.

Upon coming into office, President Tusk has been an excellent planner while dealing with the question of Brexit and the migration challenge. The permanent President made use of his prerogatives of setting the agenda to schedule the numerous formal, informal and special summits of the European Council but also in order to play a major role in the decisions taken inside this institution.

¹⁶⁸ De Galbert S., “*The impact of the Normandy format on the conflict in Ukraine: four leaders, three cease-fires and two summits*”, Center for Strategic and International studies, pp. 10, 2015.

¹⁶⁹ De Ruyt Jean, *Le leadership dans l’Union européenne*, Presses Universitaires de Louvain, pp.76, 2015.

¹⁷⁰ Dallison P., “*May and Merkel speak with Trump about Syria*”, Politico, April 2017.

Mr. Tusk proved to be also an authoritative leader, who succeeded in mobilizing the European leaders towards his proposal. In this regard, the final settlement for the UK resembled to a great extent to the draft document submitted by Mr. Tusk. As a matter of fact, some questions were agreed by the Member States without any kind of modification, in particular the fact that the deepening of the EMU will be voluntary for the non-eurozone countries or that the Union must increase efforts towards enhancing competitiveness. Regarding the migration crisis, all the Heads of State and Government agreed and adopted his draft statement, in which Mr. Tusk submitted possible actions to be taken so that to solve the crisis, mainly provide assistance to the frontline countries, accelerate the implementation of agreed policies on return, protect EU's external borders and start collaboration with the Western Balkans.

GENERAL CONCLUSIONS

5.1.1. Check of the hypotheses

The hypotheses set at the beginning of our analysis have to lead us during our research and to help us evaluate the mandates of both Herman Van Rompuy and Donald Tusk.

First of all, we assumed that despite the fact that President Van Rompuy did not dispose of any power of decision inside the European Council, he was able to act thanks to his capacity of setting the agenda, coupled with a natural sense of compromise. Like we have demonstrated in the previous sections, the permanent President was capable of becoming an entrepreneurial leader and he knew to use the power of setting the agenda. As a matter of fact, having convened an informal reunion of the European Council after a month of his entry on duty, it is evident that he tried to impose himself inside the European Council. This meeting proved also to be a big opportunity for the new President to introduce the economic governance on the agenda of the Council.

Subsequently, the permanent President will stand out thanks to the convening of the informal summits of the Eurozone and his will of communitarising certain economic questions. Herman Van Rompuy made himself indispensable on the subject of the economic governance so that the Heads of State and Government will appoint him at the head of the Task Force and then at the head of the institutionalized summits of the Eurozone. His capacities of negotiator will allow him to occupy extended functions and this demonstrated that Herman Van Rompuy, without having a formal power of decision, exercised an increasing influence. Nevertheless, we have to provide a more balanced analysis regarding his prerogatives since the economic competences remain significantly intergovernmental. This may also be the case when we are dealing with certain aspects of the external relations, that Van Rompuy hesitated to put on the agenda. A lot of opinion polls demonstrate that there is a popular support so that the foreign and security policy should be conducted more at the European level than by the single Member States.

The second hypothesis considered that through a certain number of interactions with the European diplomats but also with the Heads of State and Government, Herman Van

Rompuy was able to find a place inside the European leadership and transform the figure of the President of the European Council into an iconic one. Moreover, he was able to integrate himself inside the European leadership by regularly meeting the President of the Commission and by working with the rotating presidency. He also had the capacity of managing the relations with and between the Member States to arrive to the compromise and to important decisions for the European cohesion.

As a matter of fact, the permanent President conciliated the Franco-German couple around their common interests and he solved destabilizing situations for the economy like the Greek crisis. He also understood that he could not exercise the European leadership alone and for this reason he began to develop constant interactions with the others actors in order to establish a collaborative leadership. The European leaders were not wrong while choosing a president with the personality of Herman Van Rompuy because he emerged as quietly as possible, but building a solid base for the future.

Lastly, thanks to our research we have proved that President Tusk has been an authoritative leader when dealing with important issues like the question of Brexit and the migration challenge. Moreover, he was able to mobilize the European leaders towards his ideas, in particular during the meeting of September 2015 he submitted possible actions to be taken to solve the migration crisis, mainly provide assistance to the frontline countries, protect EU's external borders and start collaboration with the Western Balkans, proposals which were agreed by the Heads of State and Government. As an authoritative leader, he stated the overall goal but at the same time he provided the European actors with the freedom to choose their own means of achieving it, like it was evident during the bilateral meetings he had with President Hollande and Prime Minister Charles Michel regarding the Brexit.

5.1.2. Comparison of the two presidencies

The objective of this thesis is to present and analyze the mandates of both Herman Van Rompuy and Donald Tusk at the head of the European Council. During our research, we have tried to identify the kind of leadership exercised by these figures and the relation that Van Rompuy has maintained with the different European institutions.

After being nominated as permanent President, Mr. Van Rompuy was able to develop a considerable number of interactions, which he had to manage during his mandates. In this occasion, he proved to be able to establish long-term relations with his colleagues, in particular the President of the Commission, the rotating presidency, but also the Heads of State. This gave him the possibility to find a place inside the European leadership. Contrary to the High Representative which could not find her place in the European hierarchy, President Van Rompuy understood that he could not have exercised his function alone and that he should have maintained a series of interactions with his colleagues.

Moreover, he was able to use the financial crisis so that to reconcile the Member States thanks to the transfer of competences to the European institutions regarding the economic governance. Having placed at the agenda of each summit the question of the economic

governance, Van Rompuy has played the role of a negotiator and initiator in order to lead the European Union towards further integration. The European Member States, very much attached to their intergovernmental prerogatives, have agreed to make a step towards solidarity, under the direction of their permanent President, a real entrepreneurial leader. This aspect was one of the objectives of Mr. Van Rompuy at the beginning of his mandate and given the fact that he is characterized by less power than the small countries, we can argue that this development was a great achievement.

Moreover, the role played by Mr. Van Rompuy proved to be essential during the economic crisis. In certain occasions, he has exercised a more significant role than the one of a simple consensus builder. Our research has allowed us to come to the following conclusion: President Van Rompuy has played a significant role, qualifying himself between the figure of a chairman and a President. Even if the treaty provisions provided for a limited margin of manoeuvre, Van Rompuy has recovered an active role in the context of the economic crisis. Thanks to his intelligence and temperance, he could establish a good cooperation between the different European actors. Moreover, at the appropriate times, he was ready to take significant decisions and his figure resulted consensual and successful.

Concerning the foreign policy, despite the fact that we agree that Herman Van Rompuy turned out to be a central figure during the economic crisis, his discrete methods and his lack of leadership were strongly criticized. Nevertheless, he was able to contribute in increasing the visibility of the Union, by ensuring the representation together with the President of the Commission.

The Eurozone crisis brought Van Rompuy an unexpected boost in visibility, but this crisis has subsided and much of the work for a deepening of the monetary union remained to be done when Van Rompuy left. When his successor came, it appeared that leadership in this field had returned to the President of the Commission. Despite the fact that Tusk proved to be less familiar with economics, he was able to become an authoritative leader at the head of the European Council when dealing with issues like the migration challenge and the question of Brexit. Unlike Van Rompuy, President Tusk was keenly interested in foreign affairs. As a matter of fact, President Tusk played a prominent part in orchestrating the European Council's response to the Ukraine crisis. As a former Prime Minister of Poland, a country having historically tense relations with Russia, he took a keen interest in the issue and advocated a tough EU response. Nevertheless, Tusk was unable to exercise his leadership in this field because the Lisbon treaty did not give him the same mandate as the High Representative. At the same time, like in the case of the Ukraine question, some crises are now dealt at the level of Heads of State and Government. In the row with Russia, the actors were Obama, Merkel, Hollande and Poroshenko because Putin did not accept Donald Tusk as an appropriate interlocutor.

Moreover, we can observe that Van Rompuy and Tusk brought different attributes and skills to the task of crisis management. Van Rompuy came from Belgian politics, which is slow, consensual and institutionally developed. Tusk from a political tradition of confrontation and conflict. Van Rompuy is self-effacing, while Tusk is assertive. Donald Tusk plays hard, is ready to get rid of colleagues rather than to give them substantial concessions, and is able to deliver. Van Rompuy's ease with economics allowed him to grasp complicated aspects of the euro crisis, while Tusk is more familiar with foreign policy

problems. However, even if both figures brought to the job a different set of abilities, we can consider that they performed well their function, since they portrayed themselves as real leaders. Lastly, if Donald Tusk will inspire his successor in the same manner in which he has defined the role of the President of the European Council, it seems reasonable to think that other personalities will contribute to develop this function.

BIBLIOGRAPHY

Literature

- ✓ Beach Derek and Mazzucelli Colette, *Leadership in the big bangs of European integration*, Basingstoke, 2006.
- ✓ Becker H. and McCall M., *Symbolic interaction and cultural studies*, University of Chicago Press, 1990.
- ✓ Bulmer Simon and Wessels Wolfgang, *The European Council: Decision-making in European Politics*, London, Macmillan, 1987.
- ✓ Darity W., "International encyclopedia of the social sciences", Macmillan reference USA, 2008.
- ✓ De Ruyt Jean, *Le leadership dans l'Union européenne*, Presses Universitaires de Louvain, 2015.
- ✓ Elgstrom Ole, *European Council Presidencies: A Comparative Perspective*, London, Routledge, 2003.
- ✓ Foret François and Rittelmeyer Yann-Sven, *The European Council and European Governance: The commanding heights of the EU*, London, Routledge, pp.15, 2013.
- ✓ Laursen F., *The EU's Lisbon treaty: institutional choices and implementation*, Routledge, 2016.
- ✓ Middelaar, Luuk van, *The Passage to Europe. How a Continent became a Union*, Yale University Press, 2013.
- ✓ Schoutete, Philippe de, *The European Council*, in *The Institutions of the European Union*, edited by John Peterson and Michael Shackleton, Oxford University Press, 2006.
- ✓ Talberg Jonas, *Leadership and Negotiation in the European Union*, Cambridge, Cambridge University Press, 2006.
- ✓ Theakston K. and de Vries J., *Former leaders in modern democracies*, Palgrave Macmillan, 2012.
- ✓ Van Rompuy H., *Europe in the Storm. Promise and Prejudice*, Davidsfonds, Brussels, 2014.
- ✓ Werts Jan, *The European Council*, London, John Harper Publishing, 2008.
- ✓ Wessels Wolfgang, *The European Council: Evaluations and Prospects*, European Institute of Public Administration, Maastricht, 1988.

Scientific articles

- ✓ Barber T., *"The appointments of Herman Van Rompuy and Catherine Ashton"*, Journal of Common Market Studies, vol. 58, 2010.
- ✓ Bergmüller Florian, *"Spain's Europeanist Presidency: Solid Starting Block for the European Council President and High Representative?"*, SWP Working Paper 2010/06, Berlin, Stiftung Wissenschaft Politik, 2010.
- ✓ Buzek Jerzy, *"State of the Union: three cheers for the Lisbon Treaty and two warnings for political parties"*, Journal of Common Market Studies, vol.49, pp. 7-18, 2011.
- ✓ Closa C., *"Institutional Innovation in the EU: The 'Permanent' Presidency of the European Council"*, Instituto de Políticas y Bienes Públicos (IPP) CSIC, Working Paper, 2011.
- ✓ Delledonne Giacomo, *"The European Council after Lisbon"*, Perspectives on Federalism, Vol. 6, issue 3, 2014.
- ✓ Delors J., *"The stable president of the European Council: yes to a chairman, no to an executive president"*, Revue du droit de l'Union européenne, 2009.
- ✓ Dinan D., *"Coping with crisis: the role of the European Council President"*, Fordham International Law Journal, volume 39, issue 5, 2016.
- ✓ Dinan D., *"The Post-Lisbon European Council Presidency: An Interim Assessment"*, West European Politics, 36:6, pp.1256-1273, 2013.
- ✓ Dinan D., *"Leadership in the European Council: an assessment of Herman Van Rompuy's presidency"*, Journal of European integration, vol. 39 issue 2, 2017.
- ✓ Drieskens Edith, Steven Van Hecke and Peter Bursens, *"The 2010 Belgian Presidency: Driving in the EU's Back Seat"*, Swedish Institute for European Policy Studies, pp.41, December 2010.
- ✓ Fernández Pasarín A., *"Change and stability of the EU institutional system: The communitarisation of the Council Presidency"*, Journal of European Integration, Vol.30, N°5, pp. 617-634, 2008.
- ✓ Goleman D., *"Leadership that gets results"*, Harvard Business Review, 2007.
- ✓ Haroche Pierre, *"The President of the European Council: Story of a Constitutional Myth"*, European Journal of Common Market Studies, No. 538 2010.
- ✓ Hayes-Renshaw Fiona, *"From procedural chore to political prestige: historic development and recent reforms of the Presidency of the Council"*, Österreichische Zeitschrift für Politikwissenschaft, 2007.
- ✓ Höing Oliver and Wessels Wolfgang, *"The Franco-German tandem in the European Council after Lisbon"*, Centre international de formation européenne, n°362, pp.81-100, 2011.
- ✓ Howorth J., *"The New Faces of Lisbon: assessing the performance of Catherine Ashton and Herman Van Rompuy on the global stage"*, European Foreign Affairs Review, n. 16, pp. 303-323, 2011.
- ✓ Ioannou D. and Niemann A., *"European integration and the crisis: practice and theory"*, Journal of European Public Policy, vol. 22 issue 2, 2015.
- ✓ Isnard L. and Bastin C., *"The function of the permanent President: assessment of the leadership of Herman Van Rompuy"*, Law and European Affairs, 2013/1.

- ✓ Kaczyński, Piotr Maciej et al., "*The Treaty of Lisbon: A Second Look at the Institutional Innovations*", Joint CEPS, EGMONT and EPC Study, September 2010.
- ✓ Kirkpatrick Andrew, "*Review of Belgium: Readjusting the Council Presidency: Belgian Leadership in the EU*", edited by S. Van Hecke and P. Bursens, ASP, 2011, Journal of Common Market Studies, 50:5, 2012.
- ✓ Kunstein T. and Wessels W., "*The new governance of the economic and monetary union*", Instituto Affari Internazionali Working Papers, 2013.
- ✓ Ludlow Peter, "*The leadership of the European Union through the European Council: transition or crisis?*", Integration, Institut für Europäische Politik, 2005.
- ✓ Maythorne L. and Petersen J., "*New model leadership in a new European Union*", Edinburgh Europa Paper Series 2010/01, 2010.
- ✓ Miller V., "*UK's EU reform negotiations: the Tusk package*", House of Commons library, Paper n. 7497, 9 February 2016.
- ✓ Rittelmeyer Yann-Sven, "*The Institutionalization of the European Council Presidency: Institutional Dependence and Franco-German Inflections*", Politique européenne, nr. 35, pp. 55-82, 2011.
- ✓ Schimmelfennig, F., "*Liberal intergovernmentalism and the euro area crisis*", Journal of European Public Policy, Vol. 22, No. 2, 2015, pp. 177–95.
- ✓ Young O., "*Political leadership and regime formation: on the development of institutions in international society*", International Organizations, vol.43, no. 3, 1991.

Official speeches

- ✓ Chirac Jacques, *Speech held at Strasbourg* on 6 March 2002. Retrieved from http://www.jacqueschiracasso.fr/archives/elysee.fr/elysee/elysee.fr/anglais/speeches_and_documents/2007.
- ✓ European Council, *Address by President Donald Tusk to the European Parliament on the informal meeting of heads of state or government of 23 September 2015*, Brussels.
- ✓ European Council, *Key note speech by Van Rompuy at the World Investment conference*, Brussels, June 2010.
- ✓ European Council, *Speech held by Herman Van Rompuy, President of the European Council at the Collège d'Europe, "The challenges for Europe in a changing world"*, February 2010.
- ✓ European Council, *Speech by the President of the European Council pronounced at the Klausurtagung of the CSU Landesgruppe*, Germany, 2010.
- ✓ European Council, *Speech by Van Rompuy at Belgium-Japan Association: one year in the Council presidency*, Brussels, February 2011.
- ✓ European Council, "*Europe on the international stage*", speech held by Van Rompuy at Chatham House, May 2012, London.

- ✓ Speech by Herman Van Rompuy at the European Parliament, PCE 135/10, June 2010, available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en.pdf.

Press articles

- ✓ Addley E., *"Exit Tony Blair, enter Herman Van Rompuy, frontrunner for top Eu jobs"*, The Guardian, November 2009.
- ✓ Amann M., Gude H. and Muller P., *"Merkel's refugee policy divides Europe"*, Der Spiegel, September 2015.
- ✓ Barber T., *"EU embarks on voyage of discovery after Lisbon"*, Financial Times, October 2009.
- ✓ Dallison P., *"May and Merkel speak with Trump about Syria"*, Politico, April 2017.
- ✓ de Senneville B., *"Van Rompuy brings together his Task Force in the economic turmoil"*, Euractiv, June 2010.
- ✓ *"EU ministers discuss sanctions for debt-laden economies"*, Euractiv, June 2010.
- ✓ *"Ever closer union: the surrealist Brexit summit"*, Euractiv, Brussels, 19 February 2016.
- ✓ Gonzalez Miguel, *"Zapatero cedes protagonism to Rompuy. The new leader of the EU will take the lead"*, El Pais, December 2009, accessed on 14 April 2017.
- ✓ Haysom H., *"David Cameron's adventures in Europe"*, Financial Times, January 2016.
- ✓ *"Jean-Claude Juncker and Van Rompuy discussed about economic governance"*, Europaforum, August 2010.
- ✓ Labaki M., *"Europe tries to hide his divisions"*, Le Soir, September 2011.
- ✓ *"Migrant crisis: EU ministers approve disputed quota plan"*, BBC News, September 2015.
- ✓ Muller P., *"Europe debates initial reception centers for refugees"*, Der Spiegel, November 2015.
- ✓ Nivet B., *"Europe and the Arab Spring"*, Opinions, 2011, Paris.
- ✓ Novosti R., *"Putin never suggested dividing up Ukraine"*, Radio Poland, 2014.
- ✓ Rankin J., *"David Cameron's EU deal: what he wanted and what he got"*, The Guardian, February 2016.
- ✓ *"Small steps for the European Union on the economic governance"*, Euractiv, September 2010.
- ✓ Spiegel Online, *"Reactions to the Greece package"*, July 2011, available at <http://www.spiegel.de/politik/ausland/0,1518,775858,00.html>.
- ✓ Traynor I., *"EU leaders to hold refugee summit"*, The Guardian, September 2015.

- ✓ Watt N., “*Meet the sherpas: the key people negotiating UK-EU reforms*”, The Guardian, February 2016.
- ✓ Wilkinson M., “*Tusk implores European leaders to back Cameron’s deal*”, The Telegraph, February 2016.

Public Documents

- ✓ Barnier Michel and Vitorino Antonio, *For the European Union: peace, freedom, solidarity*. The Commission’s communication on the institutional architecture, December 2002, IP/02/1802, p. 15-20.
- ✓ Cameron D., “*A new settlement for the United Kingdom in a reformed European Union*”, London, November 2015.
- ✓ Council of the European Union, *Operation of the Council with an Enlarged Union in Prospect*. Report by the Working Party set up by the Secretary- General of the Council, Brussels, 10 March 1999 (SN 21139/99).
- ✓ Council of the European Union, *Valletta Conference on migration*, 10387/15, Brussels, June 2015.
- ✓ European Commission, *Communication from the Commission to the European Parliament, the European Council, the Council, the European Central Bank, the Economic and Social committee relative to the reinforcing of the economic policy coordination*, Brussels, COM (2010) 250, May 2010.
- ✓ European Commission, *First measures under the European Agenda on migration*, EUCO Press release, Brussels, May 2015.
- ✓ European Council, *Conclusions of the European Council*, Brussels, 17 June 2010, available at http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/115348.pdf.
- ✓ European Council, *Conclusions of the European Council of 28 and 29 June 2012*, Brussels, EUCO 76/12.
- ✓ European Council, *Declaration of the Heads of State and Government*, Brussels, February 2010.
- ✓ European Council, *Doorstep remarks by President Donald Tusk before the Informal meeting of Heads of state or government*, Brussels, September 2015.
- ✓ European Council, *European Council conclusions*, EUCO 1/16, Brussels, 19 February 2016.
- ✓ European Council, *Herman Van Rompuy, President of the European Council, sends the report of the Task Force to the Heads of State and Government*, Brussels, 22 October 2010.
- ✓ European Council, *Herman Van Rompuy, President of the European Council, sends the report of the Task Force to the Heads of State and Government*, Brussels, 22 October 2010.
- ✓ European Council, *Invitation letter by President Donald Tusk to the members of the European Council*, Brussels, 15 September 2015.

- ✓ European Council, *Letter by President Tusk to the members of the European Council for a new settlement for the UK*, Brussels, 2 February 2016.
- ✓ European Council, *Opening statement by President Tusk at the Valletta summit on migration*, November 2015.
- ✓ European Council, *Report by President Donald Tusk*, Publications Office of the EU, May 2016.
- ✓ European Council, *Remarks of Mr. Van Rompuy following the first meeting of the Task Force on the economic governance*, Brussels, May 2010.
- ✓ European Council, *Remarks by President of the European Council Donald Tusk at the handover ceremony with the outgoing President Herman Van Rompuy*, EUCO 258/14, Brussels, 1 December 2014.
- ✓ European Council, *Report by President Donald Tusk to the Parliament on the February European Council meeting*, Brussels, 24 February 2016.
- ✓ European Council, *The conclusions of the presidency*, Seville, 21 June 2002, (SN 200/1/02).
- ✓ European Council, *Special meeting of the European Council*, EUCO 163/14, Brussels, August 2014.
- ✓ European Council, *Statement by the Heads of State or Government of the Euro Area*, March 2010, available at <http://www.consilium.europa.eu/uedocs/cms/pressdata/en/ec/113563.pdf>.
- ✓ European Council, *Strengthening economic governance in the EU, report of the Task Force*, October 2010.
- ✓ Final communiqué of the meeting of the Heads of Government of the Community, Bulletin of the European Communities, No. 12 1974.
- ✓ Final communiqué of the Solemn Declaration on European Union (Stuttgart, 19 June 1983), Bulletin of the European Communities. No. 6 1983, Luxembourg: Office for official publications of the European Communities.
- ✓ General Secretariat of the Council of the European Union, “*The European Council in 2012*”, January 2013, Luxembourg.
- ✓ House of Commons debate, 3 February 2016, available at https://publications.parliament.uk/pa/cm201516/cmhansrd/cm160203/debate_.
- ✓ President Van Rompuy: joint letter with European Commission President José Manuel Barroso on EU priorities for the G-20 summit, June 2010, available at http://www.consilium.europa.eu/uedocs/cms_data/pressdata/en/115454.pdf.
- ✓ Remarks by Herman Van Rompuy following the second meeting of the Task Force on economic governance, Brussels, June 2010 PCE 118/10.
- ✓ *Treaty establishing a Constitution for Europe*, 29 October 2004, article I-24, Official Journal of the European Union.
- ✓ Van Rompuy H., “*The European Council in 2010*”, Publications office of the European Union, January 2011.
- ✓ Van Rompuy H., “*The European Council in 2011*”, Publications office of the European Union, January 2012.

- ✓ Villepin Dominique de and Joschka Fischer, *Franco-German Contribution to the European Convention concerning the Union's institutional architecture*, CONV 489/03, European Convention, Brussels, 16 January 2003.

Think tank articles focused on the European Union

- ✓ Brown S., *"European Council preview: who will get the EU's remaining top jobs"*, Public Policy Group, August 2014.
- ✓ CEPS- EGMONT- EPC, *"The Treaty of Lisbon: Implementing the Institutional Innovations"*, Brussels, November 2007.
- ✓ Dauvergne A., *"The Treaty of Lisbon: Assessment and prospects as of summer 2011,"* Notre Europe, October 2011.
- ✓ De Galbert S., *"The impact of the Normandy format on the conflict in Ukraine: four leaders, three cease-fires and two summits"*, Center for Strategic and International studies, 2015.
- ✓ De Schoutheete Philippe, *"The European Council and the community method"*, Jacques Delors Institute, Policy Paper 56, 2012.
- ✓ De Schoutheete Philippe, *"The European Council after Van Rompuy"*, Notre Europe, Jacques Delors Institute, April 2015.
- ✓ Drachenberg R., *"Outcome of the European Council of 18-19 February 2016"*, Post-European Council briefing, European Parliamentary Research Service.
- ✓ *"Jean-Claude Juncker and Van Rompuy discussed about economic governance"*, Europaforum, August 2010.
- ✓ Lehne S., *"Are Prime Ministers taking over EU foreign policy"*, Carnegie Europe, February 2015.
- ✓ Ludlow P., *"Migration policy, the British question and economic policy"*, European Council briefing note 2016/1-3, Eurocomment, February 2016.
- ✓ Ludlow Peter, *"The European Councils of February and March 2011"*, EuroComment, Briefing Notes, Vol 8. N° 5 and 6, August 2011.
- ✓ Ludlow P., *"The Refugee crisis"*, Preliminary evaluation 2015/8, Eurocomment, Brussels.
- ✓ Ludlow P., *"Van Rompuy saves the day"*, Eurocomment vol.7 nr. 6, February 2010.
- ✓ Poptcheva E. and Eatock D., *"The UK's new settlement in the EU"*, European Parliamentary Research Service, February 2016.
- ✓ Roussel B., *"The European Council, the great beginning of Herman Van Rompuy"*, Euroduvillage, 2010.
- ✓ *"The working group has set ambitious objectives for their first meeting"*, Europaforum, May 2010.
- ✓ Toth Annamaria, *"Herman Van Rompuy: How to be friends with everyone without being liked by anyone"*, Nouvelle Europe, March 2012.

- ✓ Van Rompuy Herman," *Five years as President of the European Council*", Jacques Delors Institute, December 2014.

Treaty articles

Consultation of relevant articles of the TEU and TFEU.

ANNEX

Interview with Mr. Jean De Ruyt

Former Belgian diplomat and an independent political analyst, 9 May 2017

1. In your book “Le leadership dans l’Union européenne” you have dedicated a small section on the election of two important figures for the European Union: the President of the European Council and the High Representative for Foreign affairs. It is for this reason that I would like to ask you some precise information about the process of election of Mr Donald Tusk. In particular, which were the reasons of such a choice and how did this name arrive on the table of negotiations.

Jean De Ruyt: The process for the choice of the President of the European Commission is linked with the procedure for the European Parliament elections and so the President is supposed to be the person who had been selected by the party winning the elections. This explains why the President of the Commission was chosen before, in July 2014, and then on that basis the other post had to be filled. An effort was made to fill the other post of the High Representative, because since Juncker was Christian democrat, the socialists told that the High representative had to be a socialist. It had been like that in the previous set when Herman Van Rompuy, a Christian Democrat was nominated as President and so Cathy Ashton was elected as High Representative and she was a socialist.

So, Matteo Renzi, who won a lot of seats in the European Parliament elections, he considered that it was his choice to propose the High Representative and he proposed Federica Mogherini, the Italian Foreign Minister, but the Member States did not agree so this meeting in July failed. Herman Van Rompuy, who presided this meeting told me that since we had this rule he preferred not to put his own succession in the same discussion so there was not really a discussion about the new President of the European Council.

The whole process had to go through the summer holidays but during that month of August, Juncker spent all his time assembling his Commission and a certain number of people who were potential candidates for the European Council got the offer to be part of the Commission as Vice-Presidents.

This meant that when the European Council had a meeting for the first time in September a very quick decision came on Federica Mogherini, because Matteo Renzi spent his summer lobbying the Member States, but then the successor of Van Rompuy remained in the air and there was no clear idea of who he should be. What had happened in the failed meeting in July was that the Eastern Europeans, especially the Visegrad group, complained that all these elections went to old Member States of the European Union.

However, the President of the European Council is a very difficult task and you need to have somebody who has a strong background; to have just been the President of Latvia was not really considered enough and so there was a sort of pressure put on Donald Tusk to accept the post. He was hesitant to leave because he knew that if he left the “Law and Justice” party would regain power in Poland, which in fact happened.

The day before the meeting where he was confirmed he came to Herman Van Rompuy and told him that he was available. Why he changed his mind: I don't know. As soon as Tusk accepted the offer, there was no discussion because he was considered as the perfect solution since he demonstrated to be a good leader and he came from the new Europe.

2. According to you, which were the principal events and actions taken during his mandate which can confirm his leadership?

JDR: The Tusk presidency has to be seen in two parts; the first year he was very discrete, in fact he abandoned the role of Van Rompuy to prepare for the future of the monetary union. During the mandate of Van Rompuy, there was this Presidents meeting in which they discussed about the monetary union. As soon as Van Rompuy left, the presidency of this meeting went to Juncker, who is also an economist, because Tusk was not familiar with that issues.

I think that Tusk, at the beginning, believes that he could play a more important role than Van Rompuy in foreign policy. The role of the President in foreign policy is not the same as the role of the High Representative because the High Representative conducts the foreign policy, which gives him a lot of responsibility.

For the President of the European Council, the only thing which is left is that he presides the dialogue with third countries, he represents the EU abroad, but that does not mean that he conducts the foreign policy. In fact, he does not have a real mandate to conduct the foreign policy. Van Rompuy tried to do what he could. He did not engage too much in this field. When the crisis in Ukraine started, the reaction was first at the level of Cathy Ashton and even Cathy Ashton could not deal with that. It went more to the big countries but the problem came when you had to discuss with Putin. It is clear that even if the High Representative was a very strong personality, the level of the High Representative is the level of the Foreign ministers; she is not at the level of the Heads of State, so there was a sort of lacune and Van Rompuy told that it was his role to fill this gap but Putin did not accept him as an interlocutor. He only wanted to deal with big Member States and so we had this special format of the Normady, in which you had Putin, Poroschenko, Merkel and Hollande. This is because Putin did not consider President Van Rompuy as an interlocutor and he knew that Van Rompuy had not the mandate to deal with that.

When Tusk came, Tusk wanted to have more responsibilities in the foreign policy, because it was the domain in which he felt comfortable but Putin did not accept Tusk because the Poles were the most radical against Russia in the Ukraine crisis. The first meeting in which the rest of the world discovered Tusk was this dramatic meeting about Greece in July 2016. As Tsipras arrived in power in Greece, the situation deteriorated a lot and since the Finance ministers did not deal with that, he came to this special session of the European Council, where Tusk took the situation in his hands. He spoke with the Member States, he stopped the meeting, he started it again. He really forced an agreement even against what Angela Merkel was prepared to accept. He really demonstrated his capacities as a good President, not as a real leader. He demonstrated he could preside well the European Council meetings. Since then he is much more respected by his colleagues. When he had to be reconfirmed, Kaczynski asked the Polish

government to present an alternative candidate and obviously, no Member States supported this candidate. Even the countries which are closer to Poland like Hungary they did not accepted him.

The year before we had this big challenge of migration, in 2015. Tusk did not play a role on this issue. Jean-Claude Juncker proposed the mechanism of quotas but Tusk did not play a serious role also because the Poles are not very favorable to migration, but I think he got some legitimate criticism for not having tackled this problem. All the meetings which took place in 2015 did not really bring a lot of results. Jean-Claude Juncker have proposed the quotas but the Visegrad countries were very much against. Even Juncker lost a lot of his authority on this issue because people did not accept that he took the lead.

3. Do you think that there were other events which can show a stronger leadership taken by Donald Tusk?

JDR: Now he is very good at dealing with Brexit. Since the beginning, when the saga on Brexit started, he had to take a lot of initiatives to launch this reflection on the future of the European Union, the Bratislava summit and the Malta summit in February this year. All this was organized thanks to the initiative of Tusk.

What he did very well was to organize his team to prepare the guidelines for the Brexit negotiations but in that he was very well helped by the Secretary General of the Council, with which Tusk has a very good understanding. The EU had to prepare negotiating guidelines and Tusk really took in hand this preparatory process. He appointed Didier Seeuws as the head of the Task Force so we will have under Tusk a Task Force of representatives of Member States to follow the Brexit negotiation.

For the Brexit, it could not have a better leadership than the one that Tusk had exercised. At the end of April, we had the special meeting of the European Council at 27 to approve the guidelines prepared by Tusk and they confirmed them in four minutes.

Everyone tells me that especially since after his second confirmation he get more respect by the Heads of States also because you had elections in France, in Germany and so the traditional leaders are not so prominent anymore. The Franco-German couple is much weaker so maybe in October, if it is Macron and Merkel will again take back the leadership. However, during this period Tusk has the opportunity to show his leadership.

Moreover, the settlement agreement was all negotiated by Tusk and the Secretary General of the Council. It is because of the result of that exercise that Cameron supported the "yes" in the campaign for the referendum.

4. The economic crisis that hit the EU did not leave Mr Van Rompuy enough space to concentrate on the foreign policy. In your opinion, President Tusk has played a major role in the field of foreign policy? If this was the case, which were the occasions that can confirm this trend?

JDR: The problem with Tusk dealing with foreign policy came from the fact that foreign policy mainly dealt with Putin and he was not accepted as an interlocutor of Putin. For Ukraine, it was mission impossible for Tusk because he came from Poland and Putin is convinced about the fact that Tusk will defend only the Polish interest and will not speak in the name of the European Union.

Regarding the relationship with the United States, my feeling is that it will be more Juncker than Tusk who will be the interlocutor of Trump. We will see what happens next week because Trump comes to Brussels on the 25.

We cannot say that Tusk plays a role in foreign policy, as is evident for the Middle East and Syria issues. Mogherini has played an important role during her mandate and as much as foreign policy issue are managed by the Foreign Ministers, she is doing very well, but as for the big relationships when it comes to the Heads, I'm not sure that Tusk will be able to gain this kind of leadership.

He presides well the European Council, he has authority over the European. He can continue to do so until Angela Merkel is reelected so there is a chance now in the current situation to show leadership. With the migration crisis, a good leader would have acted better than Tusk did. For this reason, we can say that in this occasion Tusk lost the opportunity to show his leadership.

5. On the basis of your experience and research and taking into account the arrangement of the EU, do you consider that the future President of the European Council can play a more considerable leadership inside the EU compared to Mr Donald Tusk or it is necessary to envisage other solutions in order to compensate for the lack of leadership inside the EU?

JDR: The problem is that if you really have a very strong personality in the European Council and at the same time a leader at the head of the Commission, these two figures will come into conflict.

It is very difficult for the President of the European Council to increase his leadership as long as it has to share the leadership with the President of the Commission. That is why there is a weakness in the way in which the system is organized between the two. In the European Union, this duality prevents the President of the European Council to really be a major leader.

For this reason, I think that the President of the European Council can play a more important role in foreign policy. The President of the European Council can play a more important role in foreign policy than getting on the terrain of the President of the Commission, because the latter is not competent for foreign policy.

6. Finally, can you please make an assessment of the presidency of both Van Rompuy and Donald Tusk?

JDR: They are different personalities but in the end what they achieved was not so different. Van Rompuy had a special responsibility with the economic crisis but I think they

have something in common on which Van Rompuy insisted very much that you had to have the confidence of the Member States and once you have the trust of the Member States then you can achieve the result. I saw recently that Tusk is doing the same now if you look at his agenda. Moreover, the confidence he has gained from the Heads of State is confirmed by the fact that he has been reappointed for a second mandate without any discussion.