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Continuity and diversity?

The effects of the Council Trio Presidency on the EU's energy agenda

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Introduction

Since the late 1990s, the rotating Presidency of the Council of the European Union (EU) has been the subject of a range of discussions and changes aimed at improving its functioning. One of the central concerns was to ensure continuity of the Council's policy-making in an enlarged and increasingly diverse EU. After multiple attempts for reform, the current working method of the Council is based on the so-called Trio Presidency – an institutionalized setup in which each Member State holds the Presidency for 6 months while three successive Presidencies cooperate more closely in the form of a so-called Trio and have to agree on a common program.

This article argues that, looking at the example of energy policy, the Trio mechanism is overrated in its potential to deliver policy continuity. If anything, the setup constrains the expression of exceptionally individualistic Member State interests. In addition, it is argued that policy continuity is still delivered through the current system, yet it stems from the Council Secretariat's institutional memory and socialization effects that increasingly permeate the Council Working Groups.

To support these claims, the first section of this paper reviews the 'Presidency debate' of the past decades, the increasing need for continuity and the more or less successful attempts for reform. It builds on a body of research that is, nevertheless, criticized for analyzing the Presidency from a macro-political point of view without providing an in-depth understanding of the Presidency and Trio effects on the Council Working Groups – the expert level where a considerable amount of policies are negotiated in the Council hierarchy. Moreover, it is criticized that, aside from rare exceptions, past research has not sufficiently investigated effects within specific policy areas but attempted to make generalizations which are difficult to uphold due to considerable differences in the dynamics and administrative setups of different policy areas.

To cope with these criticisms, the second section of the paper is based on a range of expert interviews with Brussels-based energy officials from the Member States, the Commission and the Council Secretariat. Energy provides for a case study that can deliver valuable insights since it is naturally characterized by diverse interests amongst EU Member States that will persist in the long-run and thereby, from a theoretical perspective, challenges the idea of policy continuity. Finally, a conclusion will be given which reviews the main findings of this study.

The ‘Presidency debate’ and the implications for a Council reform

The principle of a rotating chair in intergovernmental forums exists since the early days of European integration. Every three months, the ‘Special Council of Ministers’ of the European Coal and Steel Community was headed by another member state. Likewise, from its establishment in 1958, the various formations of the Council¹ were chaired by the different Member States in rotating order, albeit in 6-monthly cycles. From its outset, the principle of a rotating Presidency ensured equal representation of the Member States. However, throughout more than five decades of integration the Presidency became gradually more important for an efficient functioning of the legislative decision-making process and accordingly its tasks constantly grew. Given the centrality of the Presidency’s role, it was unsurprisingly a recurrent subject of political and scholarly debate.

Political debates sparked in the mid-1970s when rapidly changing Presidency priorities, induced by the first round of enlargement and a corresponding gradual increase of diverse Member State interests to be incorporated in the political process, challenged the continuity of policy agendas. While the Tindemans Report of 1975 (Tindemans 1975) proposed to prolong the Presidency term to 12 months, four years later the Three Wise Men (Biesheuvel, Dell, and Marjolin 1980) recommended a formalization of Presidency tasks. Neither of these ideas was implemented but they remain early examples of discussions around the functioning of the rotating Presidency – discussions that since then have hardly muted. Foundational to most contributions is the assumption that the quality of the Council Presidency matters considerably for an efficient legislative decision-making process. Accordingly, the question arises whether the Presidency, a symbol for the diversity of Member States, should be the one to fill its function with meaning or whether tasks should be defined and formalized within a strict framework.

So far, political decision-makers have been relatively reluctant to intrude on the independence of the Presidency’s institutional evolution. The Presidency Handbook only postulates that “the Presidency must, by definition, be neutral and impartial.”² This, however, does not imply that throughout the years of its existence, the Presidency has not developed a distinct set of practices. Since the 1970s a constantly growing body of literature has focused on the evolution of the institution (Wallace and Edwards 1976; Bassompierre 1988; Kirchner 1992) and identified a set of core tasks that Presidencies perform. Most authors (Wallace 1985; Kirchner 1992; Elgström 2003, 4–7; Schout 1998; Schout and Vanhoonacker 2006, 1053–1056; Tallberg 2006, 10–11) refer to, first,

¹ Until 1993, following the establishment of the European Union, the Council of the European Union was called ‘Council of the European Economic Community’.

² Council of the European Union, Document SN 3835/2/11 of 16 November 2011: “Handbook of the Presidency of the Council of the European Union”, chapter I.3.

administrative and organizational duties. The Presidency manages the day-to-day business of the Council by convening meetings, preparing and circulating draft texts. Secondly, the Presidency aims to achieve political progress. Therefore, while sitting in the chair it attempts to coordinate diverse positions and facilitates decision-making through mediation and brokering. Thirdly, the Presidency gives political leadership. It sets political priorities, steers debates and advances the European good against national interests. Finally, the Presidency has a representational function: it speaks for the Council internally and externally, for instance in inter-cameral ‘trilogue’ meetings with the European Parliament and it serves as a contact point for other actors such as the European Commission. Considering that the Treaty of Rome established the rotating Council Presidency without specifying any of its future tasks the evolution of such comprehensive functions is truly remarkable.

Over time, these practices have grown out of institutional entrepreneurship, often in response to gaps in the institutional design of the Union. This was possible as the Presidency remained “institutionally underdeveloped and open to interpretation” (Tallberg 2003, 8). The room for maneuver has thereby become pivotal to the Presidency’s own role. As such, it may be argued, the existing set of functions is the result of institutional isomorphism and represents the Presidency’s self-understanding and identity. Nevertheless, the fact that Presidency functions could develop independently from institutional design does not imply that the performance of Presidencies is without scrutiny – too important is their role for the legislative decision-making process. Given that the EU is not a ‘voluntary’ but a “‘compulsory negotiation system’ where certain purposes can be realized only through agreement” (Scharpf 2006, 848), a malfunctioning Presidency potentially impedes political advancement of the entire Union. The majority of more recent research has therefore departed from merely investigating institutional evolution or functions towards analyzing the Presidency’s impact on policy outcomes (Schout 1998; Tallberg 2003; Tallberg 2004; Tallberg 2006; Schalk et al. 2007; Warntjen 2007; Thomson 2008). Most of the authors conclude that the Presidency does make a difference for the relative power of the Member State in the chair and for legislative policy-making in the EU as such – what was once conceptualized as a “responsibility without power”³ (Dewost 1984, 31) is nowadays considered to sit “in the driving seat” (Elgström 2003, 1).

The importance of the Presidency for legislative advancement is reflected in ongoing political discussions about the efficiency of the current system. In particular, the 6-month rotation principle of the chair caused considerable criticism in the political and academic environment. The central argument regularly put forward was that the Presidency’s relatively short terms in office coupled with the possibility of significantly differing agendas of succeeding Presidencies could undermine

³ Own translation; in the original French version Dewost refers to “responsabilité sans pouvoir”.

policy continuity. In addition, the growing number of tasks challenged the capacities and capabilities of some Presidencies. Such reasoning was reinforced by successive rounds of enlargement. While during the first decades of European integration each of the founding states was at the helm every third year, the EU in its current dimension grants the position of the chair to an individual Member State only every fourteenth year – a time span that dramatically reduces the scope for synergies within a single country.

Despite such developments, the rotation principle – symbolizing equal representation of all Member States and specifically a possibility for the smaller ones to influence the legislative policy-making process – remained undisputed. Even critics favored a moderate reform over a complete transformation of the system. Following the Tindemans and Three Wise Men proposals, both unsuccessful in reforming the functioning of the rotating Presidency, the London Report of 1981⁴ introduced the first minor changes since the creation of the European Economic Community. The Report acknowledged that a developing European Political Cooperation (EPC) covered increasingly more subjects which burdened the Council Presidency with an ever growing workload. These trends were expected to continue in light of future enlargements and it had therefore become necessary to strengthen the functioning of the Council by providing operational support for the Presidency. For that reason, it was agreed that the current Presidency was to be assisted by a small team of officials from the preceding and succeeding Presidencies, a setup that was referred to as the ‘troika’.⁵ This modification did not fundamentally change the rotation principle but it improved burden-sharing and ensured a degree of continuity by operationally inter-linking successive Presidencies.

Nevertheless such changes could not mute criticism voiced at the functioning of the Presidency in the following years.⁶ Further rounds of enlargement and the creation of the European Union which extensively shifted policy-making powers to Brussels highlighted the importance of a smoothly functioning Council. However, what really accelerated the need for reform were the political developments in the 1990s and the prospects of a major enlargement of the Union to the East. Concerns arose that ten new Member States in the Council would, under its current rules of procedure, pose a major challenge to policy continuity. Reforming the rotating Presidency nevertheless continued to remain difficult. In particular the smaller Member States opposed more substantial modifications to the rotation principle, as the helm provided an institutionalized opportunity for them to have an equal impact on EU policy-making. Indeed, arguably the rotating

⁴ London Report, Bulletin of the European Communities. 1981, n° Supplement 3. Luxembourg. “Report on European Political Cooperation (London, 13 October 1981)”, pp. 14-17.

⁵ While in the European context this setup is considered to be the ‘original’ troika, other variants of the troika model, albeit later established, have become more prominent over time.

⁶ See for instance the Solemn Declaration: “Solemn Declaration on European Union”, Stuttgart, 19 June 1983, Bulletin of the European Communities, June 1983 6/1983 pp. 24-29.

chair has a positive impact on the legitimacy of the European integration project by emphasizing the diversity of interests represented on the continent and by bringing Europe closer to its citizens (Vanhoonacker and Schout 2003, 6–7; Bunse 2009; Batory and Puetter 2011, 7).

Since the 1990s, two parallel processes indicate the intensified focus on improving the workings of the Council. On the one hand, the General Secretariat of the Council started to be increasingly active in proposing reforms to the Council's Rules of procedure.⁷ On the other hand, the rotation principle became a recurrent subject in the debates on the revision of the treaties. Commonly, both processes have been interpreted to indicate a "greater degree of communitarization of the Presidency" (Fernández 2008, 627), a notion underlining that the Presidency which was originally conceived as an intergovernmental body, was becoming increasingly charged with defending community interests.

Regarding the future of the rotating Presidency, debates were primarily held in two forums: the European Council and the European Convention drafting the Treaty establishing a Constitution for Europe. The European Council of Seville on 21-22 June 2002 introduced some concrete measures which aimed at ensuring the continuity of Council policies. The so-called 'Sevilla plus' agreement sought to strengthen cooperation between rotating Presidencies through a 'multiannual strategic programme', which was to be prepared and adopted jointly by six Presidencies to outline the priorities for the three years of their chairmanship. Moreover, the two Presidencies of each calendar year were to cooperate more closely under the label 'team Presidency', denoting the requirement to work out a more detailed annual program. At the same time, the European Convention discussed various proposals for a more substantial reform of the rotating Presidency system which would require a revision of the Treaty, such as the appointment of permanent chairs for the Council formations.⁸ Nevertheless, the final draft Treaty's relatively modest changes to the rotation principle indicated continuous opposition of various Member States to more substantial modifications.⁹ In 2006, two years after the Eastern enlargement, the need for a reform of the rotating Presidency gained more relevance than ever. On the one hand cooperation under the multiannual strategic

⁷ See for instance Fernandez (2008, 627) who shows that until 1969 the Council's Rules of Procedure have only been modified twice, whereas between 1999 and 2008 five modifications took place. Since then, new Rules of Procedure were adopted in 2009, followed by currently three amending acts.

⁸ See for instance "Preparing the Council for enlargement. Report by Javier Solana, Secretary-General of the Council of the European Union (Brussels, 7 March 2002)". Brussels: Council of the European Union, General Secretariat, Document S0044/02; or European Convention, "Part I, Title IV (Institutions) - revised text", Document CONV 770/03 of 2 June 2003 which proposes in Article I-23.6 to include into the Constitutional Treaty far-reaching powers of the European Council in appointing chairs of all Council formations apart from Foreign Affairs.

⁹ European Convention, "Draft Treaty establishing a Constitution for Europe", Document CONV 850/03 of 18 July 2003, Part I, Article 23.4 sticks to the principle of "equal rotation" in all Council formations apart from that of Foreign Affairs and merely changes Presidency period to one year.

program over a three year span had proven more difficult than expected. On the other hand, the ratification process of the Constitutional Treaty was halted a year earlier due to its rejection by French and Dutch voters. As an alternative, a change of the Council's Rules of Procedure in September 2006 introduced a new *modus operandi* specifying a close cooperation amongst three consecutive Presidencies for an 18-month period, a format that has become publicly known as the "Trio".¹⁰ This new setup was implemented in 2007 and formally included in the EU Treaties in 2009 by the Treaty of Lisbon.

Compared to the previous setup of multiannual strategic programs coupled with team Presidencies, the Trio Presidency "represented a more ambitious format". (Vieira and Kajný 2012, 6) A set of rules defined more substantial requirements on the cooperation between succeeding Presidencies than had ever existed before. Members of the Trio became obliged to prepare, in close cooperation with the Commission a joint draft program for their combined 18 months in office. This draft program was to be submitted jointly and no later than one month before the relevant period to the Council.¹¹ Moreover, the order of consecutive Presidencies grouped in many aspects diverse Member States into Trio clusters.¹² Each Trio consists of old and new Member States of different size and geographical location. To ensure policy continuity such a combination requires increased coordination between the Trio members in order to integrate their different policy agendas.

Indeed, there had been voices that called for the abolition of the rotating Presidency and the creation of permanent chairs to ensure better continuity of policies. In a way, the Treaty of Lisbon responded to such requests with the creation of two permanent chairs, a permanent President for the European Council and the High Representative of the Union for Foreign Affairs and Security Policy chairing the Foreign Affairs Council. However, no majority could be found for the introduction of permanent chairs in other Council formations since the Member States were keen to uphold the principle of equal representation. Compared to other changes, the introduction of the Trio therefore represents a rather modest adjustment of the previous format. However, at the same time it indicates ongoing skepticism towards the rotation principle (Batory and Puetter 2013, 95) as it is clearly designed to enhance policy consistency across consecutive Presidency agendas.

But does the new format really deliver more policy continuity? Can the institutionalization of consistency function as planned? And, given that the Council Presidency has always been prone to

¹⁰ Council of the European Union, "Council Decision of 15 September 2006 adopting the Council's Rules of Procedure", Document 2006/683/EC, Euratom.

¹¹ Ibid, Art. 2.4

¹² Specified until 2018 through the Council Decision 2005/902/EC, Euratom of 12 December 2005 and successively until 2020 through the Corrigendum to Council Decision 2009/908/EU of 1 December 2009.

institutional entrepreneurship, how do the members of the Trio work together? A newly emerging body of literature has attempted to find answers to such questions. Nevertheless, so far the number of publications remains limited. Batory and Puetter (2013) interpreted the Trio model as an effort to re-adjust the balance between consistency and diversity – a contribution that stands out as the only attempt to conceptually frame the institutional changes. Other studies have mostly focused on the functioning of specific Trios and their impact on the policy-making process (Mazzucelli and Dragomaca 2009; Batory and Puetter 2011; Udovič and Svetličič 2012; Jensen and Nedergaard 2014).

Yet, none of these studies shifts the focus from the macro-level of Trio policy-making to the micro-level, i.e. the working group level where the positive and negative effects of the Trio setup materialize in everyday interactions and legislative policy-making. Such analysis is, nevertheless, essential for two reasons. On the one hand, the Council's general potential to carry political weight and set the general direction of policy must be questioned in light of the institutional power shifting increasingly to the European Council (Puetter 2013). It can therefore be expected that the Council's workings will be increasingly limited to its original core function as the *legislative* "decision-making center" (Wessels 1991). Within the Council, discussions take place at three levels. A body of research has indicated that a considerable number of agreements are already found at expert level in the Council working groups before the files are passed on to the Committee of Permanent Representatives (COREPER) and the ministerial level for formal adoption (see for instance the contribution of Hayes-Renshaw and Wallace 2006, 53).¹³ The significance of working groups makes a closer investigation of the expert level paramount for understanding the *de facto* influence of the Trio on legislative acts and other files discussed in the Council. On the other hand, a more extensive comprehension regarding the functioning of the current model is necessary to have informed discussions about its workings and develop sound proposals for future reforms.¹⁴ Fitting in this line of criticism, except for rare exceptions (Vieira and Kajnič Lange 2012), no scholars have taken a closer look at specific policy areas in order to investigate the Trio's influence on the policy-making processes of specific Council formations. Such contributions become even more necessary since, similarly to the previous Presidency model, the rotating Trio Council Presidency has barely been charged with specific tasks and therefore its detailed functioning can be expected to develop, once again, out of institutional entrepreneurship.

¹³ In the field of energy, the respective ministers of the EU Member States meet in the formation of the Transport, Telecommunications and Energy (TTE) Council.

¹⁴ In 2003, Vanhoonacker and Schout (2003, 2) heavily criticized that Member States delegations' proposals for reforming the Council Presidency during the European Convention were "more based on impressions than on a real analysis."

The Trio setup and energy policy: challenging continuity

To investigate whether the Trio *really* makes a difference the second part of this article takes a closer look at the Trio effects in the field of energy. Energy stands out as an area which is characterized by fundamental, structurally induced and hence in the short- and medium-term unchangeable differences between EU Member States. Such diversity particularly highlights the need for increased cooperation and coordination of Presidencies' interests to agree on a common agenda that satisfies the idea of policy continuity. The article builds on ten expert interviews conducted in Brussels or via telephone between October 2012 and September 2013 with officials from the European Commission, the Council Secretariat and the Member States. All interview-partners have either a specific relation to or particular insights into the workings of the Trio Presidency in the Energy Working Party in the Council (EWP). Interviewees from Member States were primarily chosen from those countries that participated in the fourth, i.e. Polish, Danish and Cypriot, and fifth, i.e. Irish, Lithuanian and Greek, Trio.¹⁵ Moreover, the empirical part also draws back on the author's own working experience in the Directorate General for Energy and a range of Commission-internal documents that he was allowed to analyze for academic purposes.

Energy as a policy area challenges by its very nature the idea of policy continuity of consecutive Presidencies. Since energy is foundational to a functioning economy, it is deeply connected to the Member States' fundamental interests. While the general objectives of a common energy policy – competitive, secure and sustainable energy – are shared across the EU, these remain rather abstract. A closer look at individual Member States reveals a continent that is extremely fragmented in terms of interests and priorities, rooted mostly in structural conditions. Firstly, the geographic location plays an important role in what resources are at disposal. This does not only concern oil and gas production, but also conditions for the use of renewable sources of energy depend on the locality. The wind blows stronger along the shores in the North of Europe while there is on average more sunshine in Southern countries. Hydro-power is dependent on large water supplies or on reservoirs in mountainous areas. Geographic location also plays a role in cross-border trade, either with other EU Member States or regarding energy imports from third countries. Some countries in the EU are considered to be so-called 'energy islands', disconnected from the rest of the Member States, which makes them dependent on trade with EU neighbors. Moreover, location can restrict the means of importing energy. Landlocked countries do not have the opportunity to import LNG and oil via harbors but need to rely on other ways of transport, such as pipelines.

¹⁵ All interviews have been codified and anonymized in accordance with the interviewees. Transcripts are with and can be requested from the author.

Secondly, during all the decades of European integration it has always remained the Member States' prerogative to decide about their energy mix. The corresponding infrastructure has developed over many years and medium-term changes, such as the politically decided nuclear phase-out in Germany, are the exception rather than the rule. Decisions regarding the country's energy mix are based on a range of considerations, including own resources and potential suppliers as well as security and environmental factors. The infrastructure that corresponds to a specific energy mix is developed for the long-term and therefore creates a set of relatively stable interests. Unsurprisingly, Member States are keen to retain control over their energy mix, because externally induced changes might result in large investments as well as compromises on the security of supply.

Finally, some non-structural conditions can also have an impact on a Member State's energy policy interests. Policy-makers become increasingly attentive to public opinion when deciding about the future of the national energy agenda. The rise of the green movement has turned the views on the future of nuclear energy in a range of European countries. Likewise, offshore-drilling and the use of coal for electric energy production are heavily contested issues. At the same time, energy poverty becomes a factor which increasingly influences governments' positions in some EU Member States. When Bulgaria's government was toppled over the cost of green energy and resulting demonstrations in 2013, European leaders had to realize that actions in the field of energy policy might have direct consequences for their political future. Consequently, politicians in different Member States increasingly face the question what they can expect of their electorate, for example with regard to additional costs involved in energy efficiency measures that redeem only in the long-run.

Such rather general remarks correspond with specific examples when comparing some of the basic energy interests of the Member States which held the Presidency during the fourth and fifth Trio. Located at the Eastern border of the European Union, for Poland the topic of energy isolation and the external dimension of energy policy with regard to Russia are very important. For Denmark, energy policy interests focus much more on energy efficiency and the transitions to a low-carbon energy system. Close ties, also institutionally manifested, exist between the energy and the climate and environment agenda. Cyprus, the third Trio member, has no physical link to other EU Member States and is highly dependent on crude oil, which explains a heightened interest in infrastructural issues. Moreover, the discovery of considerable oil and gas reserves close to the island brought offshore safety into the focus of attention. Amongst the Members of the fifth Trio, Ireland, receiving close to 95% of its gas imports from the UK, is keen on diversification of supplies and supports the construction of its first liquefied natural gas (LNG) terminal as well as the development of renewable resources, such as wind and ocean energy. Often referred to as an 'energy island' in the EU that is

still mostly integrated into the old Soviet energy grid, Lithuania is particularly interested in diversifying its supplies from Russia to achieve more energy independence and to have a more coherent European approach to external energy policy. Finally, Greece also has an external interest which is, however, more targeted at cooperating in the Mediterranean. The TAP pipeline running through its territory and the prospect of becoming the gateway for gas located between Cyprus and Israel sparks optimism to become an energy hub in the region. However, Greece has also been increasingly concerned about energy prices, with a comparatively large number of vulnerable customers that suffer from energy poverty following the financial and economic crisis.

The list of aforementioned country-specific energy interests is not complete, but it highlights that priorities may differ considerably amongst EU Member States. For the continuity of a European energy policy agenda, this is not problematic as long as Presidencies remain objective and resist putting their own interests ahead the 'European good'. Yet, there is no guarantee that the agenda of a Presidency remains immune to some national coloring. Several interviewees pointed out that such conduct differed, according to which country was at the helm. Clearly, the European Commission argued in favor of a truly European agenda rather than a Europeanization of national priorities. Within the fourth and fifth Trio particularly Denmark stood out in this sense. Interviewees praised the Danish Presidency's efficiency in the EWP and its ability to pool European rather than advancing own interests. Of course, it may have been a lucky coincidence that the Danish green agenda at the national level coincides largely with EU objectives. This was much less the case for Poland and Lithuania whose Presidency agenda had some national coloring with regard to the emphasis on external energy relations with Russia. Even though there may be a thin line between Europeanizing a national agenda and raising awareness for a topic, the responses of interviewees clearly indicated a difference between these countries' Presidency performances in this respect.

Some Member States' representatives were relatively outspoken about the fact that the Presidency provides an opportunity to advance certain national interests to the European level. One official admitted that one of the main questions for her country prior to the Presidency was "whether we want to be very European or whether we want to solve our problems during these six months. We are not naive – we do understand that it is impossible to solve our problems but we can highlight them." 'Highlighting' can take different forms but does not necessarily have to result in uploading the issue to the Presidency agenda. One interviewee reported how energy and atomic questions attachés were invited to her country during the Presidency to make them more familiar with a specific national energy challenge. The event was seen as a success because even though she had referred to the issue for four years in her interventions in the EWP, it was difficult for her colleagues from other Member States to understand her concerns until they experienced them first-hand during

the visit. Another official reported how negotiation talent matters. Rather than to frankly highlighting national interests, his Presidency team aimed to frame national concerns in a way to make them fit under the relatively broad umbrella terms associated with European energy objectives. At the same time a range of national representatives denied a national coloring, affirming that they looked at the Presidency “from a European perspective”. One official highlighted that his team “had the green light from [its] capital that this was not a period to go ahead with [their] national priorities. First of all it is the EU interest.” He added that “the Presidency is not the opportunity to solve your national issues.”

Differences in agendas also have direct consequences on how the ‘success’ of a Presidency is perceived. The Polish focus on external relations opened a topic which is comparatively broad. One observer mentioned that with so many Member States and their priorities that had to be pleased that it became a “nightmare in terms of negotiations”. No legislative act could incorporate the different positions, which explains why Poland focused on finding a compromise on external energy in the European Council conclusions that, as a result, remained rather broad. In comparison, the energy efficiency directive, an important legislative document of that time, received much less attention. A considerably different approach was chosen by the Danish Presidency which was more result-oriented in terms of advancing legislative files. According to one interviewee the Danes were extremely successful in doing so because of their professionalism regarding administrative capacity, open-mindedness and leadership skills. As a Presidency that had previously chaired the Council, the Danes had a clear advantage in terms of experience vis-à-vis new Member States, such as the following Cypriot Presidency, which may be lobbied more easily due to their inexperience as a newcomer in the position and more limited administrative capacity.

In a strict sense, different agendas as well as a lack of administrative capacity and experience can conflict with the idea of the Presidency as a neutral and honest broker. It is indicative, that an official from the traditionally supranational Commission denounced the Presidency as “useless”, serving “Member States’ interest satisfaction” and argued that permanent chairs would be more efficient in advancing a European energy policy. At the same time, the potential of ‘coloring the agenda’ should not be overestimated. Even countries that utilized their Presidency for advancing own interests cannot be accused of acting anti-European. Qualitative analysis of the interviews indicates that those Member States that have a particularly dominant national priority in energy matters are more tempted to give their Presidency agenda some national coloring. Yet, even those Member States resisted “to leave a very specific mark on the program”, as one interviewee put it. Moreover, the scope of the Presidency to influence the agenda is more limited than one would expect. Often files cannot freely be picked but they are taken over from the previous chair. One interviewee who was first-hand involved in drafting the energy agenda for his country’s Presidency

program explained that “the Presidency program is to 90 percent composed of what’s in the pipeline anyway. [...] There is maybe a 10 percent chance to color the Presidency in some way which is in your interest.”

Such a finding does not only suggest that individual Member States’ influence on the Presidency agenda is limited – it also challenges the idea that the institutionalization of the Trio Presidency establishes continuity since the ‘pipeline’ does not only exist for Trio members but for any consecutive Presidencies. Likewise, interviews have suggested that energy agendas do not change considerably between successive Trios due to the eventuality of fundamentally different Trio programs. Rather, files are ‘sticky’ and passed on from Presidency to Presidency, independently of whether they belong to the same Trio or not.

Nevertheless, Presidencies do have the possibility to advance certain files more than others. They can schedule and encourage debates but likewise they can delay files if they deem them less important to them. In that sense, a degree of influence on the workings of the Council is indeed possible. The question is then whether, as Batory and Puetter (2013) conceptualize, the institutionalization of the Trio is sufficient in striking a balance between consistency and diversity.

As indicated in the first section of this article, the only formalized task of the Trio is to commonly prepare a Trio program outlining the main priorities and policies for the 18 months of their Presidency. In most cases, the preparation of the program is a clear task because the program for each sectoral policy is relatively short and broad. In the field of energy, interviewees stated that it was “obvious which files should be there” and that the common drawing was therefore “not a very conflicting process”. At times, the Trio program does not particularly correspond with the energy interests of one of the Trio Members. A Member State representative explained that this did not cause a problem for his country since his minister sought to look at the Presidency from a European perspective and accordingly his instruction was to “behave European”. While the overall Trio program is developed by Antici and Mertens officers the energy part of the fifth Trio was left to its members’ energy attachés that had been in contact for several months before the first Presidency started and conducted regular meetings.¹⁶ As the Trio came at the end of a “legislative pipeline” the contents of its program were relatively obvious. Other topics were more of general nature and the attention attributed to them did not depend on the Trio’s position but more on the general stance towards the issues in Brussels. For instance while the price of energy and the conclusion of the internal market by 2014 had become important topics for the European Council due to the financial and economic crisis, the EU’s environmental agenda lost its momentum. Such a re-prioritization of

¹⁶ Antici officers are normally preparing the meetings of permanent representatives (COREPER II) whereas Mertens officers prepare the meetings of their deputies (COREPER I).

the EU's more overarching energy objectives feed subtly into those parts of the Trio program that is not pre-defined by ongoing legislative files.

Conflicts in the establishment of the Trio program are rather rare but they can arise nevertheless. For instance Cyprus and Poland had difficulties to agree on an energy program when they experienced a clash of country interests over a supposedly unrelated issue which touched upon foreign policy. Because of their history with Russia, Poland wanted to highlight the external dimension in the Trio program – a part that Cyprus wanted to avoid because of their conflict with Turkey. Turkey is an important energy transit country for the EU but at the same time Cyprus is blocking Chapter 15, the chapter dealing with energy, of the EU accession negotiations with Turkey. At the same time Turkey is in negotiations to join the Energy Community since 2008, yet Turkey made it clear that it was only willing to adhere to the Union's *energy acquis* if the Commission put pressure on Cyprus to re-open Chapter 15 of the accession negotiations. This caused a stalemate in which neither Turkey nor Cyprus showed willingness to make a move. The Commission however referred to Turkey as a major partner for energy transit and linked the issues of progress in the negotiations of Turkey's accession to the Energy Community and progress regarding chapter 15 in the accession negotiations.¹⁷ Cyprus feared that a momentum would start in which it might lose control over the situation if it signed a blank check to Poland to push ahead with external energy policy and ambitious European Council conclusions. The ministry of foreign affairs therefore gave "very strict instructions" what was feasible in the Trio program, and Polish ambitions eventually were watered down by Cyprus. As an official indicated, the conflict almost blocked the inclusion of an official energy part into the Trio program.

The example shows that in certain cases the common establishment of the Trio program can work as a regulative device to coordinate and moderate national positions. Because it is relatively random whether or not the three Member States that form the Trio are homogenous in their energy interests, some degree of cooperation and coordination during the 18 months of the Trio is, nevertheless, paramount to satisfy the idea of continuity. Generally, all interviewees reported very good cooperation in terms of division of responsibilities and moderating priorities. One official described a "corporate spirit which helps that the dossiers are moved forward". For instance, if a change of the Commission or European Parliament (EP) elections 'interrupt' one Presidency, the temporal implications for the conclusion of legislative files are considered in the Trio program. Also, interactions take place where the Trio members meet and update each other. Exchange of experiences is moreover helpful to gain expertise. Trio members give tips to each other about the relationships with the Member States and other institutions such as the Commission, and how to

¹⁷ European Commission, Commission communication COM(2011) 539, p.7.

handle certain situations. However, it remained largely unclear from the interviews whether these relations would not be in place between consecutive Presidencies in case the Trio did not exist. For example, the last month before they take over the chair, incoming Presidencies are invited by the current Presidency to take part in the briefings with the Commission, the Council Secretariat and its legal service prior to the weekly meetings of the EWP to learn “how it works”. This practice is, nevertheless, not restricted to Member States that commonly form a Trio but exercised on a rolling basis between any current and incoming Presidency. As such, the added value of the Trio with regard to cooperation besides the preparation of the Trio program remains unclear.

To a considerable degree, the administrative setup of an individual Presidency can impact on the coordination amongst consecutive Presidencies. According to one official, ‘Brussels-based Presidencies’, in which the attachés have a level of discretion from their ministry to change the program, are more effective than ‘capital-based Presidencies’. In particular the preparation of the Presidency and Trio programs is simpler if the relevant officials are based in Brussels but it also positively adds to the flexibility of the chair and the corresponding scope for agreement. Specifically in the field of energy it has been experienced that too much involvement from the capital can create tensions. Since all Member State representatives in the EWP are Brussels-based, the forum has been subjected to a range of socialization effects that have been described as an advantage because representatives have “excellent working relationships” and sometimes even consider each other as friends. Personal relationships that at times stretch back for many years have, as interviewees reported, created common understandings that positively impact on the advancement of a European energy policy and the issue of policy continuity. There is, for instance, “a completely different attitude” prevailing in the Working Party on Atomic Questions which is generally composed of three national representatives – one energy attaché, one environment attaché and one representative from the capital – which meet in different combinations. Yet, socialization also has its limits. As much as understanding helps to ease conflicting positions, this does not work, as a Commission official highlighted, on issues which are considered to be of ‘high politics’ because they touch upon a Member State’s sovereignty, such as external energy policy or the national energy mix. Nevertheless, it may also be regarded a consequence of socialization that restrictions of others are accepted and that still all representatives work together to find a common solution.

An indication for the limited impact on continuity *per se* of the Trio is given by the observation that the level of coordination and cooperation amongst Trio members decreases significantly for any Presidency that leaves office. This may have rather trivial reasons. The six months in the chair have been described as extremely work-intensive and hence tiring. Energy attachés generally only take off one day per week and sometimes work as much as 80 hours. As one

official stated, “you work so much, so you are completely exhausted after six months.” Outgoing Presidencies normally offer their support to the new Presidency – which is however not often welcomed in practice. Defending one’s turf, new Presidencies often emancipate themselves from their predecessor. Input is regarded as challenging their position as a chair. “It is your six months, you are still the Presidency, you are in the chair and anybody else is outside – even when it comes to the Trio”, stated one Member State’s energy attaché who had been chairing the EWP during his country’s Presidency. Such working methods amongst consecutive Presidencies can highlight the rotation principle but negatively impact on the idea of continuity.

Continuity across Presidencies is, besides the Trio program, given through the involvement of the Council Secretariat of the Council. From an academic perspective, this observation is not new. Previous research has emphasized the institutional memory of the General Secretariat and its functions as a “bridge between various chairs” (Christiansen and Vanhoonacker 2008, 757). It gives valuable inputs on the responsibilities of the Presidency, legislative files, negotiations and a range of other issues. In fact, the role of the Council Secretariat is of such importance that one representative saw the reasons for a specific Presidency’s relatively limited success in achieving its goals in its difficult relationship with the Secretariat with which it had “lost the communication”. The role of the General Secretariat is thereby not to go into the substance of the files but rather to help on matters of coordination between the Member States. One former chair described it as “absolutely the main support for the Presidency and [...] the continuity to the Presidency as well.” It is giving input on what to take on board in legislative files and the Council Conclusions and on operational parts such as developing an agenda and reaching a deadline. The support is particularly necessary because many chairs come into the Presidency as a “raw recruit” and the Secretariat ensures the efficient functioning of the system.

The Council Secretariat is not the only external source of continuity to the Trio. The European Commission also plays an important role in supporting the Trio members, for instance in the preparation of the Trio program, the Presidency programs and the Presidency agenda. The Directorate General for Energy regularly organizes an informal meeting with the incoming EWP chair and his team to discuss and plan their Presidency. Generally, at such meetings the current as well as the next Presidency are present, yet not necessarily all member of the Trio. Regarding energy policy, the Commission is particularly involved in the external dimension. For instance, the line-to-take for the Commissioner in the EU-Russia energy dialogues that takes place once per year needs to be based on a mandate from the Council. As the external EU position should not change suddenly with a change of the Presidency, it is accepted amongst the Member States that the Commission gives considerable input on the external agenda. As one official put it, “on paper this may not be the case

but in reality it is the Commission that keeps the continuity to the external dimension.” Likewise, many discussions in the EWP are based on Commission input because it is the Commission that sets initiatives, gives general input, and has knowledge and technical expertise. One attaché made the importance of the Commission as the initiator of policies and the relation to continuity clear, asking “if I don’t have something from the Commission to discuss, what is the meaning of continuity?”

Finally, it has been theoretically and procedurally claimed that the Trio setup itself ensures some continuity of policies across successive Presidencies and thereby overcomes the problem of potentially unrelated programs, induced by the rotation principle. To a certain degree, there is evidence that the Trio program does matter. A Member State representative noted that “it is the right way because you are forced into some formal setup with the incoming and outgoing Presidency”. Since there is the requirement to agree on a common program, a range of different priorities remain continuously on the agenda, for instance energy efficiency during the Polish Presidency. However, there is an indication that the Trio matters most *before* it starts its 18-month tenure, i.e. during the time when members prepare their common program. As soon as the Trio Presidency has started, the Trio setup loses its impact. As one interviewee mentioned, “I believe that the Trio is a very good thing for the continuity but, nevertheless, when it comes to real work, it doesn’t really matter.” A Trio member has most contact with the previous and following Presidency – no matter whether it belongs to the same or a different Trio. Cyprus, the last Presidency of the fourth Trio, for instance had much more contact with Denmark, its predecessor, than Poland, the first Presidency of the Trio. Likewise, Cyprus had a considerable amount of exchange with Ireland, even though it belonged to the following Trio. This indicates that contact during the Presidencies is not merely structured according to the institutionalized Trio, but takes place on a rolling basis. As one observer put it, “it goes down to two Member States at a point.”

Likewise, while Trio members are keen on developing a common Trio program, they are also concerned with ensuring the visibility of their own Presidency. Former chairs indicated that it was important to them to not let the Trio dominate the individual Presidency. One official was quite outspoken on this topic: “It is very important that you focus on your Presidency and that you do the best job you can. The Trio then is the second part, it is not the priority.” As such, the attachés also made it clear that the rotating Presidency was an important element – not only for ensuring equal representation in the EU but also for the administration. “The experience [of having the Presidency] should be shared among the Member States. It is very interesting for me and very useful for the rest of my colleagues to have this experience of the Presidency. Me, and I think all my colleagues from the 28 Member States, want this experience,” said one official, another one adding “I think this experience must be shared among the public administrations of all the MS.”

Many Member States representatives then also had no clear answer to the question why the institutionalization of a cooperation of Presidencies focused on a Trio rather than another setup, such as a Duo or a Quartet. It was never experienced that one of the Trio member had to step in for another one – even during crisis times, no one was ever concerned that this worst-case-scenario would happen. One official speculated that a Trio of 18 months would be sensible since legislative acts would take at least 18 months from the time the Commission presents the a paper until it reaches the Official Journal. Nevertheless, such argumentation becomes confuted by the fact that many legislative files stretch across consecutive Trios. As such, there is considerable overlap between all Presidencies. One official advanced the point that “the Trio comes from the necessity to integrate the new MS, all the Eastern Countries, into the European concepts and procedures.” However, while parts of this argument may be reasonable, it remains unclear why exactly *three* Presidencies would ensure this integration. This left the impression to one energy attaché that there was no rational reason why the system explicitly institutionalized a Trio. Another added, also with regard to the limited ability of the Trio to produce continuity, that “having a Trio Presidency is rather having it on paper than having it in reality.”

Conclusion

This article reviewed the functioning of the Trio Presidency and the supposedly institutionalized balance between diversity and continuity from the perspective of energy policy. It argued that the body of literature about the workings of the Trio is rather thin, in particular with regard to in-depth studies of the Trio-effect on specific policy areas. Such research is, however, necessary in order to constructively add to the Trio debate and provide a reference point for future reforms of the Trio mechanism.

The first section of this article provided a historical review of the evolution of the Council Presidency and the debates that surrounded the quest for successive reforms. It was shown that the current Trio setup can be understood as an institutional modification to ensure continuity of policies. This continuity has become paramount in times where the Presidency is charged with a growing number of tasks and the Union has been subjected to numerous enlargements that have increased the diversity of interests amongst its members.

The second section reviewed the Trio mechanism’s potential to ensure continuity by assessing the Trio effects in the field of energy policy. Building on a range of expert interviews and official documents, this research has shown that the actual effect of the Trio on policy continuity is limited. Rather than ensuring continuity, the Trio mechanism seems to constrain diversity: the setup

makes it more difficult for a Member State to point its Presidency in direction dominated by domestic interests. The common program of the Trio members demands a minimum degree of balance that is reflected in the energy agenda in the Council. In this way, the Trio program can mute or moderate certain interests, as indicated by the example of conflicting Polish and Cypriot positions towards an external energy policy.

Finally, the research has shown that a considerable degree of continuity in the agenda of EU energy policy stems from the input of the Commission and the Council Secretariat. Particularly the institutional memory of the latter body plays a central role in ensuring continuity between successive Presidencies and Trios. From a perspective that focuses purely on efficiency, such findings question the usefulness of the Trio setup and would support the establishment of a permanent chair. However, this seems politically not feasible since Member States are outspokenly keen to have both the Presidency and Trio experience. What remains, is an institutionalized mechanism which, according to the findings of this research, does not deliver *per se* what it was constructed for. Interestingly, the Trio Presidency still has a positive impact on the EU's energy policy. The three Member States are usually highly motivated to make their term a successful one, an attitude which can create synergies through socialization processes. Effects resulting from the glory that Member States experience during their chairmanship and their identification with the Trio should thus not be underestimated.

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