

TOWARDS EFFECTIVE AND ACCOUNTABLE LEADERSHIP OF THE UNION OPTIONS AND GUIDELINES FOR REFORM¹

(PART TWO)

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Rien ne se crée sans les hommes. Rien ne dure sans les institutions.

(J. Monnet)

ABSTRACT: *The success of the Convention on the future of the EU will to a great extent depend upon on its answers to the institutional questions. Among these questions, the issue of EU leadership plays a crucial role. In this paper, three challenges for the re-organisation of leadership in the Union are identified:*

- *Union leadership has to be more effective;*
- *Leadership in the Union should contribute to the democratic character of the Union;*
- *Leadership reform should not fundamentally distort the Union's institutional balance.*

In view of these three challenges, the authors consider the two main strands of debate that touch upon the issue of leadership in the EU: first, the debate on the election of the Commission President and, secondly, the different proposals for reforming the Council Presidency.

3. Towards an EU President

Over the last couple of years there has been ever more debate on the issue of leadership of the Union and, in particular, on the Presidency of the Council. For many it has become clear that the rotating Presidency in its current form cannot be maintained, as it has become too much of a burden to bear for national governments and its discontinuity gives rise to serious problems (see section 1.1). Notably the Laeken Declaration of December

2001 not only raised the question of the election of the Commission President, but also asked whether the six-monthly rotation of the Presidency of the Union can be maintained.

There are basically two directions in which the executive responsibilities that are currently held by the rotating Presidency can be shifted. First, one might delegate them to the Commission. Secondly one might draw on the model of the HR and seek to shift them to a permanent person in the Council.

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The latter option has received much attention lately with the proposal to replace the rotating Presidency by a permanent 'President of the EU' chosen by the European Council from its former members. In turn the governments of the larger member states of France (Chirac, 2002), United Kingdom (Hain, 2002), Spain (Aznar, 2002) and Italy have expressed their support for this idea. Notably also Valéry Giscard d'Estaing, the President of the Convention on the Future of the EU, has commented favourably on this proposal (*Vif-L'Express*, 31 May 2002).

The question of a EU president is bound to become crucial in determining the centre of gravity in the Union. As such, the issue of EU leadership has become the focal point of the ongoing struggle between 'intergovernmentalists' and 'supranationalists', pitting against each other the alternatives of either a long-term Council President firmly under the control of the member governments or a Commission President protecting the Union's interest under the direction of the European Parliament.

In actual fact, however, the options are more nuanced and also less simple than these two suggest. To properly assess proposals for a EU President, we need to look at the broader picture taking into account all executive responsibilities and their interplay. In addition to the role and selection of the EU President, there are at least three other elements that any re-organisation of the Union's executive needs to define:

1. Where are *the powers of agenda setting and initiative* located? Will a future President acquire such powers? Is there a shift in their current allocation between the Commission and the member states?

2. How are the Union's *external responsibilities* organised? Should the post of HR be transformed into that of a 'Foreign Secretary of the Union'? If so, what then would be its relationship with the Commission and with a possible President?

3. What is the future *organisation of the European administrations*, in particular the relationship between the Secretariat supporting the Council and the Commission Directorates-General? Should they be fused, or should the current duality (with the corresponding coordination problems) be maintained?

The answer to these questions will have a great bearing on the efficacy of the leadership. Indeed, the current lack of leadership is not only due to the duality of a constrained Commission President and a rotating Council Presidency, but also to the dispersion of the powers of initiative and agenda setting. Moreover, the scattering of external responsibilities, the duality of administrations and the requirement of unanimity can also explain the efficacy deficit. These factors in particular have had a great bearing upon the disappointing political achievements in the second and the third pillar.

The question of the Presidency and these factors can be combined in an infinite number of ways. We focus in our analysis, however, on four basic models that have a strong internal consistency and that define the main alternatives in our view. They can be considered 'ideal-types', i.e. theoretical constructs that allow us to pinpoint the impact of the different constituent elements.

First, we explore the two directions suggested above: on the one hand the possibility of appointing a long-term President

of the European Council who would then function alongside the Commission President, and on the other hand the option of retaining the rotating Presidency by relocating tasks between it and the Commission.

However, picking up on suggestions that have gradually made their way into the debate in the Convention on the Future of the EU, there are two more options we want to explore. These models move beyond the European Council-Commission duality by merging the Presidency of both institutions. Such a 'unified presidential model' would be a radical reform of the present situation and its implications may be very different depending also on the accompanying reforms. We analyse two major variations: one in which the unified President is ultimately appointed by the member governments and a second, democratised model in which her or his mandate derives (directly or indirectly) from the European electorate as a whole.

3.1 Present situation

In section 1, we described the current organisation of leadership in the Union. Basically, it is defined by three positions:

- A Presidency of the (European) Council, exercised by each member government in turn, which has come to include many more responsibilities than the mere chairing of meetings;
- A High Representative who formally assists the Presidency in CFSP and in practice acts as the day-to-day contact point of the Union in the world;
- A Commission President who, as the *primus inter pares* among the Commissioners, is in charge of the day-to-day management of the Union, but whose powers are constrained by the limits to the Commission's remit.

This division of tasks has evolved for various reasons and has obvious merits. At this current stage of European cooperation, however, it gives rise to some fundamental problems.

Institutional balance

Its incremental transformations notwithstanding, the current system still embodies the tenacious institutional balance that is so characteristic of EU politics. The rotating Presidency ensures that no single member state can exert a long-term determining influence on the (European) Council. Regardless of size, each member state enjoys an equal share in the Presidency of the Union.

In this way, the current organisation prevents the Presidency from developing into a genuinely political body. Often the Presidency plays a key role in Council negotiations by forging the required compromises.

For national ministries and civil services, holding the Presidency also entails a learning effect, allowing the build-up of valuable EU experience. Thus, the Presidency creates a sense of ownership of, and responsibility towards the EU. This advantage may, however, be eliminated by the longer intervals between Presidencies after enlargement.

At times, relations between the Presidency and the Commission and its President have been strained. Overall, however, the balance that has been attained in the coordination of roles between the Presidency and the Commission is remarkable. Fundamental to this is probably the common understanding that, while the Presidency may rule the day the Commission is bound to stay.

Similarly, the High Representative has been able to carve out his own niche within this

balance by carefully negotiating his mandate with the Council as well as seeking close coordination with the Commission (in particular the Commissioner responsible for External Affairs).

Efficacy of office

As long as its role merely concerned the chairmanship of meetings, the rotating Presidency functioned well. However, the ongoing deepening (especially CFSP) and widening of the Union have greatly increased the burden of the Presidency. Today, the rotating Presidency does not deliver the effective leadership the Union needs.

As has been observed by the Secretary-General of the Council, the Presidency rotation has turned into a source of instability and discontinuity (Council of the EU, 2002). First, each Presidency establishes its own priorities, which do not always fit neatly in the EU agenda, whilst the follow-up of decisions taken under previous presidencies is often insufficient. Second, as a result of the changeover process, there is not enough time to master the details of the many EU files and the different governmental positions. Third, the quality of the presidencies varies. These shortcomings may increase after enlargement, as the burden of holding the Presidency will become heavier and the capacity of the new member states to assume this burden is in doubt.

The problems of the rotating Presidency are most apparent in the Union's external presence (Everts, 2002). The continuity of the CFSP is impaired, as each presiding country's pet topics are brought to the forefront, whilst the term of the Presidency is too short to allow the required personal relations to be established with the main global players. It also

leads to poor external communication. For example, during the Swedish Presidency, Foreign Minister Anna Lindh wanted to talk to Colin Powell, only to be told that he was already on the line with Solana. She offered to hold the line, only to learn that Relex Commissioner Patten was already holding (Everts, 2002). The rotating Presidency may moreover, impair the external credibility of the CFSP, especially when a small or neutral member state assumes the office. The creation of the post of HR has gone some way to remedy the shortcomings in this field, but it has also added new complications given the substantial overlap between the functions and responsibilities of the HR and the Relex Commissioner.

The Commission President cannot fill this 'leadership gap', as the member states have carefully limited the Commission's involvement in several domains and (ever since Delors) no Commission President has commanded the authority inside and outside the Union to credibly take up this role.

Democracy

The current organisation of leadership can hardly be considered democratic as electoral choice only plays a role in the appointment of the Commission President and, arguably, its impact remains marginal even there. Taking a broader perspective, however, one may well ascribe a number of democratic virtues to the current organisation of the Council Presidency. For a start, it may be assumed that any member government that comes to hold it enjoys solid democratic legitimacy at home. In that way, the electoral choice of citizens does matter in the current system, in that their national leaders each get a chance to head the EU for a certain period of time.

What is more, the rotating Presidency does have an impact on the engagement of the national citizenry of whichever member state its turn it is. The Presidency literally brings the Union closer to the national public and its press. The increased media coverage has also been recognised to have its downsides, however. It may stimulate over-dramatisation and create pressure to produce results to the

detriment of the quality of proceedings (Council of the EU, 2002).

After enlargement, the effects of the Presidency on the national public sphere will become much rarer, as the interval period between holding the Presidency will increase. The decision to transfer all future European Council meetings to Brussels is bound to reduce its effects further.

The current organisation of the Council Presidency is firmly embedded in the Union's institutional balance. However, the system has become ever more inefficient, especially in terms of external presence. It is not without democratic merits, but these remain rather limited and indirect. Enlargement will increase the current inefficacy whilst reducing the advantages in terms of institutional balance and democracy.

3.2 Pseudo semi-presidentialism

Discontent with the rotating Council Presidency has led to proposals to replace it by a permanent President of the European Council. In that way, Europe would be incarnated by a person, and no longer by a member state. Assigning the permanent Presidency to an incumbent head of government of one member state would distort the balance within the European Council. It is also difficult to see how it would be possible for this person to permanently combine his/her national and European responsibilities.

Instead, it is proposed that the European Council would elect a permanent President from among its former members. The implications of this option depend very much on the responsibilities that would be ascribed to this President. The various suggestions have remained rather vague on this matter. In some proposals (e.g. Badinter, 2002), the President

remains a largely symbolic figure. Such an approach would only attenuate the current confusion and weaknesses of EU leadership. In examining this model, we thus concentrate on those variants that ascribe substantial powers to a permanent President of the EU Council. Besides chairing the European Council, the President can be expected to play a key role in the development of the Union's foreign and defence policies and to represent the Union at the highest international level (Blair, 2000; Straw, 2002).

The position of the HR may be retained in this perspective, but the administrative character of this function may be re-affirmed, as the President will acquire a strong political profile. In line with this model, it has further been suggested that the other Council formations should choose long-term chairs from their midst, subject to an appropriate distribution of the chairs among the member states (Straw, 2002). Together, these chairs

would form some kind of Council Praesidium (Grant, 2002), presided by the EU President and supported by a beefed-up Council Secretariat. This Praesidium would hold the agenda-setting (and initiative) powers, shared with the Commission in those policy affairs that have been fully communitarised.

The Commission President would develop into a sort of 'Prime Minister'. Having a President with a strong external presence and a Prime Minister presiding over the internal administration, the Union architecture would slightly resemble the French semi-presidential system (cf. Duverger, 1980). Rather unlike the French system, however, the two positions would simultaneously derive their mandate from the same institution. Moreover, unlike the French President, the Council President would not have the power to fire the Commission President (Hix, 2002c). As the appointment procedure of the Commission President would not be revised in this scenario, the European Council would basically control all leadership positions in the Union, even though in the case of the Commission President, the European Parliament would enjoy the power to veto its nominee.

Efficacy of office

A permanent President of the Union would solve a number of problems presently associated with the rotating Presidency. It would bring continuity and stability to the political initiatives taken in the European Council. The President would have sufficient time to prepare meetings and to ensure the follow-up of decisions taken. Above all, it would vest the power to represent the Union throughout the world in a permanent and political figure. At last, it is argued, the Union President would offer a formal answer to

Henry Kissinger's famous question what number to dial to get Europe on the line.

Whether these advantages can actually be reaped in practice, however, remains another matter. Taken on its own, the impact of establishing a permanent European Council President should not be overestimated. Getting the CFSP off the ground hinges on more than institutional reform. Having a EU President does not necessarily create a single voice. In the end, what is crucial is the political will of the member states to cede their autonomous power in international relations and to have their interests represented by a European politician. The current HR, Javier Solana, has little confidence that this willingness exists: 'No matter who the EU President is, the prime ministers and presidents of member states will still want to go to Washington to see President Bush' (Financial Times, 16 October 2002). What is more, some external powers will still be located in the Commission, such as trade and development, and hence the duality of office-holders and administrations will remain.

While it is thus far from certain that the President will be actually able to command much external power, it is sure that he will not have much internal powers either, as these will remain mostly in the hands of the Commission President. In the end, a permanent Union President may at best have much time to spare, while at worst he/she may interfere with the exercise of powers attributed to other European actors.

Institutional balance

The main risk of a permanent President of the European Council derives from the fact that it focuses only on the intergovernmental side of the Union's framework, while doing

little on the supranational side of the balance. As a consequence, it raises questions about the hierarchical relationship between the Union President and the Commission President, as well as about the relationship between the Praesidium and the Commission.

Potentially, the President and the Praesidium could come to claim a central directing role in Union politics. Fears have been raised that the Praesidium may even turn into some sort of *directoire* of the big member states. Indeed, given the number of Council formations, some countries will not be represented in the Praesidium. These fears are probably somewhat exaggerated, however, because by banding together the great number of small member states should be able to secure a strong presence in the Praesidium (Grant, 2002). Still, it is hard to see how the Praesidium could embody the interests of all the member states in an appropriately balanced way.

In the absence of an absolute delineation of roles, coordination problems are likely to arise between the Council and the Commission, if not outright competition and conflict between the two executive bodies and their Presidents. In fact, this proposal elevates the tension between the HR and the RELEX Commissioner to the highest level (cf. de Schoutheete and Wallace, 2002). Eventually the rivalry between the Council and the Commission may come to be institutionalised in a 'parallel Europe', with two similar-looking executive bodies each headed by a President, with two separate work programmes.

The vesting of executive powers in the Council would also challenge the position of the European Parliament. It would not have any means to hold the Council President

accountable. At the same time, the powers of executive control that the European Parliament enjoys vis-à-vis the Commission would be threatened in those fields where the Union President and the Praesidium encroach upon the Commission's role. One could envisage granting the European Parliament the right to start an impeachment procedure against the Union President (Badinter, 2002), but this mechanism obviously could not be relied upon to provide for normal accountability.

Democracy

As the EU President would be appointed by the European Council, this option not only duplicates the democratic problems that are currently attached to the appointment of the Commission President, but also extends them moreover to the Council President (cf. section 3.1 above). Even if the European Parliament would subject the European Council's nominee to a vote of approval (Badinter, 2002; Pöttering, 2002), this vote would probably be dominated by the preferences of the member governments rather than by electoral preferences.

What is more, as the two appointments are put in the hands of one and the same intergovernmental body they are likely to become subject to horse-trading practices. Which candidates would be chosen might come to depend more on the question of 'whose turn' it is than on the merits of the available candidates. Member states would also be tempted to trade their support for one of the candidacies if others would be willing to support their preferred candidate for the other post. When it comes to the designation of the Council chairs, similar practices are likely to emerge.

Finally, even if the two Presidents succeed in organising a division of political tasks, the system is bound to remain confusing. It will be hard to explain to the European public why

the Union needs two Presidents heading two different executive bodies, appointed in the same manner for the same period, with overlapping competencies.

This option may have advantages in terms of efficacy but in the end they are likely to be outweighed by its downsides. It threatens the institutional balance by strengthening merely the intergovernmental side. Finally it does not give citizens electoral choice and is likely to perpetuate – and possibly even to widen – the sense of disconnectedness felt by the general public from the Union.

3.3 Semi-parliamentary model

The semi-parliamentary model recognises that leadership in the Union needs to be reinforced but also that doing so exclusively from the confines of the Council threatens to undermine the institutional balance within the Union. This model proposes to retain the rotating Presidency and to re-centre it on its procedural responsibilities, while transferring much of the executive tasks of the Presidency to the Commission. Rather than focusing on a permanent EU President, it seeks to clarify the current division of tasks in the Union (cf. Commission, 2002). Crucial to this is the distinction between legislative and executive decision-making.

This model falls short of full parliamentarianism as it keeps the member states strongly involved in legislative and executive affairs through the Council and the European Council. The European Council remains the supreme political body, thus allowing the member states to provide the strategic guidelines and to determine the long-term agenda of the Union. The Council would exercise the legislative power together with the European Parliament, but would still hold

substantial executive powers as well. The rotating Presidency would be retained for the European Council as well as for the Council in its legislative setting.

The Commission would however relieve the Presidency from some of its executive responsibilities in some truly 'governmental' areas (e.g. CFSP, JHA, and EMU). Council meetings concerning executive issues would be prepared and chaired by a Member of the Commission (EPC, 2002). This arrangement has the advantage that there would no longer be a presiding member state that can impose its wishes or is forced to renounce its national point of view. Having a Commissioner in the chair may, moreover, contribute to better coordination and continuity. Given the Commission's central role in proposing legislative measures, this solution would not be adopted for legislative Council meetings. In turn the Commission could continue to play its conciliatory role in the co-decision procedure between the Council and the European Parliament.

The sharing of executive powers between the Council and the Commission would also be manifest in other aspects. The external

representation tasks of the Presidency would be transferred to the HR, who would be appointed by the Council. The HR would be double-hatted: he would combine the functions of the former HR with those of the Relex Commissioner (Convention 2002/459). He or she would take part of the workings of the Commission, but for certain issues would be directly responsible to the Council. The Commission's right of initiative would be extended to the 2nd and 3rd pillar, although member states may retain a right of initiative for certain executive matters (CFSP).

The strengthening of the Commission would have to be met by an increase in its accountability. The appointment of the Commission could be democratised along one of the lines discussed in the previous section. Most likely the Commission President would be elected by the European Parliament, and approved by the European Council. The HR and the rest of the College would be selected by the President in collaboration with the member states and would be subject to a vote of approval by the European Parliament.

Efficacy of office

This option promises to improve the effectiveness of the Union in two key respects. First, it provides the Union with a more recognisable representation in the world. The incorporation of the High Representative in the Commission ensures that whoever speaks for Europe will also command the required means to deliver. The President of the European Council would be released of external representation tasks.

Secondly it would do much to coordinate the exercise of executive powers within the Union. Thus, it may attenuate the potential divergences and rivalries that currently exist between the Commission and the Council, and their respective administrations, in the exercise of executive tasks.

Despite these advantages, however, the prospects for this model depend eventually on the willingness of the member governments to actually turn over the powers they currently enjoy in external affairs and in holding the Presidency. Member states generally have been reluctant to delegate executive powers, and whenever they have done so they have tried to claw them back by legislating in great detail and by introducing control mechanisms ('comitology'). The distinction between legislative and executive tasks may hence be easier to make in theory than in practice.

With particular regard to external relations, the merger of the HR and the Relex Commissioner is strongly opposed by certain member states that are unwilling to involve the Commission in CFSP. Notably and not surprisingly, the persons currently holding the two posts are not really convinced of the case for a merger.²

Democracy

This model does push the European Union more in the direction of a parliamentary system. It lends more weight to electoral choice as it strengthens the relation between the European Parliament and the Commission President. The extension of the Commission President's authority over the whole remit of

² See the intervention of M. Patten and M. Solana before the Working Group on external action. For a summary: CONV 342/02 and CONV 356/02.

the Union's competencies would further enhance the public appeal of his/her election.

The elections of the European Parliament would probably become the key political event for the Union, since by determining the composition of the European Parliament the electorate would also decide who could become Commission President. Thus, this model holds out all the democratic promises and dangers that we attached before to the option of having the Commission President chosen by the European Parliament (see section 2.2). Most importantly if a close-knit political coalition would be able to gather a secure majority in the European Parliament, it could be able to dominate both the Parliament as well as the Commission (Hix, 2002b: 24; cf. section 2.2 above).

By retaining the rotating Presidency this office will continue to attract some public attention and create a sense of ownership. The splitting-up of Council formations would also allow for openness when the Council legislates. Surely, however, this option is not the most comprehensible, as the Union would still have two Presidents and a difficult chairman system.

Institutional balance

Since the European Parliament would come to control the selection of the Union's executive, there is a danger of the Union developing into an outright parliamentary

system. However, the European Council would be able to veto the EP's candidate and would be strongly involved in the other appointments. Also it would still set the long-term agenda. Moreover, the Council would retain a strong presence in legislative as well as executive procedures.

The rotating Presidency would be kept in the legislative councils and in the European Council. In that way the equality of member states is ensured in these bodies. As many executive responsibilities would be taken over by the Commissioners, the Council Presidency is unlikely to develop into a genuine political body. At the same time, this division of tasks allows the Commission to play its 'honest broker' role within the Council for executive matters, as well as between the Council and the European Parliament for legislative matters.

Nonetheless, it may still be necessary to provide additional guarantees ensuring that the Commission remains accountable to the member governments in the Council and the European Council. One could envisage the European Council acquiring the right to censure the Commission (Commission, 2002) and to dissolve the European Parliament when it censures the Commission. Without such controls, an entrepreneurial Commission may well be called back by member states reasserting their political primacy.

This option potentially increases the Union's efficacy by fostering a greater synergy between the Council and the Commission. It has some notable advantages in terms of democracy. Europe's citizens are given electoral choice and the emergence of a European political space will be stimulated. However, to preserve the institutional balance, substantial precautions are needed to preclude the Union from developing into an outright parliamentary system and to ensure that the strengthened Commission will retain the confidence of the member states.

3.4 Unified presidential model

As the former two options retain the distinction between the Council Presidency and the Commission President but reinforce one side over the other, they risk undermining the institutional balance in the EU. The remaining two options explore the possibility of using the reorganisation of Union leadership to bridge the gap between intergovernmental and supranational conceptions. They involve the creation of a permanent EU president joining 'two hats', the Presidency of the European Council and of the Commission (Duff, 2002; Dini and Lequiller, 2003).

With one unified president, executive leadership in the EU would no longer be divided. The new EU President would actually come to preside over all leadership tasks currently shared between the Presidency and the Commission President. These models also suggest that the administrative organisations of Commission and Council secretariat might be integrated in one common structure so as to improve coordination between them. The specialised Council formations (except perhaps the External Affairs Council) might choose a more or less permanent chair from among their members.

The implications of a unification of the presidencies depend to a great extent upon the accompanying reforms. In this section, we first explore the variant in which the member states retain a firm control over the EU President. Following the proposals for a non-unified European Council President, the EU President would be a former Head of State or Government selected by the European Council. This European Council President

would also come to preside over the Commission.

Besides the executive powers currently enjoyed by the Commission President, the new EU President would share certain executive powers in the fields that are currently controlled by the member states, most notably the CFSP. The EU President would have the right to propose initiatives in all policy fields, but this right might also be shared with (groups of) member states. The President would further propose the Union's long-term agenda, which would then need to be approved by the European Council. In his external representation role, the President would be seconded by the HR, who would also be appointed by the European Council and chair the External Affairs Council.

Efficacy of Office

The big advantage of this model is that it avoids a power struggle at the top of the Union, as well as at the level of the administrations, and ensures better policy coordination. The President would follow a clear multi-annual agenda for the Union, avoiding the current stop-and-go cycles. As the European Council would have a permanent President, there could also be better preparation and follow-up of its meetings. Moreover, the unified Presidency would guarantee optimal coordination between the long-term strategies devised in the European Council and the mid- and short-term policies developed in the Commission.

Furthermore, this model provides Europe with a strong and recognisable face in the world. Indeed, as the model merges two functions with important external powers (the Presidency and the Commission President), the EU President could emerge as a major figure in

global politics. Though her or his powers would probably be more limited than that of his US or Russian counterpart, s/he should have no problems in sharing the platform with them. In maintaining the external relations of the Union, the President would be seconded by the HR for CFSP and by members of the Commission for other external affairs. Thus, at the level below the President, external responsibilities would remain somewhat divided.

Institutional balance

In many respects, the unified EU Presidency would overcome the intergovernmental-supranational antagonism that now so often characterises the Union's institutional politics. The Presidency itself would embody the need to preserve a balance between the European Council and the Commission. Compared to the earlier option of a 'pseudo semi-presidential system', smaller member states are therefore likely to prefer this option, as the institutionalised link between the Commission and the Council might help to avoid the emergence of a *directoire* of big member states.

The European Council would enjoy a privileged connection with the EU President. Besides being selected by the European Council, the EU President would also be a former member. The President would have to develop a good working relationship with the Council as he or she will draft the multi-annual agenda in close contact with the member states and obtain their approval. Moreover, he/she would depend on the European Council for re-election.

Nevertheless, this model poses a serious risk to the Union's institutional balance if it

fails to subject the President's powers to appropriate constraints. He/she would be the only member of the European Council dealing permanently with European affairs, would reside permanently in Brussels and would be able to rely on the expertise in the Commission. The President would become the ultimate policy-initiator. He/she would chair the body that determines the long-term agenda (the European Council), as well as the body that sets the medium-term agenda (the Commission).

In the European Council, this would raise a particular problem in those situations where it has come to act as a sort of 'court of appeal' for settling decisions that proved too complex or too contentious to resolve at Council level (de Schoutheete and Wallace, 2002). In those cases the President would chair the body that proposes and the body that ultimately disposes.³

A particularly dangerous situation would occur if the EU President would be able to work in close tandem with a secure majority of member governments. Then the question would arise what checks and balances remain to keep her or his powers in control and to protect the interests of those in the political minority. The Commission would be an unlikely source of countervailing power as the hand of the President's powers in the designation of Commissioners and their portfolios will probably be strengthened even further. The President would act as the main messenger of the desires of the European Council and bear an increased responsibility for monitoring the extent to which the European Council's desires are properly followed up. Thus, the Commission would lose much of its independence vis-à-vis the

³ This problem would be even more acute if the President would also chair the General Affairs Council (cf. Lequiller, 2002).

European Council. In the legislative process, the Commission's role as 'honest broker' between both branches of the legislature would be undermined.

This would leave the European Parliament as the final checking power. However, the European Parliament might well turn out to be the big institutional loser of a unified Presidency controlled by the European Council. As the EU President would rely on the support of the European Council, the powers by which the European Parliament can hold the Commission accountable would be reduced. Thus, the European Parliament would retain few powers through which it might effectively obstruct the President's initiatives.

Democracy

In this model, the selection of the EU President remains dominated by the European Council. Thus, electoral preferences hardly

bear upon this selection and the nomination process will probably remain rather opaque. At the same time, it is hardly conceivable that the appointment of a person with such extended powers would not be subject to some form of popular election. In due time, it would appear, this model would require the European Council's nominee for the Presidency to be approved by the European Parliament.

The unified Presidency would much improve the accessibility of the European Union with one President chairing the main executive bodies. The presence and familiarity of this position may increase the public appeal of the office as well as of the European Union as a whole. As a result, European politics may receive more public attention and public pressure on Union policies might increase. Whatever the public effects, however, they are unlikely to be much felt as this model leaves few mechanisms for democratic accountability

If any future re-organisation of EU leadership is to strengthen the Union's executive capacities, it may well be this one, but it would do so at severe costs in terms of the institutional balance and democracy. Once s/he enjoyed secure support in the European Council, the EU President's powers would be subject to few checks and balances. The role of the European Parliament might well be reduced to that of a critical bystander unable to make an effective fist and the Commission might lose much of its independence. While an EU President may enhance the Union's public appeal, it leaves few mechanisms through which democratic accountability can be secured.

3.5 Democratised presidential model

If the objections to the former model are taken seriously we are led to consider the final option in which the unified model is democratised along the lines discussed in section 2. Since the EU President would not be fully under the control of the European Council, the President as well as the Commission would

be more likely to enjoy a more independent role. At the same time it is crucial in this model that the powers of the President and the Commission are subject to effective control mechanisms by the two bodies of the legislature.

As in the previous model, the Council Secretariat would be merged into the Commission services. The Commission would have the sole

right of initiative and would set the multi-annual programme. To assist the President in external affairs, he or she would appoint a Foreign Secretary whose remit would include all aspects of external affairs, those currently delegated to the Commission as well as those currently falling under the HR. Naturally the (European) Council would continue to have a strong voice in some truly governmental matters.

Democracy

The discussion in section 2 might lead us to suggest that the way to democratise the unified Presidency is to have her or him elected by the European Parliament. With the reinforced powers the President is to enjoy in this model, however, this might well tilt the institutional balance too much to the side of the European Parliament. What is more, it will be much harder to prevent such a system from developing into a majoritarian system in which the opposition is in all respects outflanked by the governing coalition.

Therefore, to secure divided government in the Union, it is preferable to grant the President a distinct base of democratic legitimacy (Hix, 2002b). The ideal option might be a carefully calibrated direct election (cf. section 2.6). As outlined above, this option can be expected to have the most direct and profound democratic effects. It is bound to have as broad a public appeal as any election can garner. Election campaigns for the Presidency would engage a European public opinion around unequivocally European issues and stimulate the evolution of a European political system.

However, direct election of a Union President is a most radical step, the implications and risks of which are hard to foresee. At this point, this step may be too big and come too

soon for the European electorate. What is more, the checks and balances needed to accommodate such a directly chosen President within the institutional balance may need time to develop. For these reasons, election by a Congress of Parliamentarians may be the more prudent alternative in the short term.

Indeed, as a unified Presidency would increase the stakes, some of the objections raised against election by a Congress would be softened. Even though this selection procedure does not directly involve the European electorate, its public appeal is likely to be considerable. Election by a Congress would provide an important stimulus to the development of a genuinely European party structure and the emergence of a European political sphere. What is more, the very presence and visibility of a EU Presidency and the sequencing of the selection procedure with the EP elections would do much to enhance the appeal of European elections.

Efficacy of Office

This model shares many of the advantages of the former one. It would allow for the development of a strong and coherent European executive. External action would be better coordinated than under the previous model, as this model would fuse all external activities under the heading of the Commission. It would be the prime responsibility of the Foreign Secretary who would serve under the President's authority. Hence, those who would speak for Europe would command all the necessary powers.

One danger of this model, however, is that it may engage the Commission too much in adversary politics against the two legislative bodies. As illustrated by the example of the US Clinton Presidency, too strong a Presidency

may well backfire if it fails to command sufficient support in the legislature.

Institutional balance

A democratised EU Presidency would provide the Union with a genuine supranational face, which at the same time enjoys a close institutional link with the member states through the European Council. By giving the chair of the European Council to the Commission President and placing the monopoly of initiative in the Commission, this model enhances the powers of the Commission in certain areas where its powers have been restricted until now such as the second and third pillar and macroeconomic policy. At the same time, it develops the role of the President beyond that of *primus inter pares* and turns him into the linchpin of democratic accountability. This may somewhat complicate the relations of the President with the rest of the college, especially as some more hierarchical elements will impinge on their collegial relations. Still, given the fact that the President would be less dependent on the Council, (s)he may be able to develop a closer working relationship with the Commissioners than under the previous option.

The key for this model to work will be the evolution of a smooth-functioning system of checks and balances. As in the present situation, the Council and European Parliament would remain the gatekeepers of the Union by virtue of their control over the legislative process. Both the Council and the European Parliament might enjoy the right to censure the Commission and its President, requiring a new election. As long as the President is to be elected by the Congress, it would also be up to the Congress to exercise the power of censure after it had received a proposal to that effect from the European Parliament or the Council.

As a counterforce to the integration of executive powers, the development of a mature system of executive oversight would appear desirable. Thus one may envisage a formalisation of the current comitology procedure akin to the role played by the committees of the US Congress. At the same time, one might also expect the European Parliament to seek to engage itself more actively in these processes, either through its own committees or by seeking access to the member states' committees.

This final model calls for a radical democratisation at the heart of European executive power: the election of a unified EU President, initially by a Congress and possibly over time developing into a direct election model. At the same time, unifying the Presidency should bring great benefits in terms of efficacy. As the powers of the President would be substantial, the European Parliament and the Council should be equipped with effective checks and balances involving full legislative powers as well as the right to censure and a mature system of executive oversight.

3.6 Preliminary conclusions on an EU President

In this section, we have shown how the current organisation of leadership in the Union

still pretty much embodies the tenacious institutional balance that has traditionally characterised the EU. In a way one might concede that the EU has so far benefited from suppressing

the question of genuine leadership through the Presidency and leaving it to be diluted by the rotation system. Even without explicitly aiming to do so, the institutional balance has been remarkably well retained. Nevertheless, the current system does not supply the leadership the Union needs. What is more, the advantages in terms of institutional balance and democracy are bound to become more diluted in future. Therefore, the organisation of EU leadership in its present form cannot be sustained.

We have outlined four alternative models of the organisation of the EU Presidency. These models are designed above all to tackle the current problems in terms of efficacy. Strong and visible leadership can do much to benefit the future Union. Still, the efficacy of leadership not only depends on what sort of President the Union has, but also (and more importantly) on what happens in terms of accompanying reforms. With this in mind, we have linked the

question of leadership with other issues, such as the possible fusion of the administrative apparatus and the power to set the policy agenda. Beyond that, the question of leadership points towards the importance of a clear delineation of the Union's external responsibilities and towards the need to reconsider the voting procedures in use (qmv). The outcome of these challenges will to a great extent determine the capacity of the President to provide actual leadership. Thus the reform of the Presidency appears as just the 'tip of the iceberg'.

Table 3 summarises the various models and the accompanying measures we have ascribed to them. Of course, the choice of each of these measures is debatable and an infinite number of other combinations is conceivable. However, each of these models appears to have a certain internal logic in terms of the likely accompanying measures.

Table 3. Five models for the EU Presidency and accompanying measures

	<i>Present situation</i>	<i>Pseudo semi-presidentialism</i>	<i>Semi-parliamentary</i>	<i>Unified Presidency</i>	<i>Democratised Unified model</i>
Selection of President	Six-monthly Rotation	European Council	European Parliament + European Council	European Council	Direct election (Congress)
Administrative structure	Dual	Dual: Council-Secr. dominant	Dual: Commission dominant	Unified	Unified
External representation	Council + HR +	Council President + HR	Double hat	President + HR	President+ Foreign Secretary
Right of initiative	Commission + Commission + MS in 2/3 pillar	Council +(Commission)	Commission in all domains	President + MS in some cases	President
Agenda-setting powers	Presidency + Commission	Praesidium + Commission	Presidency + Commission	Council + President	President

All four new models improve the efficacy of leadership, at least to some extent. Major improvements can especially be made in both unified models. However, all models also pose a serious challenge to the institutional balance of the EU. A permanent President under the control of the European Council is likely to undermine the role of the Commission as guardian of the European interest and will reduce the EP's powers. This holds for the pseudo semi-presidential model and,

especially, the non-democratised unified model. Moreover, neither of these models does much to improve the democratic character of the Union.

Conversely the semi-parliamentary and the democratised unified model have their advantages in terms of democracy but they (and especially the latter) are likely to cause a breach of confidence between the member states and the supranational institutions.

Table 4. Schematic overview of the implications of five options for the EU President

	<i>Present situation</i>	<i>Pseudo semi-presidentialism</i>	<i>Semi-parliamentary</i>	<i>Unified Presidency</i>	<i>Democratised unified</i>
<i>Efficacy</i>	–	±	±	+	+
<i>Democracy</i>	±	–	+	–	+
<i>Institutional balance</i>	+	±	±	–	±

What then is the way forward? Can we move towards more effective EU leadership while also respecting the institutional balance and, if possible, improving the Union's democratic credentials? Basically the first two models (the pseudo semi-presidential and the semi-parliamentary model) remain too modest: while they push executive powers to one side of the institutional balance, they remain caught in the current opposition between more intergovernmental and more supranational elements in the Union. If the Convention (and the IGC) were to adopt one of these models, they are unlikely to be durable solutions as they do little more than 'tinker at the margin' while retaining, and probably even exacerbating the deeper problems involving the institutional balance of the Union.

Notably, the recent Franco-German compromise on a permanent European Council President and an EP-elected Commission President (Chirac and Schröder, 2003) serves to exemplify these objections. This proposal reaps (some of) the efficiency gains attributed to a permanent European Council President, complementing it with a genuine democratic improvement on the side of the Commission President. However, instead of overcoming the opposition between the intergovernmental and the community side of the Union, it entrenches this opposition in the organisation of leadership. The ensuing system will be even more vulnerable to institutionalised conflict and deadlock than the present French semi-presidential system. The reformed European Council President will be deeply integrated within the structures of the European Council, while the Commission

President is liable to be captured by the majority of the European Parliament. The competition between the two Presidents is likely to do permanent damage to the Union's institutional balance.

Executive leadership in the Union requires a solution that bridges the gap between intergovernmental and supranational conceptions and reconciles the current opposition (or even crisis of confidence) between the Commission and the Council. More concretely, it has to prevent the emergence of a "parallel Europe" around the Commission and the Council, with two competing administrative structures, both with their own President competing for Union leadership. Such a solution may be found by unifying the Presidencies of the European Council and the Commission.

However, we have shown that a unified Presidency can lead into very different directions, depending on the accompanying reforms. Indeed we have shown that in a non-democratised form, the unified model may well be the surest way to upset the institutional balance, since – by controlling the Union's President and, by implication, the Commission – the Council would in fact take full executive control of the Union. At the same time, the European Parliament and other democratic mechanisms would be marginalised.

This leaves us with the democratised unified model that merges the posts of President of the European Council and the Commission President and has this person directly elected (or by a Congress during a transitory period). Clearly coming from the present situation, this model requires some groundbreaking reforms. Moreover, as it involves step changes both in the Union's

executive organisation as well as in its democratic character, one may fear it could turn into the much-dreaded superstate beyond the member states' control.

These risks may be warded off, however, by appropriate accompanying reforms. As we emphasised before, the President should be bound to maintain a privileged relationship with the member states, especially through the European Council. In particular, one can imagine granting the member states the exclusive right to nominate candidates for President, and possibly allowing the European Council acting by qmv to annul 'inappropriate nominations'. Also the Council and the European Parliament might get the power to veto (individually) the nominees of the President for the College of Commissioners.

Other accompanying measures can be added to ensure that the member states are still fully involved with the Union and are able to co-direct the course of events:

- Member states in the Council should still have a primary say on all purely 'governmental matters' (CFSP, EMU, police and judicial cooperation) (EPC, 2002), although the involvement of the reformed Commission should be beefed up.

- The President could be assisted by a double-hatted Foreign Secretary appointed by and directly accountable to the member states.

- The member states should still have a right of initiative for some matters (CFSP), possibly with a right of assent for the Commission and the Foreign Secretary

- The multi-annual agenda could be based on an inter-institutional agreement between the European Parliament, the Commission and the European Council.

Thus, the fine-tuning of the democratised unified model could respond to the triple challenge of rendering the Union more effective and democratic, whilst respecting the Union's institutional balance.

Conclusion: Prospects for democratic and accountable EU leadership

The question of EU leadership is inextricably bound up with that of the organisation of European executive power. It was not foreseen that Europe would develop a genuine executive power of its own. As a consequence, over time, executive responsibilities have been scattered across the institutions. Currently the Commission President, the Presidency and the High Representative for CFSP are the main institutions of executive leadership in the Union.

Some might be tempted to regard the dispersion of executive power and leadership as a virtue in its own right. Indeed the idea that political powers are best left disorganised in the Union lies behind many of the fashionable analyses that celebrate the EU as 'a system of governance', rather than 'a system of government'. The current constitutional debate reveals, however, a need to impose a governmental structure upon the unique system of governance currently harboured by the Union (cf. Quermonne, 2002).

All three evaluative perspectives adopted in this study reveal the need for an organisation of the Union that goes beyond the loose concept of governance. First of all, considerations of efficacy require a better organisation of executive power in the Union. Also from a democratic perspective, the current situation fails even at the most basic level to provide citizens transparency and

openness of the procedures by which they are governed, not to mention effective electoral choice and a genuine public sphere. In this situation, the much-cherished institutional balance has also come to the point of nearly being exhausted. Throughout the incremental transformations that the Union has undergone, this balance has been retained. At this point, however, the various institutions risk becoming gridlocked, rather than balancing each other, if not by their internal procedures (unanimity in the Council), then by their interplay

Hence, leadership in the EU is in real need of rethinking and reorganisation. Our examination of the options has been guided by three major imperatives. First, EU leadership should be effective. The future Union will require a visible and strong leader(s). At the same time, reforming EU leadership cannot be considered without also taking account of the widely felt need to make the Union more democratic. Ultimately this requires giving Europe's voters electoral choice with regard to the leadership of the Union. Finally, in reforming EU leadership, one also needs to take into account the peculiar nature of the EU as a Union of states and peoples. The current institutional balance between the Union's triangle should be maintained.

In section 2, we considered the long-standing debate on the democratisation of the Commission President. We concluded that the new provisions in the Treaty of Nice will politicise the appointment process in the European Council and will open important prospects for the EP party-groups to grasp the initiative in the selection procedure. Taking the reforms to their logical conclusion would, however, require the strengthening of electoral choice by having the Commission President

elected by the European Parliament after the European elections and confirmed by the European Council. In due course, one might consider moving to direct election of the Commission President.

By now, however, the debate on the democratisation of the Commission President has become caught up with the more recent debate on the future of the EU Presidency. Following the logic of communitarisation, one might be tempted to move towards a semi-parliamentary model in which the Presidency's responsibilities are refocused on procedural matters, and most executive responsibilities of the Presidency are transferred to the Commission. On the other hand, we witness a strong movement advocating the establishment of a permanent President of the European Council. Both of these models remain caught in the contest between those advocating more intergovernmental elements in the Union and those championing a more supranational model. Since both retain the distinction between the Council Presidency and the Commission President but strengthen one side over the other, they risk undermining the institutional balance in the EU.

Any successful reorganisation of executive leadership in the Union needs to overcome the gap between intergovernmental and supranational conceptions. More concretely it has to prevent the emergence of a "parallel Europe" around the Commission and the Council, with two competing administrative structures, both with their own President competing for Union leadership. Notably, the recent Franco-German proposal of a reformed dual presidency (Chirac and Schröder, 2003) seems to set the course for exactly such a

parallel Europe and therefore looks like the perfect recipe for conflict and even deadlock.

In order to avoid squandering the Union's resources and its comprehensibility by the emergence of two parallel and competing administrations, the option of merging the European Council Presidency with that of the Commission into one unified Presidency needs to be considered. Such a radical reform is only feasible if accompanied by measures that serve to respect the institutional balance and democratise the Union.

Eventually, our framework leads us to a fine-tuned democratised unified model, which carefully balances supranational elements with countervailing reforms so as to ensure that the interests and liberties of the member states are duly respected. It unites all European executive capacity under one President, overcoming the present administrative duality and clarifying the Union's organisation. It recognises that to have the President appointed by either Council or Parliament will put the Union's balance at risk if he can command a stable legislative majority and alienate the remaining minority from executive power. Thus we suggest direct election of the President by the citizenry or, during a transitory period, by a Congress composed of national and European parliamentarians. Such election procedures should be calibrated by assigning appropriate weights to the national shares and by granting the Council and the European Parliament some powers over the nomination process.

At the same time, if this model is to be feasible, it is crucial that the President's powers are subject to effective political constraints. Both the European Council and the European Parliament should be able to hold the

President and the Commission accountable. The Council should remain the final decision centre for certain executive matters (CFSP, EMU, police and judicial cooperation), although the Commission should be more involved in the administration of these matters. In terms of external presence, having the President assisted by a double-hatted 'Foreign Secretary of the Union' looks like a reasonable compromise.

The Convention on the Future of the EU has a unique opportunity right now to rebuild

the Union's structure. If it wants an effective exercise of executive powers at Union level, it will need to organise strong, visible and unified leadership. By adopting the option of a democratised unified President, the Convention can provide a long-term solution to the current leadership problem of the European Union, which – if appropriately fine-tuned – can meet the triple challenge of rendering the Union more effective and democratic, whilst respecting the Union's institutional balance.