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## **The Belgian Presidency of the European Union: a Preview**

During the second half of 2010 Belgium will hold the presidency of the European Union. It will be the twelfth time it has held this role since the start of European integration in the fifties.

For the first time, however, Belgium begins its presidency without having a full-fledged government. Domestic events have already had an impact on some presidencies: the Czech government fell halfway through its presidency in 2009; Italy and Denmark changed governments during their presidencies in the nineties. Such situations create confusion as it is unclear who will chair meetings and observers wonder if the new government will still have the same European priorities as the old team. Yet, domestic changes of power during the presidency have never led to major problems. The meetings went on as usual, programmes were worked through and the diplomats responsible for the behind the scene preparations usually remained at their posts.

In recent months, the Belgian authorities have repeatedly stressed that the lack of clarity in home affairs would have no negative effects on their presidency. This contribution will first examine the Belgian political context. It will examine the post election domestic situation and assess the chances of a full-fledged government being formed in the second half of the presidency.

Secondly the institutional reforms resulting from the Lisbon treaty that have had consequences for the rotating presidency will be looked at. The Spanish, the first ones to be confronted with the new regulations in the first half of the 2010, have already felt the consequences. The significance of the first President of the European Council, Herman Van Rompuy, being Belgian will also be discussed.

Despite the decreased importance of the rotating presidency and reassuring words that Belgian diplomats have a great deal of experience in European matters, it is not ideal to begin a presidency with ministers who have resigned. This will be discussed along with some of the paradoxes in Belgium's European policy.

In conclusion the priorities of the Belgian presidency will be reviewed.

### **Belgian political chaos**

We have to go back to the federal elections of 2007 to understand the Belgian political deadlock of recent months. For eight years Guy Verhofstadt had been Prime Minister of a liberal-socialist coalition. His popularity had declined and in Flanders the Christian Democratic CD&V was thriving again after years in opposition. This party, led by Yves Leterme, announced during the election campaign that it would not participate in a government unless there was an agreement on a new far-reaching reform giving the federal states additional powers. Moreover, CD&V promised to put an end to the situation in which French-speaking parties from Brussels could get votes in the Flemish municipalities in the wider Brussels area. It therefore strove for the electoral district of Brussels-Halle-Vilvoorde to be split up: Brussels-based parties would no longer be allowed to field candidates in the Flemish region around the cities of Halle and Vilvoorde. On account of their strong pro-Flemish attitude the Flemish Christian Democrats succeeded in forming an alliance with the

Flemish nationalist Party N-VA (Nieuw-Vlaamse Alliantie/New Flemish Alliance) and went on to win the elections convincingly.

Negotiations with the French-speaking parties about the formation of a new federal government were particularly laborious. It soon became clear that none of the French-speaking parties was willing to meet Flemish demands. In the international press this led to speculation that Belgium would disintegrate. It did not, however, come to that. From March 2008 (after an interim period, in which Verhofstadt remained prime minister for a few months), Leterme was able to lead a coalition with Dutch- and French-speaking Christian Democrats and Liberals as well as the French-speaking Socialist party. Meanwhile the Flemish nationalist N-VA withdrew from its cartel with the CD&V as it did not believe that the new government would be able to introduce the Flemish demands made during the election campaign. At the end of 2008, Yves Leterme had to resign as prime minister because of difficulties during the banking crisis. His government was accused of ignoring the separation of powers and attempting to influence the judges deciding on the Fortis Bank sale. There were no new elections, however, and Leterme was succeeded as prime minister by his fellow party member, Herman Van Rompuy. When the latter was appointed the first permanent President of the European Council in the autumn of 2009, Yves Leterme again became prime minister. His government fell again in April 2010 as a result of increasing discord between the French and the Dutch-speaking coalition partners.

It therefore became clear that Belgium would start the European presidency without a full-fledged government. New elections could not be held before June and the complex political situation, together with the deep-rooted differences, mainly between the French and Dutch speaking parties, meant no new government would be formed before 1 July 2010. This meant that Belgium would take up the presidency with a so-called caretaker government that has only restricted powers, is unable to take new initiatives and unable take important decisions. This caretaker government is essentially the one in place before the June elections with Yves Leterme as Prime Minister and Steven Vanackere as Foreign Minister.

The elections of 13 June 2010 produced two obvious winners: the Flemish nationalist N-VA became the largest party in Flanders and the socialist PS by far the strongest party in the French-speaking part of the country. Under the leadership of PS President Elio Di Rupo negotiations have started about the formation of a new government based on the PS and N-VA. If Di Rupo succeeds he will be the next prime minister. The aim is to finalise negotiations in the summer to allow the new government to begin work by September or October. This will have consequences for the Belgian presidency as nobody knows who will chair the European Council meetings scheduled for the end of 2010.

It is still unclear if the new government can be put in place by autumn as the negotiating parties are still some distance apart. After the 2007 elections, negotiations took more than six months so it is perfectly possible that the caretaker government will be there for the entire presidency period. The intention, however, is that an agreement on a new government will be met by the end of the summer. The French-speaking parties are likely to comply in part with the Flemish demands and the Flemish parties seem to be more disposed to compromise now than in 2007. Neither scenario is ideal as the caretaker government will be weak and a change of administration will bring new ministers into play at a crucial point.

It should be noted that some of the decisions made in council ministerial meetings during the presidency will not be followed up by the federal government. The regionalisation of Belgium has advanced to such an extent that some powers now come entirely under the regions. When the European ministers of Environment, Education, Youth, Culture or Fishery

meet, they will not be chaired by Belgian ministers from the federal government but by regional ministers. Other council formations, however, will still be chaired by federal ministers.

### **The presidency in a new context**

When the Belgian government fell just before the start of the presidency, it was said that this was not such a disaster as the rotating presidency has become less important since the Lisbon treaty came into force on 1 December 2009. In the past, a presiding country could mainly make a mark through the European Council. The prime minister or the president of the presiding country usually chaired one or two meetings of the heads of state and government of the Union. Such meetings were followed with great interest by the international press. The presidency actively sought compromises in key areas, briefed the press and accounted for the results in the European Parliament. With the Lisbon treaty there is now a permanent President of the European Council and the first such president is a Belgian, Herman Van Rompuy. The prime minister or the president of the rotating presidency holder is now an ordinary European Council member and no longer chairs meetings.

The role of the foreign minister of the rotating presidency country has also been scaled down, thus diminishing its role in external affairs. It is the European Council President and the High Representative who are now responsible for the external representation of the Union. The Lisbon treaty stipulates that the High Representative for Common Foreign and Security Policy (High Representative) will chair meetings of the foreign ministers in matters related to the Union's external policy. This role was taken on at the end of 2009 by the UK's Lady Catherine Ashton.

The Lisbon treaty has also changed the Union's institutional architecture but the precise consequences of this remain to be seen. Practice will show to what extent the rotating presidency holders will accept that their place in the international sun has been taken by Herman Van Rompuy and Catherine Ashton. During the Spanish presidency, in the first half of 2010, this was obviously a subject of institutional struggle. Spanish Foreign Minister Moratinos and High Representative Ashton did not enjoy fully harmonious relations. Contacts between Prime Minister Zapatero and President Van Rompuy also did not run smoothly. Zapatero assumed that US President Obama would attend a spring European-American summit. He wanted to organise this summit in Madrid, not in Brussels. This led to serious differences with Van Rompuy: who would welcome Obama at the airport, be the first to shake his hand, sit on his right side during the press conference and opposite him during dinner? Diplomats quarrelled for weeks about such protocol until Obama announced that he would not come. If all this seems rather childish it perfectly illustrates the declining role of the rotating presidency and the importance of the permanent president, issues that will be further examined below.

Another institutional novelty is the so-called trio presidency. In order to ensure continuity of the successive presidencies, it was agreed that three successive presidencies would work out a joint programme. Spain, Belgium and Hungary have done so, even if their programme remains relatively vague and chiefly lists themes that already figure on the European agenda. Each country has also put forward a list of its own priorities. When the idea of the trio presidency was launched there was discussion about the possibility of one of the three member states presiding for eighteen months. In practice this has not come about. The

Spanish-Belgian-Hungarian trio managed to reach a consensus on a common logo but little else.

### **Herman Van Rompuy wins**

Before the fall of the Belgian government, ministers had already announced that the implementation of the institutional reforms contained in the Lisbon treaty was an important priority. From this one could assume that Belgium would not behave as Spain had done. The Belgian government had no intention of seeking a power struggle with fellow countryman Van Rompuy. As part of a caretaker government, the Belgian prime minister and his foreign minister view their roles in a rather more modest manner. This will probably lead to further consolidation in the positions of Ashton and particularly of Van Rompuy. It is unlikely that the next presidencies, Hungary and Poland, will be able to turn back this tide as their leaders do not have the same high profile as Sarkozy or Merkel. The chances are that they stay low key in the shadow of Ashton and Van Rompuy who later in 2010 will be able to strengthen their institutional role.

It does in fact suit the Belgian government that the new role of the rotating presidency is of a more modest nature and the fact that the first permanent European Council President is a Belgian makes it even easier to justify this to their electorate.

Nevertheless, it is a remarkable evolution. The idea of a permanent EU presidency was extensively discussed at the Convention preparing the Constitutional Treaty, the blueprint for the Lisbon treaty. At the time, Belgium and a few other small member states provided strong opposition to the idea of a permanent presidency. If the rotating European Council presidency were to disappear, Belgium preferred a modest role for the permanent president. He or she should be a chairperson rather than a president and should certainly not come into conflict with the President of the European Commission. It is therefore ironic that a Belgian is the first permanent president and that he is able to establish his role in the second half of 2010 as a result of a political vacuum in his own country.

### **The presidency is not a priority**

The reduced importance of the rotating presidency has been used as an argument to demonstrate that it is not so critical if Belgium starts its presidency with a caretaker government. This, however, remains to be seen. There are still over thirty main meetings and hundreds of secondary meetings to be chaired by Belgian 'caretaker ministers', who may well be looking for a new role in the next government. Many are still celebrating or otherwise the June elections, involved in the splitting up the electoral district of Brussels-Halle-Vilvoorde, organising federal reforms, seeking a new job or negotiating the new government. It is not very clear where Europe fits into this order of priorities but it is most unlikely to be at the top. The European agenda contains many difficult issues such as climate change, social policy, consumer protection, agriculture and the economic crisis. It is hard to find a consensus between the Member States on these issues. One of the main roles of the presidency is to negotiate agreement on matters dividing the Member States. Moreover, the presidency also has to negotiate with the European Parliament, which now has the right to co-decision on most issues. If ministers chairing meetings do not give the impression that they are eager to make progress on the countless complex issues on the table, this soon becomes an excuse for

dissenting countries to jam on the brakes. The enthusiasm of a presidency can propel issues forward. Lack of enthusiasm usually does the opposite and this shows in the results.

The Belgian presidency is not just a task for the ministers alone. The Council of Ministers is supported by a pyramid of hundreds of preparatory working groups and committees. For six months these meetings will be chaired by Belgian diplomats, the Belgian Permanent Representation to the European Union, officials and experts. Preparations for a presidency began many months, if not years before the event. This may be the main argument in favour of preserving the rotating presidency as it requires national administrations to learn the ropes of European decision-making at regular intervals. Senior Belgian diplomats, operating just below ministerial level, are highly experienced and will be able to perform well and avoid accidents. Diplomats will now no doubt be pleased that they can operate without too much political interference. A half-hearted presidency, however, will always be at a disadvantage.

### **The paradox of Belgium's European policy**

In the run up to the presidency, there were repeated references to the stabilising role of Belgian diplomacy, which is well versed in European issues and skilled enough to avoid a bumpy change of government. Previous Belgian presidencies have been, by and large, viewed positively and marked by close cooperation with the commission, the council's general secretariat and increasingly the European Parliament. On most issues the Belgians took on the role of brokering compromise. They did not pursue impulsive or wayward policies as big member states occasionally do when they assume the presidency. At the same time, Belgium has managed to put its stamp on European policy and even give it a new boost, as a result of its good preparations and smooth cooperation with the other institutions. A good example of this is the 2001 Laeken Declaration.

By and large, Belgian political leaders have usually managed to establish a decent international profile during their presidencies. It is no coincidence that both Jean-Luc Dehaene and Guy Verhofstadt were serious candidates for the European Commission presidency shortly after their Council presidencies. Willy Claes, who made a good impression as foreign minister during the 1993 presidency, afterwards became Secretary-General of NATO.

Belgium has a pro-European reputation, a fact supported by the findings of Eurobarometer. The Belgians are among the main advocates of European integration. This has been interpreted as a reassuring signal in recent weeks. Despite divisions between their political parties, the Belgians are known to be 'good Europeans'. This reputation, however, contrasts sharply with poor political interest in European issues in general and the presidency in particular. In recent years Europe has rarely been an issue in Belgian political debate.

On the contrary, Belgian politics is very strongly inward looking with parliament or the political parties hardly ever debating European issues.

It is a remarkable paradox that one of the most pro-European countries shows such little interest in what is happening at the European level. In 2009 the Court of Justice found that the Belgian State had either failed to adopt or incorrectly transposed sixteen European directives into its own law. It is rare for a country to be rapped over the knuckles by the court so many times in one year. The commission's most recent survey shows that the Court of Justice is dealing with almost one hundred infringement procedures concerning European

regulations. Only Spain and Italy pose more problems in this area than Belgium. In the past three years the number of cases against Belgium has risen by 50 percent.

In the past, an upcoming EU presidency has been the signal for Belgian politicians to clear up outstanding EU legislation at short notice. This time things have moved more slowly and parliament never really interpellated the government about it. There was little feeling about political ownership of the presidency.

### **The Belgian presidency programme**

The relatively poor (political and public) interest in the presidency does not mean that there is no Belgian presidency programme. What there is mainly takes up issues that are part of the current European Union agenda, with Belgian priorities drawn from topics already on the table.

Particular attention is paid to the debate on economic governance. The programme deals with reform of the financial sector and the implementation of a new growth strategy, EU2020. Even if it is by and large hardly revolutionary, there are a few striking points. These are chiefly of a social nature and relate to social cohesion, employment and the struggle against poverty.

The environment and climate change are at the top of the programme with, among other things, the preparations for the Cancun climate summit and the Nagoya biodiversity summit, in the autumn of 2010. The programme aims to build a clear European position in a changing international context while ensuring further development of EU regulation in this field.

Another topic is the Lisbon treaty. Some of the stipulations of the treaty require further concrete measures (citizenship initiative, solidarity clause, implementation of and appointments for the External Action Service, etc) while at the same time others allow for faster decision-making in matters such as the so-called space for freedom, security and justice. The treaty also gives the Union a few new powers such as in the area of sports policy.

On the whole, however, the programme seems to be rather modest. It mainly provides a survey of the debates that must be entered into in the coming months, but this makes it all the more realistic. A presidency is usually deemed successful if it succeeds in getting smoothly through its agenda and responding appropriately to unexpected events.

### **Conclusion**

Belgium has taken over the presidency of the European Union at a difficult moment. Its domestic political situation is absorbing the attention of politicians and it is unclear if a new government will be formed in the course of the presidency. The current government is a caretaker government lacking the authority needed to make an impact. The new ministers who will probably take over in the autumn may well have little experience of European decision-making.

The Lisbon treaty has reduced the importance of the rotating presidency but only practice will show how this new division of powers will function. It looks as if High Representative Catherine Ashton and particularly EU Council President, Herman Van Rompuy will be able

to consolidate their positions in the second half of 2010. The Belgian presidency will adopt a more restrained position than the Spanish presidency. The succeeding presidencies of Hungary and Poland in 2011 will find it difficult to win back any of the 'old' powers.

Nevertheless, the Belgian presidency will still be confronted with a large number of important issues relating to economic governance, climate change, the growth strategy EU2020, external policy, asylum and migration policy and dozens of other topics. These issues will all require compromise from Member States who hold very different positions and involve negotiation with the European Parliament. On the plus side, the Belgian diplomats, who prepared the presidency are very experienced and the culture of compromise is considered to be a typical feature of Belgian politics. This may have been the main reason for the appointment of Herman Van Rompuy as European President: if he has the skill to keep Belgium together may be this can be transferred to the European level. The next few months will show if Belgium, despite its internal chaos, will be able to conduct the European presidency as successfully as it has done in the past.

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This project has been funded with support from the European Commission.

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