



Croatian
International
Relations
Review

—
CIRR

—
XXVI (87) 2020,
32-63

—
DOI 10.37173/
cirr.26.87.2

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UDC 341.176.061.1EU
(436:497.5)

Measuring the Success of the Presidency of the Council of the EU - Austria and Croatia in Comparative Perspective

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Abstract

Key words:

*Council of the
EU; Presidency;
Assessment;
Performance;
Austria; Croatia*

This paper aims to contribute to the ongoing debate on criteria for measuring the performance of the rotating Presidencies of the Council of the EU. The comparison between Austria and Croatia, two countries that concluded the two most recent Council Presidency Trios, can be illustrative in identifying the main factors that can influence the overall performance of rotating Presidencies. Based on the series of quantitative and qualitative indicators, the overall score of both countries' Presidencies turned to be positive, despite some failures of these Presidencies to demonstrate a firm commitment to fundamental EU values. In view of the lack of evaluations of the Council Presidencies based on verifiable, measurable indicators, this paper seeks to contribute to the development of a more objective methodological framework for the assessment of the future Presidencies of the Council as a still under-researched area within EU studies.

Introduction

Since the establishment of the six-month rotating Presidencies of the Council of the EU by Rome Treaties in 1957, the need for strengthening the leadership in the Council has been continuously growing. The ever-increasing complexity of the EU decision-making procedures, the substantial widening of the scope of EU competences, the progressive extension of co-legislative powers of the European Parliament and successive enlargements to new Member States had a significant impact on the EU inter-institutional dynamics. The search for compromise over new policy solutions has become very long and challenging, with the average time required for a first-reading agreement in the Council in the ordinary legislative procedure being about fifteen months (van Gruisen 2019). It is in this context that the role of the Presidency of the Council of the EU has been considered essential in leading and concluding negotiations on priority legislative and policy dossiers, shaping the EU agenda, as well as striking the right balance between often divergent Member State preferences, institutional interests and strategies. While the Lisbon Treaty has taken away some responsibilities of the Presidency of the Council of the EU by separating it from that of the European Council, chaired by the Permanent President, and introducing the permanent chair of the Foreign Affairs Council headed by the High Representative for Foreign Affairs and Security Policy, its role in managing the EU legislative process and promoting equal representation of all Member States in the Council remains crucial.

Despite the undeniable importance of the Council rotating Presidencies, the assessment of their performance has only rather recently attracted the interest of researchers. The attempts to introduce more clarity into the analysis of the success or influence of the Council Presidency in fulfilling its main tasks set by the treaties have generated a number of different approaches to this topic within the community of EU scholars. There is still no consensus on the main indicators for assessing or measuring the Presidency's performance. Besides, there is still a general lack of comparative studies of different Presidencies that would be based on a clear analytical framework. In addition, the search for an objective methodological framework for measuring the results of the Council Presidencies has been made rather difficult by a

number of internal and external factors such as different circumstances in the EU and Member States (e.g. national or European elections), the variety of state structures (unitary or federal) and national public administration traditions and capacities, pressures or the lack of support from key institutions or stakeholders, but also developments at the global, international level (e.g. economic or pandemic crisis).

In view of the lack of standardised criteria or indicators that can tell us if the Presidency was successful, but also taking into account the general lack of debate on factors that affect the overall performance of the Council six-month Presidencies, this paper aims to contribute to the development of a more precise conceptual framework for measuring the performance of the rotating Presidencies of the Council of the EU. The main research question is: which indicators can be used to determine whether the Presidency of the Council of the European Union was successful or not? In addition, the paper will explore what the factors that influence the overall performance of the rotating Presidencies of the Council are, but also under which conditions the policy consistency over consecutive Presidency terms can be ensured, particularly in case of complex policies such as the EU enlargement.

The methodological justification for selecting Austria and Croatia for comparison in this paper is based on several reasons. Both countries concluded the last two consecutive Trio Presidencies of the Council. They also had the EU enlargement policy as one of their political priorities. In addition, they do not represent an extreme in any significant parameter that could predetermine their performance as the Presidency. On the other hand, it could be significant that Austria held the Presidency in the second half of 2018 for the third time, while Croatia held the Presidency for the first time in the first half of 2020. The said may also contribute to the debate on the differences in the performance of old and new EU Member States.

The first part of the paper provides an overview of different approaches to studying the Council Presidency. Then, as a starting point of the research, the paper will elaborate on the relevant roles and duties of the Presidency. In the next step, the identified groups of roles will be translated into criteria for a successful Presidency. Furthermore, within each criterion, two key indicators will be detected, along with the

clarification of assessment benchmarks. In that context, the successful Presidency will be described as a positive assessment of fulfilling the roles of the Presidency in accordance with the proposed framework of performance indicators where a positive score for each indicator represents one step closer to the concept of a successful Presidency. The performance of selected countries will be assessed based on the proposed framework of indicators, with special emphasis on the enlargement policy as a common top priority of both Presidencies. Finally, some reflections on the limitations of the research will be presented, followed by concluding remarks with summary of key findings and ideas for future research in this area.

Evolving research and different approaches to studying the Council Presidency

In the literature on the European Union, there has been an obvious research gap regarding the Council, which was partly justified by the traditional lack of transparency within that particular EU institution. Since the late 1990s, the Council started to open its doors to the public and researchers, and that might be one of the reasons why the Council and the Presidency of the Council came relatively late to the focus of interest of political scientists. A wide spectrum of approaches to analysing continuous negotiation, bargaining, coalition-building and compromise seeking behaviour of Member States in the Council has started to be developed, highlighting a number of dilemmas and contradictions related to the Council and the Presidency position. Following the initial academic contributions on the Council and the Presidency (Edwards and Wallace 1977; de Bassompierre 1988; Kirchner 1992), over the years a number of authors added new dimensions to the study of the Presidency in terms of the methods and empirical analysis used, bringing some valuable insights for future evaluations of the Presidency's performance (Schout 1998; Elgström 2003; Tallberg 2003; Thomson 2008).

In general, the predominant focus of these studies was on the extent of the Presidency's influence in intergovernmental negotiations within the Council, but with somewhat different conclusions. Firstly, scholars have different views on whether the presiding Member State has any additional power and influence that is given solely by the position of the Presidency.

If the Presidency has some instruments in possession, formal or rather informal ways of exerting influence, another point of divergence is the extent to what the presiding Member State, in reality, does it. Finally, scholars may have different conclusions when it comes to the evaluation of one Presidency's attempts at exerting additional influence. Unfortunately, research on measuring the success of the Presidency's performance, using standardised indicators applied to more than one or two Presidencies has been rather neglected.

Some studies approach the Presidency mostly through its administrative role of the chair of numerous meetings without any additional influence, apart from what that specific Member State has according to its voting weight or bargaining capacity. This perspective is supported in earlier academic works on the Council and in recent times by Schout (1998), who argues that "the conflicting demands imposed on Member States holding the Presidency (...) have limited the influence of the Presidency" (1998: 2). Schalk et al. (2007: 230) add a few more arguments in favour of the Presidency failing to influence the Council's work, namely the shortness of the rotating Presidency (six months), dealing with ongoing issues that were inherited from previous Presidencies and responding to external, unpredictable events.

Another perspective is somewhat more optimistic when it comes to the Presidency's ability to make a difference in the Council's work. The conventional depiction of the Presidency as *responsabilité sans pouvoir* (Dewost 1984) is increasingly challenged by authors who argue that the Presidency can have a crucial influence in the decision-making process in the Council (Tallberg 2003, 2004; Thomson 2008), especially in the context of agenda-shaping. In this context, threefold agenda-shaping in the Council is explored by authors who focus on the Presidency's power to put specific issues on the agenda, speed up or slow down some processes by adjusting the agenda or excluding some issues from the agenda (Tallberg 2003). Some authors have discussed the balance between the "European" and "national" elements of the Council, as well as dilemmas on utilising the presiding position in the Council to put on the EU agenda some domestically salient issues and for brokering deals between the Member States that are somewhat closer to particular national preferences (Svetličič and Cerjak 2015).

Besides the literature on the influence of the Presidency, several

single Presidency evaluations offer some criteria that were used to assess how successful those Presidencies were (Karolewski et al. 2015; Agh 2012; Heywood 2011), few studies comparing different presidencies (Quaglia and Moxon-Browne 2006; Bengtsson, Elgström and Tallberg 2004), but also evaluating Trio Presidencies (Batory and Puetter 2013).

All of the above-mentioned research seems to lack the universality of the used criteria. Moreover, it needs to address the common misconception of the Presidency's success and the Presidency's influence being used interchangeably (Vandacastele and Bossuyt 2014). The possibility of using the presiding place in the Council for exerting more influence cannot be regarded as a sole indicator of the Presidency's performance, nor can it be misinterpreted as a sole indicator of the Presidency's success. In this research, a possible increased influence of the Presidency is incorporated in one of the Presidency's roles, where it can use its position at the helm of the Council, as well as a more significant influence that comes with it, to impose discussion on domestically salient issues.

Analytical framework – translating Presidency roles into criteria and indicators for performance measurement

Although the EU founding treaties do not explicitly mention the roles of the Presidency, scholars have examined the Council's work in the past decades and many of them list a certain number of roles that are connected to the post of the Presidency. One of the most detailed lists of the Presidency's role was proposed by Hayes-Renshaw and contained the following nine tasks: 1) acting in accordance with the Presidency Trio's programme, 2) chairing both formal and informal meetings of the Council, 3) chairing all the meetings of lower-ranking preparatory bodies (COREPER I and II, numerous working groups), 4) providing appropriate discussion environment in the Council meetings, 5) cooperating with the President of the European Council and the High Representative for Foreign Affairs and Security Policy, 6) acting as spokesperson for the Council, 7) contacting and negotiating with the Parliament and the Commission in trialogues, 8) meeting all of the Council's obligations, 9) reaching an agreement on certain issues, preferably with all Member States on board (Hayes-Renshaw 2012: 81).

This research combines the main components of the approaches to the Presidency's roles which sum up key roles mentioned in relevant literature, especially in an article by Quaglia and Moxon-Browne as well as in the one by Schout and Vanhoonacker, both published in 2006. Both of these articles use the Presidency's roles to create criteria for further evaluation of the Presidency's success. Also, they both extract four groups of roles that encompass, in their opinion, the scope of the Presidency's work. Additionally, these authors have highlighted remarkably similar groups of roles, but with slightly different tasks within each group. The main difference is that Schout and Vanhoonacker (2006), unlike Quaglia and Moxon-Browne (2006), have included the roles which go hand in hand with the mere fact that the presiding Member State is still *a* Member State of the Council and it cannot disregard its national preferences during that period.

Building upon the methodological approaches of the above-mentioned authors, for this research, five groups of roles will be established, combining the two approaches above, thus addressing the issue of competing roles and contradiction between the "European" and "national" elements of the Presidency and the Council. Observed groups will put a focus on the Presidency's role as: *administrative manager, consensus seeker, political leader, external and internal representative, and an agent of national interests*. These five groups sum up most of the tasks that a single Presidency needs to deal with while in office. Therefore, the evaluation of its performance can be based on five criteria, corresponding to five groups of roles, with a set of related qualitative and quantitative indicators.

Similar to the already mentioned methodological approaches, the first group of roles (*Presidency as the manager and organiser of the Council work*) includes a rather broad scope of tasks. These tasks can seem as simple as arranging the meeting rooms, but they can also be as complex as agenda structuring and devising a strategy for moving forward with a legislative file. What the earlier authors did not explicitly include in any of the groups is the role of securing continuity of the Council's work, which is crucial for the Council's credibility. Hosli et al. (2011) reckon that a "lion's share of the Presidency's time and resources are spent on administrative tasks - the ongoing Council business" (2011: 230). Another reason why securing continuity is a major part of the Presidency's work is due to the almost irreversible nature of

policies that were inherited from previous Presidencies (Schalk et al. 2007: 230). This is especially important in the context of the Trio Presidencies introduced by the Lisbon Treaty requiring a close collaboration of three Member States' Presidencies during an 18-month period, which opened a number of challenges in balancing between the implicit diversity and the need for policy consistency in consecutive Council presidencies (Batory and Puetter 2013). This group of criteria is related to the adoption of legislative acts as one of the primary tasks of the Council, with a measurable indicator of Presidency performance, i.e. the number of legislative files agreed in the first or second reading under the ordinary legislative procedure. Taking into account the average number of legislative files concluded by various presidencies in the last five years (since the start of counting of trilogues as important catalysts of the legislative process), high or above-average performance is proposed to be considered for more than 40 concluded legislative files, an average performance for above 20 and a low score would be for Presidencies closing less than 20 legislative files. In addition, the second measurable indicator deals with the number of adopted Council conclusions, indicating the Presidency's capacity to maintain internal dynamics of the Council activities and potential for securing the support of other Member States for topics of common interest. Similar to the previous indicator, the baseline will be established as the average number of Council conclusions adopted in the last five years (for the last ten Council presidencies), where the high (above average) performance will be marked by more than 50 adopted Council conclusions, average performance by above 25 and low performance by below 25 Council conclusions.

Presidency as a consensus seeker represents the second group of roles that will be regarded in this research. As mentioned before, the ongoing negotiations in the Council can be described as consensus-driven, which means that Member States are encouraged to behave constructively, striving with other Member States to reach an agreement and to overcome different policy preferences to strike a deal. In order to achieve success in this task, some scholars claim that the Presidency has to, at least temporarily, put aside its national preferences and persist in "trying to find solutions that the majority of Member States can accept" (Hosli et al. 2011: 230). The ability to reach a compromise entails a neutral and impartial position of the Presidency (Schalk et al. 2007: 230; Batory and Puetter 2013:

99), otherwise, the Presidency can be labelled as incapable. From the *agent-principal* perspective, brokerage and impartiality is a service that the presiding Member State is expected to deliver to its colleagues in the Council (Vandecasteele and Bossuyt 2014: 237). A measurable indicator for this group of Council roles would be the increase in the share of unanimous decisions in the Council.

The third set of roles, *Presidency as a political leader*, is substantially based on the Presidency's capacity to steer the EU's political direction in accordance with the proclaimed political guidelines. This role of the Presidency might seem undermined by the institutionalisation of the European Council and its Permanent President. However, the Presidency can still have enough political space to showcase political leadership. The Presidency as a political leader is expected to devote its full-time attention to common, European issues and seek sustainable solutions. Furthermore, an important part of acting as a political leader is the ability to give an immediate and adequate response to any external event that has a significant impact for the Council's work and for the Union in general (Schalk et al. 2007: 230; Vandecasteele and Bossuyt 2014: 239-240).

Presidency as an internal and external representative of the Council makes up the fourth group of the Presidency's roles. Despite previously mentioned institutional changes introduced by the Lisbon Treaty, the Presidency's role as an external representative retains its importance in certain policy areas. For instance, the Presidency represents the Council when negotiating trade deals with third countries or when negotiating with the EU candidate countries in the enlargement process. The Presidency's commitment to EU values contributes to the overall EU credibility in external relations – therefore, that will be the focus of a qualitative indicator in this group of roles. Regarding the internal representation, the most prominent role of the Presidency is to represent the Council in the procedure of inter-institutional negotiations (trilogues) during the ordinary legislative procedure. Also, it is extremely important for the Presidency to approach other EU institutions, especially the Commission (due to its exclusive right of initiative), and to foster cooperative relations with them (Tallberg 2003: 7). In that context, the number of trilogues held during the Presidency will be established as a specific, measurable indicator of performance.

Lastly, the fifth group of roles of the Presidency (*Presidency as an agent of national interests*) is comprised of different tasks that the presiding Member State is expected to complete based solely on the fact that it is still one of the Member States in the Council. Member States' objective is to represent their national interests, and the Presidency is no exception there. In this multi-faceted position, "Member States holding the Presidency are conceived of as strategic actors, seeking to satisfy national preferences within the confines of their formally delegated role" (Tallberg 2003: 5). In this context, the coalition-building potential of the Presidency on EU policies will be assessed by using the EU Coalition Explorer Survey regularly published by the European Council on Foreign Relations (ECFR). Besides, the performance of the Presidency in pursuing key Presidency priorities that are, for the purpose of this paper, considered as national priorities, will be assessed.

Each of the mentioned groups of roles is translated into a list of five criteria that need to be fulfilled by the Presidency in order to be assessed as successful. Accordingly, the Presidency needs to be (1) a successful administrative manager and organiser of the Council and (2) it needs to put effort into seeking consensus. Also, the Presidency will be deemed as successful if (3) it acts as a political leader of the Council. Furthermore, a successful Presidency needs to (4) properly represent the Council both internally and externally, and finally, (5) it needs to fulfil expectations of acting as an agent of its national interests.

As there are many factors that can contribute to the Presidency's performance, at least according to the existing literature, they sometimes seem rather simplistic, and, on the other hand, they sometimes collide with one another. In order to overcome these limitations, two points are detected within each criterium considered to be crucial for a successful Presidency, which leads to the total number of ten indicators (Table 1). Certain contradictions might still come up, especially regarding the complexity of the assessment of certain indicators, such as neutrality and impartiality on one hand, and prioritising national interests on the other. However, these examples of complexity and contradiction should be regarded as an inevitable consequence of the Presidency's two-headed position.

Each indicator comes with three assessment benchmarks (numeric value "1", "0" and "-1"). The median or neutral

benchmark ("0") comes from a more minimalistic perspective on the Presidency's success as it neither counts for a more successful Presidency nor does it mean complete failure in that matter. After assessing the fulfilment of each indicator with "1", "0", or "-1", the scores are added up and divided by the number of indicators (10) to get the average score. On a scale from -1 to 1, the average scores from -1 to -0.6 are interpreted as a very unsuccessful Presidency, from -0.5 to -0.1 as an unsuccessful one, 0 – neither successful nor unsuccessful. In contrast, the average scores from 0.1 to 0.5 denote successful Presidency and from 0.6 to 1 a very successful Presidency. Presumably, the highest average score is reserved for an ideal type of the Presidency, as it is almost impossible to get absolutely positive assessments of every indicator.

The proposed methodology for scoring and measuring the Council Presidency performance is based on a combination of quantitative and qualitative indicators. Certain limitations of this research are particularly related to the qualitative dimension of the Presidency performance assessment, which was based on the data collected from available reports, studies and articles. At the same time, the more advanced empirical testing of this methodology would require the use of surveys among key target groups.

Clearly, the suggested methodological framework cannot fully grasp a wide variety of possible internal and external conditions which need to be taken into account when attempting to draw conclusions on the rotating Presidency success. For example, it is very complex to evaluate differences in managing the Council Presidency tasks between countries with a federal system of political organisation compared to unitary states, as well as to analyse the specific role and contribution of federal components in shaping the positions of the Presidency. Besides, in case of smaller Member States, officials from the General Secretariat of the Council or other EU countries can be seconded to assist the responsible government bodies of the country holding Presidency which can create an additional challenge in terms of determining what the "national" presidency is. In addition, the success of a Presidency is largely dependent on other institutional actors, such as the European Council, European Commission and European Parliament. In a year of European elections, it can be very demanding for a Presidency to achieve progress in concluding legislative files and

managing inter-institutional negotiations with the Parliament and the Commission. At the same time, national elections or other factors causing the possible instability of the government can also be relevant in the evaluation of the performance of a Presidency. Therefore, a proper contextualization of a variety of external and internal factors should be provided for the research findings and data collected based on the proposed set of indicators and assessment benchmarks.

		Assessment benchmarks			
		Criteria (<i>Indicator</i>)	1	0	-1
Roles of the Presidency of the Council of the EU	1 <i>Managing and organising Council work</i>	1.1. Ongoing Council legislative affairs (<i>Number of closed legislative files</i>)	Significant number of legislative files closed (above 40)	Average number of legislative files closed (20-40)	Low number of legislative files closed (below 20)
		1.2. Capacity to maintain internal dynamics of the Council work (<i>Number of adopted conclusions of the Council</i>)	Significant number of Council conclusions adopted (above 50)	Average number of Council conclusions adopted (25-50)	Low number of Council conclusions adopted (below 25)
	2 <i>Consensus seeker</i>	2.1. Reaching compromise and consensus (<i>Number of decisions made unanimously</i>)	Above-average number of decisions made unanimously	Average number of decisions made unanimously	Below-average number of decisions made unanimously
		2.2. Neutrality and impartiality (<i>Perception of neutrality and impartiality</i>)	Neutral and impartial during almost all the time in office	Neutral and impartial most of the time, but with some objections of being biased	Frequent objections to the lack of neutrality and impartiality
	3 <i>Political leader</i>	3.1. Responsiveness to major political or other unforeseen events (<i>Perception of adequacy of reaction to major unforeseen events</i>)	Well-timed and adequate response to unforeseen events	Delayed, but adequate response to unforeseen events	Delayed and inadequate response to unforeseen events
		3.2. Stability and devotion to common issues (<i>Perception of commitment to common EU issues</i>)	Precedence of common issues over domestic issues	Balancing between common and domestic issues	Precedence of domestic issues

		Criteria (Indicator)	Assessment benchmarks		
			1	0	-1
Roles of the Presidency of the Council of the EU	<i>4 Internal and external representative</i>	4.1. Cooperation with other EU institutions <i>(Number of trilogues held)</i>	Above-average number of trilogues	Average number of trilogues	Below-average number of trilogues
		4.2. Maintaining or improving EU reputation in the international arena <i>(Perception of credibility in promoting the EU common values)</i>	Reliable actor in foreign affairs that fully represents the EU common values	Actor in foreign affairs that slightly deviates from the EU common values	Untrustworthy actor in foreign affairs that significantly retreats from the EU common values
	<i>5 Agent of national interests</i>	5.1. Visibility and preferability as a coalition partner on EU policies <i>(Ranking in the ECFR EU Coalition Explorer)</i>	Strong coalition-building potential on EU policies (ranked in Top 9 EU countries in ECFR EU Coalition Explorer)	Moderate coalition-building potential on EU policies (ranked among 10-18 EU countries in ECFR EU Coalition Explorer)	Weak coalition-building potential on EU policies (ranked 19-27 EU countries in ECFR EU Coalition Explorer)
		5.2. Elevating national priorities to the European level <i>(Level of achievement of key national priorities from the Presidency programme)</i>	National (Presidency) priority policy areas became European priority policy areas, and proposed policy approach was accepted.	Discussion on some national (Presidency) priority policy areas got started but remained without further action or success in promoting specific policy solutions	National (Presidency) priority policy areas were left entirely behind

Table 1: Council Presidency - success indicators and assessment benchmarks

Council Presidencies compared: Austria and Croatia

Two Presidencies that concluded the most recent Trio Presidencies, Austria and Croatia, are going to be compared according to the assessment of their performance as Presidency, using the criteria and indicators presented in the previous section. Among a number of priorities of both Austrian (Eu2018.at, 2018a) and Croatian Presidencies of the Council (Vlada Republike Hrvatske 2020b), but also their respective Trio Presidencies, the EU enlargement stands out as the common priority and will be particularly addressed in the context of this assessment.

Starting with the indicator 1.1 (ongoing Council legislative affairs), reports have shown mixed results (Liechtenstein 2018). The Austrian Presidency wanted to use its time in office to come to an agreement on particular migration and security issues and to finish important files in this policy area. Still, it soon became evident that this objective was unrealistic. The migration quota system, new Dublin agreement and disembarkation platforms outside the EU are just a few of the issues that stayed unresolved during the Austrian Presidency (Liechtenstein 2018). On the other hand, the Austrian Presidency has put additional effort on the enlargement process, more specifically on the Western Balkans region, which resulted with Serbia and Montenegro opening new negotiation chapters (Eu2018.at, 2018b). Furthermore, Austria finalised the work on the Erasmus programme and Horizon Europe programme, parts of the new Multi-annual Financial Framework 2021-2027 (Neuper 2019). Altogether, Austria managed to conclude 52 legislative files in the first reading, out of which 29 at Coreper I, 19 at Coreper II and 4 at SCA (Special Committee on Agriculture), which is an indication of the high performance under this quantitative indicator.

The Croatian Presidency's limited progress in concluding legislative files can be explained by exceptional circumstances caused by COVID-19 crisis and a sudden shift in political and legislative priorities. It was also due to the postponing of the agreement on the multi-annual financial framework, which is connected to a large number of pending legislative initiatives. Out of 19 files concluded in the first reading during the Croatian Presidency, 17 files have been related to COVID-19 emergency acts which illustrates the dominance of pandemic crisis over

the Council work during the Croatian presidency (Council of the EU 2020a). On the other hand, out of eight inherited legislative files which were concluded in the second reading, it is important to stress the finalisation of work on the Directive on the quality of water intended for human consumption, as well as the Directive on markets in financial instruments, but also the Regulation on a framework for the recovery and resolution of central counterparties. Altogether, 14 legislative files were agreed at Coreper I, 12 at Coreper II and one at SCA level. The conclusion of 27 legislative files is considered as an average performance according to the proposed quantitative scoreboard for this indicator. As regards the priority files of the Croatian Presidency, in addition to the adoption of the Council position on the Conference on the Future of Europe, as well as the signing of Brexit agreement, the Decision on opening EU accession negotiations with Albania and North Macedonia has been considered as the greatest achievements of the Croatian Presidency, marking a substantial shift in the EU enlargement policy. On the other hand, no progress has been made on asylum and migration package. In contrast, the long-awaited deal on the multiannual financial framework has been reached only during the German Presidency. The assessment of Croatia's performance as regards the objectives and priorities stated in its Presidency Programme showed that 99 out of 174 (or 56.89%) legislative and policy activities planned in the Programme had been implemented (Vidačak 2020). In general, the assessment of the Presidency's performance in the legislative process based only on the quantitative indicator 1.1 has its limitations, mostly since it neglects the complexity of certain files, as well as the overall political, economic and institutional environment for decision-making. This may be illustrated by the impact of European elections on the Trio Presidency (Romania, Finland, Croatia) where Romania benefited from strong support and pressure from the European Commission and the European Parliament to reach agreement on eighty priority legislative files before the elections, which is almost six times more than Finland (Council of the EU 2020b) that was affected by the post-election period of transition and restructuring of the EU Institutions.

Table 2:
Number of
legislative files
concluded in the
first or second
reading under the
ordinary legislative
procedure during
the Austrian
and Croatian
Presidencies and
respective Trios

Activities in the ordinary legislative procedure	Austrian Presidency	Presidency Trio (<i>Estonia, Bulgaria, Austria</i>)	Croatian Presidency	Presidency Trio (<i>Romania, Finland, Croatia</i>)
Number of legislative files agreed in the first reading	52	126	19	105
Number of legislative files agreed in the second reading	0	1	8	16
Total	52	127	27	121

Source: Authors, based on data from the Council of the EU (2020b)

Regarding the indicator 1.2 during the Austrian Presidency, 56 conclusions of the Council were adopted (Eu2018.at 2018b), while 54 conclusions were adopted at the Council sessions during the Croatian Presidency (Vlada Republike Hrvatske 2020b). This shows that both Presidencies have managed to maintain the advanced internal dynamics of the Council activities. Moreover, they could both successfully mobilise other Member States to support the proposed conclusions and recommendations on multiple topics of common interest and regarding the ongoing and future policy and legislative initiatives on the agenda of EU institutions. Since this was Austria's third Presidency in twenty years, it is reasonable to assume a sufficiently high level of expertise of its public administration and no major issues during the Presidency regarding its staff competence in the European affairs and the capacity to provide technical and administrative support to the Council. During the Austrian Presidency, 2062 meetings of the Council preparatory bodies have been held (Eu2018.at 2018b). The official report of the Croatian Presidency mentions 916 meetings of the Council working bodies organised during the first half of 2020 (Vlada Republike Hrvatske 2020b). This also indicates substantial

capacities of the Presidency to ensure adequate coordination of technical and administrative support to the Council activities, despite unprecedented crisis caused by COVID-19 outbreak and the need for rapid adaptation to the new online modes of the Council work.

According to voting records from December 2009 to June 2019, approximately two-thirds of all decisions (66%) were made with the unanimous support of all Member States (Consilium.europa.eu, 2019). The positive assessment of this indicator would mean that the Presidency has managed to increase the share of unanimous decisions. If this share decreased, that would count for the negative assessment of this indicator. From 1 July 2018 to 31 December 2018, out of 58 available voting records, only 18 voting procedures ended in a public contestation of the majority in the Council (Consilium.europa.eu 2019), which means that slightly more than two-thirds (68.9%) of all decisions were made with unanimous support of the whole Council. The Croatian Presidency's performance in this regard was somewhat better, reaching unanimity in 74.68% of voted decisions during the first six months of 2020. Hence, Austria and Croatia can be considered as successful Presidencies when it comes to reaching compromises and consensuses (indicator 2.1), while the performance of both presidencies was below average respective the Trios' performance in this area.

Table 3:

Compromise reaching capacity — the number of decisions made unanimously in the Council during the Austrian and Croatian Presidencies and respective Trios

Voting in the Council	Austrian Presidency	Presidency Trio (<i>Estonia, Bulgaria, Austria</i>)	Croatian Presidency	Presidency Trio (<i>Romania, Finland, Croatia</i>)
Number of voting records in the Council during the Presidency	58	150	35	171
Number of decisions made unanimously in the Council during the Presidency (compromise reaching percentage)	40 (68.96%)	88 (58.66%)	26 (74.28%)	90 (52.63%)

Source: Authors, based on data in Council public register of voting results, 2020.

As regards the indicator 2.2, there were not any significant objections that would imply any kind of breach of neutrality and impartiality by the Austrian Presidency. The only objection was raised regarding the Austrian Presidency policy approach on migration and asylum policy package where its national government's stricter approach caused lot of debates and disputes, especially with the European Parliament. Otherwise, as it is reported (Liechtenstein 2018), Austrian government officials were pretty much aware of the importance of being neutral and impartial during the negotiations. The same holds to a great extent for the Croatian Presidency. However, its neutrality was put into question due to the refusal to put on the Council agenda the deterioration of the rule of law, democracy and fundamental rights in Hungary, despite the initiative of thirteen Member States and the European Parliament's Resolution (Euronews 2020).

The assessment of the indicator 3.1 evaluating the Presidency's responsiveness to major events will mostly be conducted regarding Austrian efforts to keep the unity of EU27 in the Brexit negotiations. Even though the Brexit talks in the second half of 2018 cannot be seen as an unforeseen event, some of the obstacles that came up in the way of achieving a withdrawal deal with the United Kingdom can be seen as unexpected (for example, the internal political situation in the UK or Spanish demands on Gibraltar). The Austrian Presidency managed to gather all remaining Member States to speak with one voice and to send a clear message to London that "the present Withdrawal Agreement is not renegotiable" and that "it is now up to the United Kingdom to make a clear decision" (Eu2018.at 2018b). Therefore, when it comes to the Brexit negotiations, the Austrian Presidency responded adequately and with no delay. The Croatian Presidency was faced with an unprecedented major global COVID-19 pandemic crisis which has dramatically changed the environment for the work of the EU institutions and shifted political priorities. Given the extent of the global crisis, the reaction of the Croatian Presidency could be considered as adequate in terms of supporting the urgent adoption of a package of legislative acts as a response to COVID-19 outbreak. Another major event was the new EU border crisis at the beginning of March 2020 following Turkey's decision to open its borders to Greece and send Syrian refugees to Europe. The Croatian Presidency, along with leaders of all EU institutions, promptly visited Greece sending a strong signal

of unity and readiness to tackle the emerging crisis (Euractiv.com 2020).

The indicator 3.2 deals with the readiness of the Presidency to give precedence to common issues over domestic ones and checks for any major domestic interference with the Presidency's task as a political leader of the Council. During its presidency, Austria was ruled by a right-wing government, consisting of ÖVP (Austrian People's Party) and FPÖ (Freedom Party of Austria), which was not welcomed with much enthusiasm in the European Union. On the contrary, the leader of ÖVP, Sebastian Kurz, was accused of collaborating with a neo-fascist political party and conceding to their demands of stricter migration rules and more rigid borders (Shuster 2018). Due to coalition instability back home, "Austria has been preoccupied by itself" (Satanakis 2019) and was therefore not able to provide credible and stable leadership of the Council and the EU as a whole. The Croatian Presidency was also tarnished by giving explicit support to Hungary amid widely expressed pan-European concerns over democratic backsliding in that EU country during pandemic crisis (Vladisavljević 2020). Thereby, it was leaving the impression of worrying more about short term national interests — i.e. avoiding being blocked by Hungary in its w entry into the Schengen and the OECD.

Regarding the role of internal representative, both presidencies will be evaluated according to the number of trilogues held, in comparison with the average number of trilogues held since the beginning of counting of this form of informal inter-institutional negotiations in the ordinary legislative procedures, which amounts to 123 (the average number of the last ten presidencies). In this context, Austrian performance was above average with 150 trilogues held during its Presidency, while the Croatian Presidency managed to hold only 31 trilogues, largely due to COVID-19 outbreak as well as to the lack of progress in reaching a political deal on the multiannual financial framework which blocked talks on a large number of related legislative files. A more advanced approach to assessing the cooperation of the Council Presidency with other EU institutions might also take into account the number of open disputes of the Presidency with other institutions. For example, one of the most debated files proposed by the Commission was the one on scrapping daylight saving time in the EU. According to Politico.eu (Posaner 2018), the Commission expressed deep

dissatisfaction with the Council's postponement of that legislation, while the Austrian Presidency insisted on more time to be given to the Member States to decide on this issue. Regarding the relations of the Presidency with the Parliament, one other dispute arose, the one about migration and asylum legislative package. Namely, the "Austrian Presidency had sent some of the files (those on reception conditions, asylum qualification and resettlement) back to the technical level at Council for renegotiation" (Eder 2018), thus stopping further progress on this issue. Another conflict evolved around the UN Migration Compact, as Austria refused to sign it, triggering negative comments from the Commission President, Jean-Claude Juncker (Schaart 2018; Kostaki 2019). The only noticeable dispute between the Croatian Presidency and the European Parliament was about the Hungary and Poland rule of law procedure being ignored by the Presidency. In future research on the performance measurement of the Presidency, the "internal representation" indicator may be designed as a "composite" indicator covering both the number of trilogues and the number of open inter-institutional disputes involving the Council.

The indicator 4.2 tests the presiding Member State's compliance with the fundamental values and principles of the European Union. Even though Austria is regarded as a Member State that fully respects fundamental values and principles, Freedom House Report for 2018 noted that since the ÖVP-FPÖ coalition government took power, there has been a rise in threats to the freedom of the press, the politicisation of intelligence agency and legislative attempts to deteriorate migrants' and asylum seekers' rights. According to this report, the assessment is that Austria is still a country that complies with the fundamental values and principles, but with slight deviations (Freedom House 2019). The first European Commission 2020 Report on the Rule of Law highlighted challenges with the low perception of independence of the judiciary, as well as media freedoms and civic space in Croatia (European Commission 2020). As regards the prominence of the rule of law topics during the Austrian and Croatian Presidencies, both Presidencies did not manage to put on the agenda of the Council the cases of serious breaches of the rule of law in Hungary, following the procedure launched by the Parliament in 2018. As already mentioned, the Croatian Presidency came under heavy criticism for ignoring the initiatives of MEPs and thirteen EU Member States regarding the

deterioration of the rule of law, democracy and fundamental rights in Hungary under emergency regime due to pandemic crisis (Euobserver.com 2020). The step forward in promoting the EU values of transparency and openness was done by the Croatian Presidency's support to the renewal of negotiations on the Inter-institutional Agreement on mandatory Transparency Register, through a political kick-off meeting held in June 2020 (Ec.europa.eu 2020), while the message of solidarity and unity was sent to Western Balkans countries through Zagreb Declaration on EU enlargement (Consilium.europa.eu 2020). The Austrian Presidency managed to organise the annual rule of law dialogue in the Council (General Affairs) and adopted the Presidency Conclusions on "Trust in Public Institutions and the Rule of Law", based on expert inputs from EU Member States, EU institutions, the EU Fundamental Rights Agency, the Council of Europe, civil society and academia (Council of the EU 2018), thus proactively promoting debates on fundamental EU values.

The last group of indicators tests the performance of both Presidencies in advocating national interests during their Presidency terms and demonstrating the coalition potential in the Council. In order to increase the possibility of framing some domestic interests as common European interests, Member States regularly engage in informal coalition-building in the Council. These coalitions can be in the form of bilateral cooperation, triads (three Member States together) or hubs of one Member State that attracts other Member States as the most preferred partner in the Council (Huhe et al. 2018: 30-33) and they are often based on either cultural and geographical proximity or shared ideology of ruling political parties. According to the European Council on Foreign Relations EU Coalition Explorer 2018 Survey (Ecfr.eu 2018), Austria is part of the "Affluent Seven" group, together with Belgium, Denmark, Finland, Luxembourg, the Netherlands and Sweden. This group of Member States holds a combined share of 17% of the Union's GDP (Ecfr.eu 2018), and thanks to that, these countries are punching above their weight when it comes to their importance for forming majority or blocking minority in the Council. Therefore, Austria has successfully increased its visibility and reputation among other Member States. According to the overall results of the ECFR Coalition Explorer 2020 Survey conducted during the Croatian Presidency in March and April 2020, Croatia ranks 22nd in the overall results that combine four criteria (most contacted government on EU policy matters, most responsive and easiest

to work with for EU country's government, most influential on EU policy, sharing longer standing interests on EU policy), while Austria ranked 8th (Ecfr.eu 2020).

Finally, the indicator 5.2 is focused on the congruence of national and European priority policy areas and the acceptance of the Presidency's approach to the prioritised policy areas. For all three priorities of the Austrian Presidency (fight against illegal migration, digitalisation, enlargement) the progress was moderate. Migration and security have been priority policy areas on the European level for a long time now, and the Austrian Presidency succeeded in keeping those areas in the focus. However, the Presidency tried to make its rather hostile stance towards migration and asylum a common EU feature. Still, since no further progress was made regarding these issues (Eder 2018), it is clear that the Presidency was not successful in that matter. European institutions did not embrace different, more restrictive, approach to migration. Regarding the digitalisation legislative files (such as the cybersecurity act, public sector information direction, etc.), some progress was made during the Austrian presidency, but key acts were adopted only during Romanian Presidency. Besides the progress on the EU enlargement policy as one of the key priorities for the Austrian Presidency was limited, with two new negotiation chapters with Serbia and one with Montenegro opened, but no substantial progress on other candidate and potential candidate countries. When it comes to elevating the Croatian presidency priorities at the EU level (enlargement, the Conference on the Future of Europe, Brexit, multiannual financial framework), the biggest achievement was made on the EU enlargement policy by reaching the agreement of EU leaders on starting the negotiations with Albania and North Macedonia, getting the support of all EU governments for unblocking the EU enlargement policy dialogue and adopting Zagreb Declaration on EU-Western Balkans relations. Besides, the Council common position on the Conference on the Future of Europe was adopted in June 2020, while the Decision on concluding the Brexit agreement was adopted by the Council by the end of January. The Decision on starting the negotiations on new EU-UK partnership agreement was brought by the end of February, and four negotiation rounds were held during the Croatian Presidency. The Croatian Presidency also achieved the progress in negotiations on the multiannual financial framework, but the political deal was reached only in July

Table 4:
Assessment
of Austrian
and Croatian
Presidency

2020 during the German Presidency. Under this particular indicator, Croatia could be perceived as slightly more effective in achieving its Presidency Programme priorities.

Indicators	Assessment	
	Austria	Croatia
1.1 Ongoing Council legislative affairs	1	0
1.2 Technical and administrative capacity	1	1
2.1 Reaching compromise and consensus	1	1
2.2 Neutrality and impartiality	0	0
3.1 Responsiveness to major political or other events	1	1
3.2 Stability and devotion to common issues	-1	-1
4.1 Cooperation with other EU institutions	1	-1
4.2 Maintaining or improving EU reputation in the international arena	0	0
5.1 Visibility and preferability as coalition partner on EU policies	1	-1
5.2 Elevating national priorities to the European level	0	1
Average score	0.5	0.1

As shown in Table 4, scores for each indicator were added up and divided by 10, giving the average score 0.5 for the Austrian Presidency, and 0.1 for the Croatian presidency, meaning that both could be assessed as successful. However, Table 4 also shows that this success varied depending on the different roles of the Presidency. While both countries succeeded in fulfilling the role of a consensus seeker and responded effectively to major events, they also failed to demonstrate a firm commitment to the EU values and give precedence to common issues over national concerns.

As regards the EU enlargement to Western Balkans as a common top priority of both Austria and Croatia and as a declared priority of their respective Presidency Trios, it is clear that the two recent Trios did not manage to reach a consensus and policy consistency over this complex topic. In the case of the first Trio, while Bulgaria had invested substantial efforts in providing a clear European perspective for the Western Balkans countries as its first priority, and organised Sofia Western Balkans summit as the central event of its presidency, Estonia has instead focused on the Digital Single Market, while omitting enlargement from its top priorities. Finally, Austria

invested most of its efforts in the issues of security and fighting illegal migration, while simultaneously emphasising the EU perspective of the region, as key partners in the managing migration crisis.

The context for advocating the progress in this area changed dramatically between the Austrian and Croatian Presidencies, with a French ultimatum to change the enlargement methodology and decision to block the opening of accession negotiations with Albania and North Macedonia in October 2019. While the Romanian Presidency still managed to keep the focus on enlargement by negotiating the Council conclusions on this topic, Finland's priorities were directed to other areas, with limited opportunity to act during the time of re-structuring of the EU institutions following the last EP elections. Given the complexity of the challenge of unblocking the French "No" and gaining the support of several other EU Member States with serious concerns over enlargement, Croatia's achievement of negotiating the Decision on opening negotiations with Albania and North Macedonia can be regarded as the most positive aspect of its Presidency of the Council. On the other hand, despite ambitious declarations in 18-months Trio Presidency Programmes, the case of enlargement policy shows that it is very challenging to ensure policy consistency over consecutive Presidency terms, mostly due to the diversity of interests of Member States, the complexity of issues addressed, but also increasing difficulties in reaching unanimity on very sensitive issues in the Council.

Limitations: the lack of transparency

This research had to undoubtedly take into consideration a serious lack of transparency of the Council's work, which presents a major obstacle for academics who want to examine specific issues in the Council more closely. Even though the Council has become significantly more transparent in recent years (Naurin and Wallace 2008: 2), there are still some important information that could be very helpful in pursuing academic research of the Council and the Presidency, if revealed. For instance, there is no official information on failed decisions or on negotiation processes in the lower levels of the Council. It could be further discussed what the limits of the Council's non-transparency are. Member States need to make a decision and

strike the right balance between secrecy and transparency, in order to keep the negotiations ongoing, without any external interference, but at the same time informing the public of every important step in the decision-making process, in order to maintain the trust and legitimacy in the eyes of the public.

This issue proved quite problematic for this research, too. In the lack of official documentation, the Presidency's performance had to be evaluated according to some other information sources, such as the Presidency's official publications on its work, media and other reports from non-governmental organisations. Every Presidency publishes a list of its accomplishments at the end of its term, but no Presidency, quite understandably, publishes a list of its failures. In order to counterbalance any bias, the assessment of the majority of indicators relied extensively on media reports on the Presidency and the reports of some other non-governmental organisations, like Freedom House or the European Council on Foreign Relations.

It is expected that the performance measurement framework proposed in this research may contribute to a better understanding of the multi-faceted tasks of the Council Presidency but also encourage further discussion on the criteria and indicators of assessing the success of rotating Presidencies. However, any further, in-depth analysis would need to be based on a more advanced disclosure of the official Council data, covering the Presidency's work on all decision-making levels in the Council.

Concluding remarks

The aim of this paper was to detect and systematise the roles and tasks of the Presidency and to find out which indicators can be used in order to determine whether the Presidency's performance was successful or not. Five groups of roles were highlighted as crucial tasks of the Presidency, namely acting as an administrative manager of legislative files, a consensus seeker, a political leader, an external and internal representative, and as an agent of national interests. The successful fulfilment of these roles reflected, accordingly, the main criteria for a successful Presidency. In order to satisfy each specific criterion, ten indicators in total were recognised as decisive when it comes to the evaluation of the Presidency's

performance. Each indicator comes with three assessment benchmarks (positive, neutral and negative), in order to make an overall assessment of the Presidency, either as successful or unsuccessful. Furthermore, these indicators were then tested on specific cases of both the Austrian and Croatian Presidencies of the Council.

Some general conclusions can be drawn from the assessment of the Austrian and Croatian Presidencies, according to the established quantitative and qualitative indicators. The Presidency has a unique position of encompassing both European and national elements, and the analysed cases do reflect that very contradiction. When it comes to the Presidency's capacity to conclude legislative files, different circumstances such as emergency crisis or the complexity of political agreement for priority issues addressed can largely limit the scope of intervention of the Presidency. While both Austria and Croatia can be considered as successful Presidencies when it comes to reaching a compromise and consensus in the Council as measured by the percentage of unanimous decisions, they showed less commitment and consistency in promoting and protecting the fundamental EU values and prioritising common EU issues over specific domestic concerns. The research showed that it was very challenging to ensure policy consistency over consecutive Presidency terms and within respective Trio Presidencies concluded by Austria and Croatia, mostly due to the over-ambitious nature of established priorities and increasing difficulties in reaching unanimity on very sensitive issues in the Council.

The final scores for both countries obviously do neither reflect the multi-dimensional nature of certain roles of the Council, the complexity of addressed policy issues, a wide range of external and internal conditions affecting its work nor difficulties in balancing between the quantitative and qualitative aspects of the measurement of the Presidency's performance. Nevertheless, it is expected that the proposed scoreboard will provide an impetus to other researchers and practitioners in identifying and testing more advanced methodologies for evaluation in this area.

With a view to enabling a more detailed assessment of the performance of the Council Presidencies based on objective and verifiable data, some serious challenges will need to be

addressed in the forthcoming period, especially the lack of transparency of the Council work and still a predominant culture of secrecy in inter-institutional negotiations.

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