

Julie Hassing Nielsen & Mette Buskjær Christensen (Kopenhagen):

The Democratic Challenges of the EU Presidency after the Lisbon Treaty:

The Case of Denmark

Abstract

Besides the economic crisis, the Lisbon Treaty challenged and changed Denmark's seventh Presidency of the Council of the EU (henceforth the EU Council Presidency), introducing the new High Representative of the Union for Foreign Affairs and Security Policy (henceforth The High Representative), i.e. a permanent president for the European Council and the Trio presidencies. Here, we investigate the democratic consequences of the changes of the EU Council Presidency illustrated through the case of the Danish 2012 Presidency. We evaluate the changes in an input-output legitimacy framework, focusing on the European Parliament (EP) and the people's ability to affect politics during the EU Council Presidency. Based on the Danish case, we argue that the changes of the EU Council Presidency limit people's ability to influence decision-making, as powers have been transferred to new permanent institutions.

Zusammenfassung

Neben der Wirtschaftskrise stellte der Vertrag von Lissabon eine Herausforderung für Dänemarks siebente EU-Ratspräsidentschaft dar und veränderte diese, indem der neue Hohe Vertreter der EU für Außen- und Sicherheitspolitik als ständiger Präsident des EU-Rates und der Trio-Präsidentschaft eingesetzt wurde. In diesem Artikel untersuchen wir am Beispiel der dänischen Präsidentschaft 2012 die Konsequenzen auf demokratischer Ebene, die mit der Veränderung der EU-Ratspräsidentschaft angestoßen wurden. Hierfür beurteilen wir die Veränderungen mit Hilfe eines Input-Output-Legitimitätsrahmen, wobei wir uns auf das Europäische Parlament (EP) und die Fähigkeit der Politikwirksamkeit der europäischen Bevölkerung während der EU-Ratspräsidentschaft konzentrieren. Ausgehend vom dänischen Beispiel ist unsere These, dass die Veränderungen in der EU-Ratspräsidentschaft die Fähigkeit der europäischen Bevölkerung, auf den Entscheidungsprozess Einfluss zu nehmen, einschränken, da die Gewalten auf neue dauerhafte Institutionen übertragen wurden.

Julie Hassing Nielsen is a postdoc at the Department of Political Science, University of Copenhagen. She holds a PhD from the European University Institute in Florence.

Mette Buskjær Christensen is a PhD Fellow at the Department of Political Science, University of Southern Denmark. Her research interests are multi-level parliamentary relations in the EU with a special focus on political parties and their strategies for influencing EU politics.

Introduction

The EU's democratic deficit has been discussed frequently (e.g. Moravcsik 1993; Moravcsik 1991; Foellesdal and Hix 2006; Habermas 2009). Some authors highlight the lack of interest in and knowledge of the European endeavour, arguing for enhanced popular political inclusion through, for example, an enhanced pan-European public sphere (e.g. Habermas 2009) or extensive deliberative pooling (e.g. Fishkin and Luskin 2005; Fishkin 1991, Ackerman and Fishkin 2004). Others argue that the EU *sui generis* does not as such face democratic legitimacy problems. Rather the problem derives from a wrong conceptualization and understanding of the nature of the EU (e.g. Majone 1998, Majone 2005; Moravcsik 2006, Moravcsik 2004, Moravcsik 2002).

The democratic deficit debate divides into two sub-strands. One sub-strand is the institutional critique of the EU. It focuses on the fact that the only directly popularly elected body at the EU level – the European Parliament (EP) – for a long time, and still to a certain extent, was virtually without any significant power vis-à-vis the Council of the EU and the European Commission. Additionally, the EU is targeted for the fact that there is no democratic contestation for leadership at the EU level. For example, the Commission is criticized for not being subject to popular elections (e.g. Foellesdal and Hix 2006; Williams 1991). The first aspect, however, was remedied in the Lisbon Treaty (2009) when the co-decision procedure became the most frequently used legislative procedure, bringing the EP on equal footing with the Council in a large majority of policy areas.

The second strand of the democratic deficit debate focuses on the citizens. In here, the focus has been on the fact that the European people have little knowledge about the European Union and that the election turnout in European elections is very low compared to national elections (e.g. Foellesdal and Hix 2006; Williams 1991). Additionally, the EP elections tend to focus on domestic rather than EU-related issues (Hix 1999), and thus are labelled »second-order-elections« (Reif and Schmitt 1980). Evidence for the second-order-election hypothesis, however, is mixed as national referendums on EU matters have proven to be addressing EU-related issues independently from national politics (Hobolt 2009). The two strands of the democratic deficit debate, though conveniently separated here, naturally go hand-in-hand.

One of the less researched, yet important EU actor is the EU Council Presidency. With its half-yearly rotation amongst the EU Member States, the EU Council Presidency provides a means to remedy the remoteness of the EU – the »EU lies in Bruxelles« – aspect highlighted in the democratic deficit debate (e.g. Foellesdal and Hix 2006). Furthermore, one could expect the EU Council Presidency to enhance visibility of the EU at the national level, as holding the EU Council Presidency provides an opportunity for member states' governments to highlight EU policies on the national agenda. We here investigate the role of the EU Council Presidency in regard to popular legitimization of the EU. Though the EU Council Presidency is not – per se – an institution generated to legitimizing the EU in the eyes of the European population, we nevertheless think all aspects of Europeanization and the evolution of the EU institutions are relevant for analysis in a democratic perspective. Particularly, because

The Democratic Challenges of the EU Presidency

the EU institutions as such, encompassing the EU Council Presidency, all suffer severe crises when further EU integration is halted by, for example, popular referendums.

Following from this, the EU Council Presidency can be expected to influence popular EU attention to some degree, and thus it plays a role in the discussions about the EU democratic deficit. The EU Council Presidency, however, changed with the Lisbon Treaty (2009). Here powers previously held by the EU Council Presidency were transferred to new supranational institutions. Moreover, the EU Council Presidency has gradually seen a transfer of powers from the decentralized Member States to centralization in Brussels. Most Presidencies are now Brussels-based, meaning that most Presidency-related activities take place in Brussels. Most prominently this includes the European Council sessions as well as the formal Council of the EU meetings. Only the informal Council meetings now take place in the host EU Presidency country. The question is to what extent these changes have an impact on the broader democratic deficit discussions. Has the critique towards the institutional and the popular dimensions of the democratic deficit been addressed with the new role of the EU Council Presidency? Or have the changes of the EU Council Presidency enhanced the democratic worries at the EU level?

Analyses of the EU Council Presidency have focused on the administrative level, investigating how Europeanization of the national administration accelerates as a consequence of holding the EU Council Presidency (Jensen and Nedergaard 2012), and if the organization of the Presidency amongst the heterogeneous Member States is done within the same framework (Nedergaard and Jensen 2012). Others focus on the role of the EU Council Presidency in the negotiation and bargaining process, highlighting that it plays a crucial role in unlocking conflicting negotiations (e.g. Metcalfe 1998) as well as securing agreements during tough negotiations, which might otherwise be prone to fail (Tallberg 2004). Although holding the EU Council Presidency does not appear to be of any significant advantage to the Member State's domestic interests due to the norms of impartiality and neutrality, findings notwithstanding show that being at the helm of the EU adds to the bargaining power of the EU Presidency country, especially in the final phase of decision-making (Schalk et al. 2007; Thomson 2008; Bengtsson et al. 2004).

Still, the democratic aspect of the EU Council Presidency remains largely undiscussed. Though speculations appear that the rotating EU Council Presidency serves to remedy the democratic deficit, decreasing the distance between citizens and the EU institutions, surprisingly few studies focus on the democratic aspects of the EU Council Presidency (for an exception see: Crum 2009, Semetko and Valkenburg 2003).

In this article, we apply a theoretical framework of input and output legitimacy (Scharpf 1999; Scharpf 2009) and investigate how the institutional changes of the Lisbon Treaty have enhanced or decreased the democratic problems of the EU both at the institutional and the popular dimensions. We focus on the role of the EP and the role of the people in broad terms as proxies for the institutional and the popular levels.

Evaluating the Danish negotiations and achievements at the helm of the EU (2012), we find that the new role of the EU Council Presidency decreases people's ability to directly impact the input-side of EU politics as power has

been transferred to the supranational level. However, as the Lisbon Treaty opened for enhanced powers to the EP, we find that the limitation for input in the decision-making process can to some extent be remedied through the empowered EP channels of influence. This is, however, conditioned by the ability and willingness of the national Presidency to adapt to new realities by strengthening its ties with the EP.

In- and Output Legitimacy and the EU Presidency

The democratic outlook of the EU Council Presidency can be studied with different theoretical lenses. In essence, the discussions involve questions and approaches that view the EU as a unique institution that should be legitimized accordingly (e.g. Moravcsik 1991, 1993, Majone 1998, Moravcsik 2002, Schmidt 2004, Majone 2005) or if the EU should be legitimized like any other democratic state (Lord and Beetham 1998, Lord and Beetham 2001). Here, we do not actively engage with any of the strands of understanding the ontology of the European project. Rather, we take the point of departure that all democratic or political institutions – *sui generis* or not – should be legitimized by its population in order to function well. The EU is no exception. Hence, the EU should be legitimized as it is a political institution, disregarding one's point of departure in the democratic deficit debate. This discussion is important when it comes to the EU Presidency, as it has – for the first time since the establishment of the EU – been altered with the centralization of powers in Brussels. The question is what impact this alternation has had on the legitimization of the EU as a democratic institution.

The theoretical framework of input and output legitimacy, as elaborated by Scharpf, is useful in order to gain insight into the democratic aspects of the EU Council Presidency (e.g. Scharpf 1999, Scharpf 2011). Input legitimacy is popularly held as being *government by the people* and output-oriented legitimacy is *government for the people*. The distinction between input and output legitimacy understands the political process in terms of (1) decision-making process(es) (2) and outcome. Input-oriented democratic choices are legitimate because they reflect the will of the people. Output-oriented democratic choices are legitimate because they reflect the policy outcome people desire (e.g. Scharpf 1999). Looking at the democratic implications of the changes of the Presidency in the Lisbon Treaty, the distinction between input and output legitimacy becomes a useful analytical tool. As already mentioned, according to Scharpf, input legitimacy thrives when focus is on participation on the individual political level (Scharpf 2011; 7). Elaborating on this, we understand EU input legitimacy as individual's opportunity to participate in the decision-making processes at the EU level.

Output legitimacy, by contrast, means deriving legitimacy from the capacity to problem-solving. Thus, it focuses on the quality of the output of the political process, encompassing the collective ability to generate political outcome that is beneficial for all. Scharpf mentions four mechanisms of output-oriented legitimation: (1) electoral accountability through elections; (2) application of expertise in the decision-making process; (3) enhanced corporatist and intergovernmental agreements; and (4) pluralist policy network (Scharpf 1999). Here, we focus on the aspects of accountability of elections and pluralist policy network as parameters for assessing the impact of output legitimacy in the context of the Danish EU Council Presidency.

The Democratic Challenges of the EU Presidency

We understand electoral accountability as people's ability to elect and keep responsible representative politicians. Additionally, we assess the role of pluralist networks by looking at European people's ability to participate politically through multiple channels and networks – both informal and formal – to make their voices heard. The difference between multiple networks and direct participatory opportunities – as seen as a parameter when we investigate ›input legitimacy‹ – is that, with input legitimacy, we look at the European people's ability to directly interact with the political systems throughout the decision-making process. Pluralist networks, conversely, such as regional interests represented at the EU level or interest organization etc., are networks that are more informally tied to the political process, enabling citizens to informally interact with the political systems. These networks, for example, go through interest organizations or other organizational activities.

Denmark: A Small and – at Times – Reluctant Member State

Being an old EU Member State, the role at the helm of the EU is nothing new for Denmark. The small country became member of the European Community (EC) in 1973, following a popular referendum in which a majority of 63 per cent favored accession. Denmark is a small open economy, and accession to the EC was motivated by the economic benefits achieved by free trade in the common market. Thus, the Danes have, at times, only reluctantly endorsed the political aspects of the EC that evolved after the 1970s. In particular, this became clear with the Treaty of the European Union (TEU), often referred to as Treaty of Maastricht, in 1992, and the establishment of a political union. A small majority of Danes rejected the TEU in a referendum, confronting the EU with its first severe democratic legitimacy crisis (e.g. Jensen and Nielsen 2011, Kelstrup, et al. 2012a).

The Danish conditions for accession to the TEU were renegotiated in 1993, resulting in the Edinburgh Compromise. Denmark obtained four opt-outs from the TEU. All opt-outs are still in place today. They include (1) the third phase of the Economic and Monetary Union (EMU); (2) the supranational cooperation within Justice and Home Affairs; (3) the EU Citizenship; and (4) the dimension of defense within the Common Foreign and Security Policy.

Amongst the Danish politicians, there is widespread consensus that abolition of the opt-outs should be subject to a popular referendum. But so far, only one of the opt-outs has been put to a referendum. It happened in 2000, following the launch of the Euro (1999), when accession to the EMU's third phase was rejected by 53.1 per cent of the Danes. Since then, politicians tactically have waited for the momentum for a new debate on lifting at least a few of the opt-outs. The current Danish government announced that it intended to hold a referendum on two opt-outs, namely Justice and Home Affairs and Defense cooperation, during the Danish EU Council Presidency (2012). Yet, the idea was abolished again in June 2012, most likely because of negative opinion polls, and the economic challenges of the Eurozone. Other rejections of the abolition of the opt-outs will most likely add to the success and failure of the national government, so Danish politicians are hesitant to initiate the debate if the right momentum does not exist (e.g. Marcussen 2009, Kelstrup, et al. 2012b).

The opt-out of the EMU did play a role for the maintenance of the 2012 Danish EU Council Presidency. It excludes the country from the informal Euro-group meetings, taking place prior to the Economic and Financial Council meetings (ECOFIN). However, since the role of the European Council in finding solutions to the Eurozone economic crisis increased, the consequences of being outside the Eurozone appeared less significant though the prime ministers and head of states of non-Euro countries still have to leave European Council sessions when Euro related questions are discussed (Christensen and Nielsen 2013).

The EU Presidency After the Lisbon Treaty

The EU Council Presidency is one of the most stable structures in the EU's history. Established with the Rome Treaty (1957), the half-yearly rotating Presidency has largely maintained its form and purpose throughout the past decades. The EU Council Presidency has four key tasks. Firstly, it sets and manages the EU's agenda by chairing all Council formations. Secondly, it acts as an honest broker in the inter-institutional bargaining between the European Commission, the EP and the Council. Thirdly, the Presidency works for Council compromises between the national ministers. Finally, the Presidency represents the Council in relation to third external parties outside the EU (e.g. Adler-Nissen, et al. 2012). Additionally, research on Member State behavior during Presidencies show how national governments use the opportunity at the helm of the EU to shape the political agenda and promote national interests (Tallberg 2003, Elgström 2003, Bengtsson et al. 2004, Thomson 2008).

The Lisbon Treaty significantly changed the role of the Presidency, aiming at a more hierarchical and transparent EU decision-making process. The European Council was now provided with an independent permanent President. Simultaneously, foreign affairs were removed from the General Affairs Council formation and provided with a new independent head (i.e. the High Representative of the Union for Foreign Affairs and Security Policy). Lastly, the Lisbon Treaty formalized the invention of the so-called Trio Presidencies. Since 2007, the three upcoming EU Council Presidencies have prepared and coordinated a joint Trio Presidency Program for a duration of 18 months. In the 2012-Presidency, Denmark formed a Trio Presidency in junction with Poland and Cyprus. The Trio Program aims at making the EU Council Presidencies more coherent and consistent.

All three amendments shifted powers from the EU Council Presidency to either the newly invented post of High Representative of foreign affairs or the new European Council President, or sharing and coordinating the agenda of the EU Council Presidency with other EU Member States. All in all, the EU Council Presidency is left with less political weight than before (Christensen and Nielsen 2013).

Notwithstanding, the changed nature of the EU Council Presidency must be viewed in the overall light of institutional changes introduced in the Lisbon Treaty. While the powers of the EU Council Presidency shifted to newly invented actors, these powers essentially remain with the Council of the EU and the European Council and, thus, the Member States. The Lisbon Treaty also made the co-decision procedure (where the Council and the EP co-decide) the most commonly used decision-making procedure. This way, the powers of the EP significantly

The Democratic Challenges of the EU Presidency

increased – and addressed a frequently heard critique in the democratic deficit debate. Other initiatives were similarly invented to increase the citizens' role in the EU decision-making processes, for example, the ambitious European Citizen Initiative, empowering citizens to propose legislative proposals to the Commission (e.g. Nielsen 2011).

The EU Presidency: More or Less Legitimacy?

1.1 The European Parliament (EP)

One of the main criticisms against the EU political system is the fact that the only directly elected body – the EP – used to have relatively weak political decision-making powers. During successive treaty amendments, the EU invested massively in the EP to vindicate European standards of parliamentary accountability. By now, it is widely assumed that the EP is the institutional body that has gained most from the past decades evolution of the EU. What was originally a simple ›parliamentary assembly‹ – not very different from the assemblies accompanying traditional international organizations – has now become a directly elected empowered institution, enjoying powers in matters of authorization of EU expenditure, law-making, and the supervision of the executive (e.g. Roederer-Rynning and Schimmelfennig 2012, Rittberger 2012).

Additionally, the Lisbon Treaty significantly enhanced the powers of the EP, now providing a joint legislation with the Council on almost all EU policy areas. Despite this spectacular transformation, the EP remains a parliament of a somewhat different kind compared to national parliaments. While the EP has acquired a prominent legislative function in EU policy-making, the function to link up with the citizens lags behind; as Eurobarometer repeatedly show, people possess little interest in and knowledge about the EU. Paradoxically, at the same time as the EP was consecrated as a co-legislator of EU policy-making, the interest of the ordinary EU citizens in EU politics has in general declined. This is partly because of national politicians' lacking involvement in EU politics where they avoid addressing European issues (like the recent Eurozone Crisis). Instead, they tend to focus on national questions (Christensen and Nielsen 2013). Hence, the EU has rightfully been termed a fragmented democracy; the national level of governance ensures government *by* and *of the people*, whereas the EU level primarily delivers governance *for the people*. The democratic problem is then essentially that the EU makes *policy without politics* whereas the Member States provide *politics without policy* (Schmidt 2006: 5).

The European Parliament and Input Legitimacy

Considering the consequences of the alternation of the Presidency in terms of input legitimacy, a central question is whether the rotating Presidencies enhance the participatory quality of decision-making now that the EP is co-legislator with the Council in many more policy areas than before.

Indeed, the empowerment of the EP has significant implications for the running of Presidencies. If it should succeed at the helm of EU, a good connection to the EP is paramount as the EP is now a major institutional player

in the important inter-institutional bargaining where the EU Council Presidency facilitates compromises. Thus, if a Presidency aims for results it will need to have the EP on its side. For the EU Council Presidency, this infers investing time and resources in gaining knowledge about the interests and positions of individual MEPs and EP party groups. Secondly, it requires extensive and well-established networks inside the EP to access the most relevant EP actors, most notably committee chairmen and rapporteurs. This implies that the EU Council Presidency must work more closely than before with the MEPs. Using their networks and expertise enables the EU Council Presidency to avoid inter-institutional conflicts, and obtain information on informal negotiations, for example, the important Trialogue Negotiations between the Council of the EU, the EP, and the Commission.

One simple indicator of the increasing importance of the EP for the EU Council Presidencies is the number of official meetings held between the Presidency and the EP during the Danish Presidency. From October 2011 to the end of the Danish EU Presidency in June 2012, Danish ministers visited the EP nothing less than 85 times, encompassing 41 plenary debates and 36 committee meetings plus multiple other visits. During the last Danish Presidency (2002), a contrasting number of 70 minister meetings in total were held with the EP.¹ Hence, a comparison between the previous Danish Presidency held before the Lisbon Treaty changes with the Danish Presidency of 2012 clearly shows a changed way of behavior by the Danish EU Council Presidency, encompassing increased attention to the supranational EU institutions due to the centralization of the EU Council Presidency.

Another illustration of the increasing importance of the EP for the EU Council Presidency's work was the choice of the Danish government to appoint a permanent Minister for European Affairs, Nicolay Wammen, who as the coordinator of the Danish EU policy was very keen on creating a strong relationship to the EP both during and after the Presidency (Altinget.dk, 20 August 2012). When the Danish Prime Minister held the end of the Presidency debate in the EP, many MEPs praised the Danish European Minister for effectively taking into account the views of the parliament.² The government running the previous Danish EU Council Presidency (2002) had only appointed a temporary Minister of Europe. By 2012, however, the institutional power balance had changed. Consequently, in 2012 the European Minister had turned into a heavier and permanent post, existing also after the termination of the EU Council Presidency. We interpret this evolution as an attempt to use the Presidency momentum of enhanced interaction with the EP as a way to establish good relations with the parliament on a long-term basis.

Two key priorities of the Danish Presidency were to reach a deal on the Energy Efficiency Directive and getting an agreement on a European Patent Reform, including legislation on a Unified Patent Court. Both pieces of legislation depended to a large extent on difficult negotiations with the EP. During the negotiations of especially the Energy Efficiency Directive, the Danish EU Council Presidency met a hostile EP, highlighting that a

¹ Figures were provided by the Danish Ministry of Foreign Affairs, February 2013.

² See plenary debate of the European Parliament, 2 July 2012.

The Democratic Challenges of the EU Presidency

compromise was nowhere near. And, as an illustration of the complicated negotiations, the Energy Efficiency Directive received nothing less than 2,000 proposals for EP amendments (Euractiv, 13 June 2012). Nonetheless, the EU Council Presidency reached deals both in legislative cases, evidently showing strong capability of ›breaking the code to the EP‹, and facilitating the necessary inter-institutional compromises necessary to close negotiations.

Although the examples above point to intensification of contacts and good relations between the Danish EU Council Presidency of 2012 and the EP, the relationship was not unproblematic. Towards the end of the presidential term, the conflict between the Danish EU Council Presidency and the EP escalated on the issues of the sensitive Schengen Rules and internal border control. As Presidency, Denmark facilitated a Council agreement on a new mechanism, allowing Member States to reintroduce internal border control under exceptional circumstances. Whereas the European Commission had pushed for greater oversight by the EU institutions on evaluation and application of the Schengen rules, the Council agreement underlined that evaluation essentially remain in the hands of the Member States. The EP felt side-lined by the Council in the negotiations and threatened to boycott the Danish EU Council Presidency as the official Council representative. A boycott of the Presidency would inflict serious consequences for the Presidency, being unable to move forward in any legislative dossier. At the last minute, however, the EP decided to suspend relations with the Presidency only in legislative negotiations concerning Justice and Home Affairs including the rules of the Schengen Agreement. Notwithstanding, the crisis with the EP shows that in a post-Lisbon context, the EP appears more powerful than ever and needs to be taken seriously by the Presidency to guarantee a successful outcome. Hence a conflict that would most likely have been less salient and less prone to escalation in the Danish 2002-Presidency, now escalated to previously unknown heights during the Danish 2012-Presidency, which became evident due to the intensive and enhanced media coverage which is unusual for EU affairs. In sum, this infers that the centralization of the EU power along with the decreased powers of the EU Council Presidency have both changed the power balance in favor of the supra-national EU institutions.

All in all, both the successful and less successful negotiations of the Danish Presidency highlight the importance of being well-connected to the EP. Especially, the MEP's of the same national origin as the Presidency can act as important mediators between the EU and the national political level when difficult agreements must be brokered or when inter-institutional conflicts arise. Thus, the Danish EU Council Presidency constitutes an important learning lesson for national actors of the political opportunities arising when national political representatives are brought closer to central EU actors. The intensification of contacts between the national-level Presidency and EU-level actors during the Danish EU Council Presidency shows how the Presidency can to some degree raise the link between the EP and the national level politicians. This may, in turn, lead to a better reflection of the will of the national citizens and, ultimately, increase the input legitimacy of EU decision-making. The positive effect of a better inclusion of the EP, however, depends on the willingness of national governments to strengthen this connection during their Presidency – an effort that may vary significantly from Member State to Member State.

The European Parliament and Output Legitimacy

Considering output legitimacy, the question is what consequences the altered EU Council Presidency has for the specific mechanisms of electoral accountability and pluralist policy networks. Arguably, the Presidency does only have a limited and indirect impact on output legitimacy when it comes to electoral accountability provided by a closer link between national level representatives and MEPs as argued above. The most significant Presidency role is to act as a neutral mediator in negotiations and facilitating inter-institutional compromises. And thus its actions are more stealth and do not depend and are not exercised in the light of public attention to the same extent as, for example, in domestic politics. Yet, when we consider the role of pluralist policy networks during EU Presidencies, the empowerment of the EP holds some potential for improving the quality of policy choices. Policy networks should here be understood as the informal opportunities of the Presidency of interacting with the EU level, which could lead to a better coherence between national and European political concerns.

Firstly, the relations between the EU Council Presidency and the EP are focused on the Presidency's ability to make a stronger link between EU and domestic politics. A step in this direction is when national representatives use the Presidency to develop stronger informal transnational networks with EU-level actors, such as MEPs, influencing longer-term opportunities for stronger ties between the EU and national level actors. Thus the pluralist network is strengthened through the development of networks beyond the national level, constituting alternative channels for influence for national actors.

Secondly, at the same time as the Lisbon Treaty diminished the opportunities for Presidencies to set the political agenda without the interference of other countries in the TRIO Presidency, the Presidency still presents a promising opportunity for developing a sense of ownership over the EU agenda. The results of the Danish Presidency 2012 serve as a testimony. The Presidency had considerable success in bringing the EU legislative agenda forward in different policy areas, ranging from financial regulation to reforms of the Schengen Agreement. These successes can largely be contributed to the Presidency's role as honest broker during important negotiations. Yet, regarding the promotion of specific national goals, the results were less significant. Only in climate negotiations did the Presidency push the specific Danish agenda. Still, the focus on national preferences was only possible since they were congruent with those of the Commission and the EP (Christensen and Nielsen 2012).

The fact that the post-Lisbon Presidency is more about delivering common EU results derived from a common EU agenda leaves less room for a more narrowly defined national interest-based agenda. This enables the Presidency to improve the substantive quality of policy choices if it functions as a mediator between the national and European level through established informal networks. Here, networks are not only confined to link the national level to the EP-level, but to EU institutions in general. The EP does, however, require special attention from the EU Council Presidency due to its recent empowerment. Moreover national governments have ›natural allies‹ from the same national party platform inside the EP who, in turn, can establish linkages to the much

The Democratic Challenges of the EU Presidency

broader European political party groups and party federations. If the Presidency manages to act as a successful ›honest broker‹, it may ensure that a wider range of interests and consequences will be taken into consideration in the policy-making processes. This way, the EU's level of output legitimacy can be strengthened as the Presidency in a clearer and consistent way serves the common interests of the Union, and not the narrow national interest of the Member State holding the Presidency.

All in all, the Presidency holds some potential for enhancing both input and output legitimacy of EU decision-making, considering the intensification of contacts between national political representatives and EU-level actors such as Members of the European Parliament.

1.2 The European People

Discussing the EU Council Presidency, it is frequently highlighted that the rotating Presidency, due to its circulating nature between the Member States, enhances the level of legitimacy. In the eyes of the population, the EU Council Presidency enhances legitimacy by being close to the European people(s) and by not just remaining a remote institution situated in Brussels. The questions are thus: To what extent has this changed through the Lisbon Treaty alternations of the Presidency? And have the changes in the Lisbon Treaty provided new participatory channels for the citizens which would increase legitimacy?

The European People and Input Legitimacy

In many ways the changes to the Presidency further centralized the EU institutions in Brussels. By watering down the Presidency through the invention of a Permanent Council President as well as the High Representative – both permanently situated in Brussels –, the Presidency is left with less salient political issues. Thus, we expected that the Presidency itself, including its host Member State, receive less media attention and, accordingly, removes an important means to bring EU closer to the people.

The question is, however, if the participatory channel of the EU Council Presidency – through active participation of the European citizens in policy-making – has ever been an active part of the EU Council Presidency, even when it possessed the pre-Lisbon Treaty powers. The Presidency heads the intergovernmental Council of the EU. Here 27 different Member States send their national ministers to negotiate EU legislation mainly motivated by national interest and preferences. The understanding that the Presidency brings the EU closer to the population through the hosting country's active participation in EU legislation in a somewhat different way than what is otherwise obtainable in daily decision-making in Brussels seems unjustified. The negotiations in the Council as well as the inter-institutional bargaining, taking place at the EU level have always been a very stealth part of the EU decision-making process even when the Presidency was empowered more extensively before the Lisbon Treaty.

The Lisbon Treaty also included initiatives which were seeking to incorporate the popular participation in EU decision-making. Most vividly, this included the aforementioned European Citizen Initiative (ECI), which provides the European citizens with the opportunity to propose legislative acts for the Commission. Through a set of rules prescribing, for example, that an ECI has to consist of at least one million signatures from at least seven different Member States, the citizens can initiate and propose new EU legislation. Though the Commission is not forced to act upon an ECI – it is nevertheless obliged to call a hearing when the ECI meets the criteria set in the Lisbon Treaty. This way the citizens – for the first time in EU’s history – can interact directly with the supranational Commission. Thus, a new opening guaranteeing input legitimacy at the EU level has been opened – though the Presidency with the potential of providing national input legitimacy bringing the EU closer to its people has seen a diminishing of its powers.

The ECI is a good example to show that the concentration and centralization of powers from the EU Presidency to the supranational EU level in Brussels in the Lisbon Treaty also had counter-initiatives to spark citizens’ participation at the supranational level. Hence the Lisbon Treaty both centralized EU decision-making at the same time as it introduced new mechanisms of bringing input-legitimizing powers into the hands of the European people. Whereas it can be argued that the Lisbon Treaty removed powers from the Presidency for the benefit of the supranational institutions, and thus removed input legitimizing ways for the people to interact with the EU through the circulating EU Presidencies, the Lisbon Treaty nevertheless included new ways the citizens could partake in EU politics. Yet, if we are to conclude on the changes of the EU Presidency post 2009, they seem to have a slightly negative impact on the possibility for the population to feel closely connected to the EU.

The European People and Output Legitimacy

Another way to evaluate the democratic implications of the changes in the Presidency is looking at outcome legitimacy. Is the way in which the EU takes decisions and, in particular, the outcome of the decision-making process, of a shape that is agreeable for the European people? Probably the best-known proponent of the EU being a regulatory unit primarily providing pareto-efficient welfare-oriented outcomes to the EU citizens is Majone (e.g. Majone 1998, Majone 2005). Yet, arguably, this has changed with the recent Eurozone crisis with the increasing inclusion of more redistributive policies. Have the changes in the EU Presidency played any role in this regard?

Output legitimacy is to be understood in terms of election accountability and pluralist networks. In many ways, the Danish EU Presidency was left with the status quo when it came to these two parameters that could potentially affect the level of output legitimacy amongst the population (Denmark 2012). The political context of the 2012 Presidency was predominantly characterized by a severe economic crisis. The Eurozone crisis from 2008 onwards had clearly made many more Europeans skeptical of the European project as a whole, and had made them turn their backs on attempts to strengthen the Economic and Monetary Union through initiatives involving more integration.

The Democratic Challenges of the EU Presidency

The increased reluctance for further European integration is found in Eurobarometer surveys in which, for example, a total of 42 per cent of the Danish population stated in 2002, when Denmark had the Presidency, that they trusted the EU and the European institutions. Only 22 per cent stated they did not trust the EU and the European institutions.³ Under the 2012 EU Council Presidency, however, the number of Danes endorsing further EU integration and trusting the EU institutions has decreased. Now only 31 per cent of the Danish population stated they trust the European institutions, while the number of those not trusting the EU and its institutions has increased to 60 per cent.⁴ In sum, the part of the Danish population that does not trust the European institutions has skyrocket from the previous Danish Presidency in 2002 to 2012. These figures show decreasing output legitimacy, i.e. that the people distrust the EU to be able to deliver optimal policy solutions. However, these figures also show, more importantly in this context, that the rotating Council Presidency does not – as some might argue – enhance the popularity of the EU as a whole. As we here only focus on the Danish EU Council Presidency, our aim is not to make a claim for all 28 EU Member States where the EU Council Presidency might have a larger or smaller influence than in Denmark. Our aim is to understand how being at the helm of the EU might change people's perception of the EU.

Output legitimacy can also be measured in terms of election turnout. If the electorate supports the policies, and feel they have a say in the political decision-making process, we expect voter turnout to be high because people feel that their vote matters. Although the past EP election was in 2014, it is still worth highlighting that, despite the efforts in treaty amendments of increasing the powers of the EP, voter turnout to EP elections have consistently dropped, and were in 2014 the lowest ever recorded since the first direct election to the EP in 1979. Only an average of 43 per cent of the Europeans chose to show up and cast a ballot. Their motivation for voting – and for staying away – is, of course, diverse. However, the fact is that voter turnout at the EU level remains very low compared to the turnout, for example, in national parliament elections. Consequently, output legitimacy can be understood to decrease as it can be expected that people would vote if they felt they had a say in the policy-making and the outcome of the EU was salient to them. Denmark is no exception to the rule of this trend. Though recognized for its high level of democratic participation, the Danish turnout in the EP elections has also been significantly lower than the election turnout at the national level. For the EP election in 2014, 56.4 per cent of the Danish population casted a vote, in contrast to only 47.9 per cent in 2004. As emphasized when exploring the extent to which input legitimacy had been raised for the European people after the Lisbon Treaty, the Europeans were provided with more channels to participate in the decision-making on the EU level. However, these channels do not extend to formalized networks. The Presidencies have not changed with the recent reform in ways that enable the European people to exploit pluralist networks in order to gain informal access to policy-making at the EU level. Informal access implies channels that are not explicitly tied to certain institutions and

³ Standard Eurobarometer, 2002, No. 57.

⁴ Standard Eurobarometer, 2012, No. 77.

their decision-making power, but rather involve networks of informal association such as civil society organizations.

Under the Danish EU Presidency the path-breaking Fiscal Treaty was signed and different proposals of economic and financial character repeatedly topped the agenda. However, it was not the Presidency but the permanent President of the European Council – Herman van Rompuy – who was largely in charge of these negotiations. The Fiscal Treaty was of an intergovernmental nature, not a community supranational piece of legislation. Characteristic of all these initiatives and legislative acts was the practical absence of citizen input both through formal and informal ways. The changes in the Council Presidency did not facilitate more direct or indirect participation for the European people. Hence, they cannot be understood to have extensive consequences for democratic output legitimacy.

Conclusion

We conclude that the changed EU Presidency function – along with the other initiatives empowering the EP in the Lisbon Treaty – to a certain degree affected both the behavior and the democratic quality of Presidencies. The Presidency now focusses more on inter-institutional compromise-making and bargaining between the EP, the Council, and the Commission, leaving less room for the promotion of national interests. The EP empowering also holds some potential for improving both input and output legitimacy as it may lead to a better connection between national and European political representatives through the Presidency, but only if national governments are willing to use it as an opportunity to foster transnational linkages to the EP. The Danish case did show some positive signs of the emergence of this, although the strengthened connections might be loosened when the six-month Presidency period is over.

Whereas the EP increasingly constitutes a channel of importance, also for the EU Council Presidency, the European people have in broad terms been left with a less visible EU function. Though initiatives like the ECI enabled the Europeans to enter the otherwise closed EU decision-making procedures, the Presidency has been watered out in ways that compromise the salience of the institution. Thus crucial media attention has moved to the central institutions in Brussels at the expense of the national level. All this can negatively impact the Europeans perception of EU democracy both in terms of input and output legitimacy.

Bibliography

Ackerman, B. & J. S. Fishkin (2004): *Deliberation Day*, Yale University Press, New Haven.

Adler-Nissen, R.; J. H. Nielsen & C. Sørensen (2012): The Danish EU Presidency 2012: A Midterm Report. *Swedish Institute for European Policy Studies (SIEPS)* 2012:1.

Bengtsson, R.; O. Elgström & J. Tallberg (2004): Silencer or Amplifier? The European Union Presidency and the Nordic Countries, *Scandinavian Political Studies* 27:3, pp. 311–334.

The Democratic Challenges of the EU Presidency

- Christensen, M. B. & J. H. Nielsen (2012): Can a Small Non-Euro Member State Holding the EU Presidency Make a Difference in Times of EU Economic Crisis? Perspectives on the Danish EU Presidency. In: P. Dabrowska-Klosinska (ed.): *Polish Yearbook of European Studies* Vol. YPES 15/2012. Poland.
- Crum, B. (2009): Accountability and Personalisation of the European Council Presidency, *Journal of European Integration* 31:6, pp. 685–701.
- Ministry of Foreign Affairs of Denmark (2012): *Europe at Work: The Results of the Danish Presidency of the Council of the European Union in the First Half of 2012*.
- Elgström, O. (ed.) (2003): *European Union Council Presidencies. A Comparative Perspective*. London: Routledge.
- Fishkin, J. S. (1991): *Democracy and Deliberation: New Directions for Democratic Reform*, Yale University Press, New Haven.
- Fishkin, J. S. & R. C. Luskin (2005): Experimenting with a Democratic Ideal: Deliberative Pooling and Public Opinion, *Acta Politica* 40, pp. 284–298.
- Foellesdal, A. & S. Hix (2006): Why There Is a Democratic Deficit in the EU: A Response to Majone and Moravcsik, *Journal of Common Market Studies* 44:3, pp. 533–562.
- Habermas, J. (2009): *Europe. The Faltering Project*, Cambridge Polity Press, Cambridge.
- Hix, S. (1999): Dimensions and Alignments in European Union Politics: Cognitive Constraints and Partisan Responses, *European Journal of Political Research* 35:1, pp. 69–106.
- Hobolt, S. B. (2009): *Europe in Question. Referendums on European Integration*. Oxford University Press, Oxford.
- Jensen, M. D. & P. Nedergaard (2012): Det Danske EU-Formandskab 2012 - Satte Det Sig Spor I Central-administrationen?, *Politica* 45:4, pp. 379–399.
- Jensen, M. D. & J. H. Nielsen (2011): *Europa På Vej*, Systime, Aarhus.
- Kelstrup, M.; D. S. Martinsen & M. Wind (2012a): *Europa I Forandring: En Grundbog Om EU's Politiske Og Retlige System*, Hans Reitzels Forlag, København.
- Kelstrup, D.; S. Martinsen & M. Wind (2012b): *Europa I Forandring*. Hans Reitzels Forlag, København.
- Lord, C. & C. Beetham (2001): Legitimizing the EU: Is There a 'Post-Parliamentary Basis' for Its Legitimation, *Journal of Common Market Studies* 39:3, pp. 443–462.
- Lord, C. & C. Beetham (1998): *Legitimacy and the European Union*, Longman, London.
- Majone, G. (2005): *Dilemmas of European Integration. The Ambiguities and Pitfalls of Integration by Stealth*, Oxford University Press, Florence.
- Majone, G. (1998): Europe's Democratic Deficit: The Question of Standards, *The European Law Journal* 4:1, pp. 5–28.
- Marcussen, M. (2009): Out of the Box: Coping Successfully with Euro-Outsiders, *Cooperation and Conflict* 44:2, pp. 167–187.
- Metcalf, D. (1998): Leadership in European Union Negotiations: The Presidency of the Council, *International Negotiations* 3:3, pp. 413–434.
- Moravcsik, A. (2002): In Defense of the 'Democratic Deficit': Reassessing the Legitimacy of the European Union, *Journal of Common Market Studies* 40:4, pp. 603–634.
- Moravcsik, A. (2004): Is There a Democratic Deficit in World Politics? A Framework of Analysis, *Government and Opposition* 39:2, pp. 336–363.

Julie Hassing Nielsen & Mette Buskjær Christensen

- Moravcsik, A. (1991): Negotiating the Single European Act: National Interests and Conventional Statcraft in the European Community, *International Organization* 45:1, pp. 19–56.
- Moravcsik, A. (1993): Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach, *Journal of Common Market Studies* 31:4, pp. 473–519.
- Moravcsik, A. (2006): What Can We Learn from the Collapse of the European Constitutional Project?, *Politische Vierteljahresschrift* 47:2, pp. 219–241.
- Nedergaard, P. & M. D. Jensen (2012): Organiseringen Af Det Danske EU-Formandskab I 2012, *Økonomi og Politik* 85:3, pp. 27–38.
- Nielsen, J. H. (2011): A Participatory Cure for Europe? An Early Assessment of the Citizens' Initiative, *Think Global – Act European (Notre Europe)*.
- Reif, K. & H. Schmitt (1980): Ninescond-Order National Elections: A Conceptual Framework for the Analysis of European Election Results, *European Journal of Political Research* 8:1, pp. 3–45.
- Schalk, J. et al. (2007): The Power of the Presidency in EU Council Decision-Making, *European Union Politics* 8:2, pp. 229–249.
- Scharpf, F. W. (1999): *Governing in Europe: Effective and Democratic?*, Oxford University Press, Oxford.
- Scharpf, F. W. (2009): Legitimacy in the Multilevel European Polity, *MPifG Working Paper 09/1*.
- Scharpf, F. W. (2011): Monetary Union, Fiscal Crisis and the Preemption of Democracy, *MPifG Discussion Paper* 11, pp. 1-39.
- Schmidt, V. A. (2004): The European Union: Democratic Legitimacy in a Regional State, *Journal of Common Market Studies* 42:5, pp. 975–997.
- Semetko, H.; W. van der Brug & P. Valkenburg (2003): The Influence of Political Events on Attitudes Towards the European Union, *British Journal of Political Science* 33:4, pp. 621–634.
- Tallberg, J. (2004): The Power of the Presidency: Brokerage, Efficiency and Distribution in EU Negotiations, *Journal of Common Market Studies* 42:5, pp. 999–1022.
- Williams, S. (1991): Sovereignty and Accountability. In: R. O Keohane & S. Hoffmann (eds.): *The New European Community*, Westview, Boulder.

Data used:

Standard Eurobarometer, 2002, No. 57.

Standard Eurobarometer, 2012, No. 77.