

The Contribution of the Regions to the Council of the European Union Presidency

The Case of Flanders in the Context of the Belgian Presidency of 2010

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Introduction

IN LINE with several other empirical-based researches (Schalk *et al.* 2007; Niemann and Mak 2010; Alexandrova and Timmermans 2013; Jensen and Nedergaard 2014; Smeets and Venix 2014; Vandecasteele, Bossuyt and Orbie 2015), we argue that a state holding the presidency of the EU Council is able to influence the EU agenda and, moreover, to transfer at the EU level items from its domestic set of interests. This is not similar to arguing that any specific Presidency has a unilateral capacity to transform and adapt the EU priorities according to its particular interests; we actually support the idea that, in the decision-making process, there are several steps (especially the concluding ones) where a well-prepared presidency may intervene in order to shape the final decisional outcome. Our article focuses on the contribution the regions might have in the EU Council presidency context.

The regional level is nowadays more and more involved in the decision-making process of the EU and the consultations held by Brussels with all relevant regional actors and institutions on matters of importance at the European level are a proof that their role can no longer be overlooked. The regions have a significant sway over the policies of the Union through several direct and indirect channels (participation in the Council and the Committee of the Regions, representation offices and lobby activities, respectively through the official mechanism and representation of their state) that can be utilized to promote local interests on the political agenda, their technical assets, but also to emphasize their presence at the supranational level. In this regard, the EU Council Presidency can be the proper framework in which regional actors can directly bring their input into the Union's policies while also bridging the gap between the sub-national and supranational level (van Hecke and Bursens 2010).

In order to present our arguments, we have opted for the rational choice institutionalist theoretical approach. As pointed out by Ion (2013), developed in the US academic literature, the rational choice institutionalism is perceived by Rosamond as a “successful import of the axioms of microeconomics into political science” (Rosamond, 2000, p. 114). Here, institutions are regarded rather as having a formal character that allows them, by the organization and by the normative encoding of existing practices, to have a relative coercive impact on the strategies of the rational political actors, i.e., those interested in maximizing their utility by the decisions they make. However, this is rather a functionalist perception on institutions seen as only gradually independent from states, as their emanations and reflection of already given (therefore, exogenous to interaction) domestic preferences. At the EU level, a number of studies influenced by rational choice theory focus, among other things, on the voting in the Council of Ministers, the Commission’s agenda-setting power, etc. (see, for example, the studies by G. Tsebelis and Ion, 2013, for more details on the rational choice institutionalism, especially in relation with other types of new institutionalist approaches). We consider that this theoretical approach is also appropriate to argue how regional actors are able to maximize their utility in the European decision-making system, as the normative architecture associated to the role of EU Council Presidency is influencing the way these sub-national players build their strategies of including items of interest to them on the official agenda.

In order to support our ideas, we have selected as a case study the Belgian EU Council Presidency of 2010 (July-December); this is a suitable example for three reasons: 1) the six-month mandate was exercised in the new institutional environment after the entry into force of the Treaty of Lisbon (TL); 2) Belgium has a specific decentralized territorial administration that sets it apart from other federal member states which empowers its sub-national units to directly perform in the legislative process of the EU institutions; 3) Flanders, represented by the Flemish Government in the Council configurations, stood out as a regional actor in light of its contribution to the overall success of the Belgian Presidency either through the influence exerted in different policy sectors, the professionalism of the Flemish Presidency corps in chairing the Council formations meetings (the ministerial level was the most visible) or the organization of Presidency paravents such as political meetings, seminars, workshops, concerts, exhibitions, etc.

The 2009 entry into force of the Treaty of Lisbon has resulted in new studies geared to analyze the influence the new Presidency of the European Council has on the decision-making act, as well as the impact that this function and the one of the High Representative for Foreign Affairs and Security Policy have over the role played so far by the Council of Ministers and its presidency. In addition, the configuration of this latest Treaty regarding the removal of the Union’s pillar structure and coding explicit competences conferred in an exclusive or joint manner to supranational and national decision-making levels, will also lead to the reconsideration of the role that state and sub-state actors have in this particular system; this is an occasion for the emergence of new lines of research.

The importance given to analyses focused on the Council’s work consists in the major legislative role which it had, and still has, despite the strengthened role of the European Parliament; thus, we can understand why an proposal to reform the organization and functioning of this institution—number of weighted votes in the pre-Lisbon context,

threshold of votes and/or population in the post-Lisbon one, keeping or not the rotating presidency, establishment and strengthening of the Troika system, the relation with the European Council, etc.—raises broader political debates and numerous articles meant to investigate the implications of any political and institutional proposal.

The EU membership status has brought with it a range of opportunities and benefits that internal actors are not aware of; we especially refer to sub-national public actors, which is a paradox, because one would expect sub-national actors from the private or non-profit sectors to be less informed. Nevertheless, the latter know more about the European Union and the sectoral benefits they can cause than the sub-national public actors of a simple unitary state, where the notion of region has historical connotations or it refers to the development regions created in the last decade of the previous century to facilitate access to European funds merely available to—at that time—candidate states. Sub-national public actors are rather affected by the ongoing decentralization process, being less receptive to the new European context that is favorable to them especially in order to better support at national or even supranational level their specific interests, harder to follow into a centralized national system. However, there are sub-national actors, such as the regional governments in federal states like Belgium, which not only have a very ambitious development agenda at the European level, but are also EU-oriented in their scope and lines of action. In this sense, Flanders leads by example with its “Flanders in Action” project for transforming the region into an economically sustainable and socially performant society that ranks among the top five European regions by 2020¹. The project is a regional initiative of the Flemish authorities in cooperation with the civil society, in which the priorities laid out through consultation between the stakeholders cover seven headline targets in a manner not only structurally similar to that of the Europe 2020 Strategy, but also in line with it. In this context, it is clear that Flanders has a future-oriented plan for growth sufficiently high-reaching at the European level on its own. Nevertheless, it is worth mentioning that the success of its implementation rests primarily on the powers attributed by the Belgian central government to federal units to conduct business outside the domestic arena. As we shall show in the next section, this type of devolution is unique in Europe and it also paves the way for regional actors to have a voice in international organizations and different other thematic fora, but most importantly to be represented in the EU institutions where they can bring relevant contributions to policy shaping and decision-making processes.

2. Power-sharing in Belgium—A path for the European Political Empowerment of Federal Entities

2.1. Internal organization of EU policy-making in Belgium

ACCORDING TO the 1993 Belgian Constitution (art. 1) “Belgium is a federal state composed of Communities and Regions”: the French, Flemish and the German Communities; the Flemish, Walloon Regions and the Capital Region of Brussels (art. 2 and 3). The rationale behind the creation of Regions is of an economic

nature and stems from the divergent Walloon and Flemish concerns; the competences granted to them by the central government are directly tied to territorial space and refer to the fields of transport, road works, employment, environmental policy, agriculture, housing policy and trade. On the other hand, the Communities, based on a cultural nature partly due to the Flemish demands for the preservation of linguistic and cultural characteristics, are responsible for education, personalized services, culture, media and use of language (van Hecke and Bursens 2010, 10). The federal level is in charge of hard policy fields such as social security, justice, law and order, external security and defense.

Furthermore, the Belgian federal system has some unique characteristics that influence the way Belgium is represented externally. Pursuant to the *in foro interno in foro externo* principle introduced by the 1988 Constitutional reform and extended to regional competences by the 1993 Constitution, the federal state and the Regions and Communities are responsible for foreign policy issues in view of a set of competences granted internally (Kerremans and Beyers 1997; Eggermont 2010; Belgian Presidency paper). In other words, the federal government lost the privilege of exclusively representing federal units on the international political scene with regard to a vast number of policy domains. For instance, the federal level granted the exclusive competence of negotiating and concluding treaties in the education sector to the constituent units. Additionally, the federal government cannot overlap the competences that belong to the Regions and Communities (van Hecke and Bursens 2010, 13).

2.1.1. Ensuring coherence of Belgium's external relations in light of the 1997 Cooperation Agreement

The cooperation agreement on EU policy-making signed between the Communities, Regions and the central government on 8 March 1994 establishes a) the domestic arrangement for the coordination of common positions and b) the rules governing Belgian representation within the EU institutions. With regard to the representation in the Council of Ministers, the Cooperation Agreement recognizes six categories of representation (Belgian Presidency Paper; Jeffrey 1997):

Category I: Exclusive federal representation: General Affairs; Foreign Affairs; Economic and Financial Affairs (Ecofin); Justice and Home Affairs (JHA); Budget; Telecommunications; Civil Protection; Consumer Protection.

Category II: Federal representation with assessor of the federated entities: Transport; Energy; Domestic Market; Employment and Social Affairs; Public Health.

Category III: Empowerment of the federated entities with federal assessor: Industry; Research; Environment.

Category IV: Exclusive empowerment of the federated entities: Culture and Audio-visual Affairs; Education; Youth; Sport; Tourism; Spatial Planning; Housing; Regional policy (no formal council configuration).

Category V: Exclusive empowerment of a single Region or a single Community: Fisheries: always represented by the competent Flemish minister (North Sea).

Category VI: Federal representation, assisted by federated entities, to which the rotation system does not apply: Agriculture.

The system of representation functions on a six-month rotational logic where representatives of the Regions and Communities are involved and when the Presidency of the Council is taken over by other member state. The system also implies matching the domestic division of competences with the issues on the Council meetings agendas. Nonetheless, the minister representing Belgium in the Council promotes and defends the state's interests regardless of the administrative level they come from. Additionally, they have the power to commit the state to an agreement as long as the stance is consensus based and backed by the Directorate General for Coordination and European Affairs² (Van Hecke and Bursens 2010; Belgian Presidency paper).

Overall, as shown in the previous section, the powers granted to Belgian sub-national entities in the field of foreign policy are unmatched in other federal member states. Regions and Communities enjoy full foreign policy powers for the competences they possess in the domestic realm. This is all the more salient when it comes to Belgium's European policy-making including the preparatory phase for the Council Presidency up to the six months in office (prioritization, establishing positions, staff training) and the actual exercise of the mandate (chairing meetings, restructuring the agenda, organizing and hosting events, etc.) over which the institutional set-up has a decisive impact. In this regard, the following section of the article will provide further insight into the performance of the Flemish government and its involvement in the Belgian EU Council Presidency.

2.2. Managing the Belgian EU Council Presidency from the regional level—the case of Flanders

During the Belgian Presidency, the Flemish Government had direct responsibility and involvement in European policy, helping to guide and shape it³. For this matter, Belgium began preparing its mandate for the second half of 2010 two years before its actual term in office; within the Flemish Government, a comprehensive training program was set up for 80 temporary staff members and over 70 conferences, meetings and summits were organized between 2009 and 2011 as part of the EU Council Presidency. The Flemish Government ministers represented the Union and the common position of the MS at international events (such as Minister Schauvliege at the biodiversity summit in Nagoya or Minister Van den Bossche at the EU-US Energy Council in Lisbon) while at the same time playing an institutional role in chairing the Council configurations according to the competences of the Regions and Communities. Furthermore, the Flemish officials involved in the Council Presidency were responsible with organizing several informal meetings and conferences for ministers, high officials and experts with a view to networking and sharing opinions on different issues (Belgian Presidency document).

Before the start of the Presidency, the Flemish Government established five general priorities and several sectoral goals for policy which guided their handling of dossiers. At the end of the Belgian Presidency progress had been registered for each policy area Flanders acted as a chair for. In the picture below there is the division of responsibilities the Regions and Communities had agreed on.

The contribution of Flanders to the overall success of the Council Presidency can be highlighted by looking at the main achievements of the Flemish ministers in four policy domains they had been ascribed as follows⁴:

TABLE NO. 1

		BE/ES/HU: 1 January 2010 to 30 June 2011	
Cat II	Internal Market	Region of Wallonia/French Community	
	Health	Region of Wallonia/French Community	
	Energy	Region of Flanders/Flemish Community	
	Employment/Social Affairs	Region of Flanders/Flemish Community	
	Transport	Brussels-Capital Region	
Cat III	Industry	Region of Wallonia/French Community	
	Research	Brussels-Capital Region	
	Environment	Region of Flanders/Flemish Community	
Cat IV		BE spokesperson	BE chair during BE
		18 months	Presidency
			six months
	Culture/Audiovisual	Region of Wallonia/ French Community	Region of Flanders/ Flemish Community
	Education	Region of Flanders/ Flemish Community	Region of Wallonia/French
	Youth (including Sport)	Region of Flanders/ Flemish Community	Community
	Tourism	German-speaking Community	German-speaking Community
	Regional Planning/Housing	Region of Wallonia/ French Community	Region of Wallonia/ French Community
Cat V	Fisheries	Region of Flanders/Flemish Community	

SOURCE: Belgian Presidency of the Council of the EU document

a. Fisheries and Agriculture

First, for the Fisheries sector, Minister-President Peeters managed to obtain the approval of all member states on all political agreements regarding the fisheries quotas, significantly reducing the pressure on the deep sea fish stock. Additionally, the Flemish government organized a symposium on the relation between science and fishing in order to consolidate it and develop better policy answers; at the same time, the event was an opportunity to elaborate on the reform of the Common Fisheries policy. Secondly, in the agricultural sector, Minister-President Peeters convened a ministerial level meeting to discuss the critical situation of the pig meat sector at that time which was later concluded positively after all member states agreed that specific measures were needed for improving the conditions of pig farming. Furthermore, in order to present the diversification of the highly performant agricultural field and stress the importance of farming for both the Belgian and Flemish economies working visits were organized during the informal Agricultural Council.

b. Education and training

Flanders achieved great results also in the field of Education and Training. At the informal Education Council in December—symbolically held in Bruges—the European collaboration on vocational training of the previous decade was evaluated and a strategy was forwarded in order to encourage youngsters to pursue this type of professional train-

ing. Consequently, greater attention was paid to issues relating to social inclusion, the importance of basic skills whereas the topic of education for sustainable development was for the first time introduced on the political agenda.

c. Youth

As part of the Belgian Council Presidency, Flanders was very involved in youth affairs. Flemish Minister Smet chaired the formal ministerial Council on Youth in November that was finalized with a resolution on young people's work possibilities for non-formal learning being passed for the first time. This conclusion fell back on the Flemish legacy of youth movements and centers but also socio-cultural work. As a matter of fact, the European Commission was very much encouraged to continue the process of informal and non-formal learning through a recommendation the following year. Furthermore, the region stood out when it produced a Presidency document on the European and international policy agendas regarding youth, children and the rights of children. In general, the initiatives in the field were the result of cooperation between the various partners such as governments, international organizations, experts and young people.

d. Environment

In this area, Minister Schauvliege managed to steer the positions of the 27 member states towards a joint position on biodiversity so that at the UN-summit in Nagoya the EU appeared as a coherent actor ready to play a central role in reaching an agreement on the protection of biodiversity for the next decade. Moreover, the preparations conducted for the Climate Summit in Cancun enabled the Flemish Minister to place himself on an equal footing with Commission Hedegaard in defending the EU position. Finally, Flanders influenced the political agenda by introducing the topic of sustainable materials management during the informal Environment Council in Ghent.

e. Other highlights in the Flemish performance

Apart from the successes registered by the Flemish Government in the policy areas discussed above, Flanders took several initiatives outside its role as a chair in the context of the Belgian Council Presidency. First, the Flemish introduced policy subjects of its own interest into the European arena, such as science and innovation for a greener economy, energy technology, an active labor market policy, the fight against poverty and social exclusion and last but not least, the role of local and regional authorities into the context of multilevel governance. The aim of Flanders was to enhance the region's profile as an open and EU-oriented region and promote its views on a series of policy matters in accordance to its external competences. In addition, Flanders deemed it necessary to inform and involve the Flemish citizens on European affairs as the EU substantially impacts upon the lives of ordinary people through the application of Flemish legislation that incorporates much of the decisions taken at the EU level. Hence the investment in various communication actions that placed Flanders in the spotlight on the economic and political map of the Union (Communication campaign "Flanders shines in Europe").

All in all, the Council Presidency was an incentive for the Flemish government to focus more on Europe while consolidating its individuality among the Belgian federal units and playing an active role in the EU policy arena to which it contributed through various initiatives in fields such as Fisheries and Agriculture, Environment, Education

and Training, etc. Nevertheless, Flanders demonstrated its commitment to ensuring a successful Belgian Presidency of the Council and building a better image of itself as a strong regional actor through the actions coordinated outside the institutional arena in Brussels which had a more operational/logistical nature. In other words, apart from conducting and exercising the formal institutional arrangements of the Council configurations, the Presidency allows the participation of other sub-national non-institutional actors in the organization of informal non-political and cultural events (conferences, workshops seminars, forums related to specific aspects of the Presidency and of the EU policies, respectively exhibitions, concerts, dance performances, etc.) (Tuñón and Dandoy 2011, 8-9).

According to a study by Tuñón and Dandoy (2011) on the policy involvement of the regions during the 2010 Presidency of the EU Council, regions affected by low visibility in the decision-making process in Brussels (mainly due to the low number of initiatives stemming from the insufficient competences in a given field or low level of diplomatic interconnectivity) should compensate and be more active through the organization of so-called para-events (cultural events, conferences, seminars, etc.).

While the assumption may be true regarding some Belgian units with a weaker performance, such as the German-speaking Community, it does not apply in the case of Flanders. The region was responsible for 15.5% of all Belgian cultural and conference-like events, preparing 107 meetings in cities within the Flemish jurisdiction while performing positively in handling dossiers and adding to the legislative process new policy initiatives (Tuñón and Dandoy 2011, 11-12). For Flanders, hosting events at the regional level further boosted its image in the supranational institutional setting as an actor with a high degree of activism and the capacity of a political entity to contribute to the smooth running of the Presidency, and fulfilled its goal of gaining visibility on the EU political scene and giving clarity to the Union among the citizens of the region.

Therefore, for the Flemish Government the events coordinated locally proved to be a plus in terms of visibility within the context of the Council Presidency; however, they were not the main factor explaining the great performance of the Region's team in different policy areas or outside them; this was achieved thanks to the training of the civil servants prior to the six month term and their skillful management of dossiers and political agenda (as shown previously at ministerial level) that underlined the agenda-setting, leadership and brokering powers of a regional institutional actor involved in the Belgian Presidency of the EU Council.

3. Conclusions

THE RESEARCH question underlying the article focused on the way regional actors are able to maximize their presence in the context of a member state holding the EU Council rotating presidency given that this specific framework is an opportunity to gain visibility and be a player in the decision-making process. The choice of Flanders as a case study was in this sense a confirmation of the importance regions have in the nowadays Brussels architecture where almost three quarters of the EU leg-

islation passed has an impact at subnational level. However, it should be noted that the direct participation of the Region in the Council of Ministers and the positive results achieved in terms of influence and role enhancement in the supranational arena rest on several facilitating factors. First, direct representation at ministerial level in the Council is ensured by the Treaties (starting with the Treaty of the EU) for every member state with a federal organization and by Belgium, through the 1997 Cooperation Agreement for EU policy making that clearly delimitates the Council Configurations assigned to each administrative level based on their competences. Second, the Belgian power-sharing model uniquely allows the federal units of the state to export and exercise the competences attributed in the domestic realm by the central authority in their external relations. This means that the regions are, on the one hand, at liberty to conduct and apply their own strategic vision in a designated policy area without interference from the government, while, on the other hand, they have to strive to perform in a coherent and beneficial manner in both their interest and that of the state. In this sense, in the context of the EU Council Presidency, the regional representatives should be able to uphold both regional and national positions and act as a harmonizing force between the member states with divergent views at all party levels; this leads to the third factor, namely, a very well-trained, skilled and resourceful regional Presidency corps team that can place itself in opportune positions from where they can make connections, establish a diplomatic network crucial for information sharing and informal bargaining, but most importantly, a team capable of chairing the Council formations' meetings and act on their duty as honest broker. In this regard, the Flemish Government demonstrated high commitment to the tasks it had to fulfil in the context of the Belgian Council Presidency and managed to come to the fore either through its team's performance in the formal meetings of the Council—where officials acted as consensus makers or even managed to introduce new items on the agenda—or the formal events where, at ministerial level, they showed leadership skills and coherence in defending the position of the EU. Additionally, Flanders' regional profile was enhanced through different types of events organized locally when it took the chance to promote either its cultural heritage or visions related to certain policy aspects (seminars, symposiums, workshops) and also to form and consolidate ties with European actors relevant for fulfilling its aspirations. All in all, the case of Flanders is illustrative for the visibility a regional actor can achieve helped by the context of the EU Council Presidency.

In the light of the changes that the 2017–2020 EU Council rotating presidencies (Council of the EU 2016) have to cope with due to the revised order determined by the UK decisions related to the Brexit vote, the current political and institutional EU context cannot be defined as empowering towards the regional actors that might intend to lobby for their interests at the national and supranational levels when the states that include them are holding one of these specific presidencies. Therefore, if these sub-national players really intend to speak up for their interests, following, for example, Flanders' model, they should be aware that, besides the constraints derived from the need of domestic stability, the coordination mechanisms of the mandate, the budgetary aspects, the necessary human resources, etc., there are additional pressures coming from a tight schedule that might affect the design of that state's Presidency agenda by reducing its aims and

ambitions to a simple institutional exercise and obligation stipulated in the Treaties. And if certain regions are intent on playing a part in the decision-making process when their state is at the helm of one of the most important EU institutions, they need to be aware of the existing political and schedule related conditions in which the mandate is exercised and act in an efficient and realistic manner in order to ensure a successful goal attainment and representation of (both) the regional (and national) level. □

Notes

1. For more information about the initiative, please visit <http://www.vlaandereninactie.be/en>.
2. Directorate European Affairs (DEA) of the Federal Public Service (Ministry) for Foreign Affairs: coordinating body/ cooperative inter-federal agency incorporating representatives from all government levels with the same voting rights as the federal level.
3. This was only the second time for Belgium that a regional representative of the member state holding the Council Presidency was allowed to participate in chairing the meetings of the Council formations; prior to the entry into force of the EU Treaty (Treaty of Maastricht 1993), each government had to delegate one of its members to the Council which meant that only ministers of the national government could be sent in. However, at the pressure of federal member states like Germany and Belgium, the Treaty had to be modified in order to ensure the participation in the Council proceedings of representatives from the regional ministerial level (Cloots *et al.* 2012).
4. The results and successes of the Region in the four policy domains are summarized upon consulting a document provided by the Belgian Presidency on its website regarding the performance of Flanders in the six month mandate; the document can be accessed at http://www.eutrio.be/files/bveu/media/source1856/documents/Evaluation_Flanders_and_the_EU_Presidency.pdf.

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Abstract

The Contribution of the Regions to the Council of the European Union Presidency The Case of Flanders in the Context of the Belgian Presidency of 2010

The paper explores the possibilities of regional actors to maximize their visibility and influence in the Council of Ministers, especially in the context of a country holding the rotating Presidency. The research focuses on the case of Flanders during the 2010 Belgian Presidency as a fine example of a regional actor's good performance in the supranational institutional setting due to facilitating factors such as: the Belgian unique power-sharing system enabling regions to uphold their interests in external relations; the provisions in the Union's Treaties ensuring direct representation at ministerial level of federal subunits; and a highly skilled and efficient Presidency corps that allowed Flanders to prove its resourcefulness in promoting the Union's objectives, chairing the Council's formations at all levels, ensuring compromise in decision-making and most importantly raising its profile in the European framework

Keywords

Belgium, Council Presidency, Flanders, influence, power-sharing, regional actors