

Chapter 11

European Council

Origins and Development	183
Membership	184
European Council	187
Decision-making	190
Presidency	194
European Council and the EU System	198
Concluding Remarks	200

This chapter examines the institution that brings together the national leaders of the EU member states. From being only very marginally involved in activities in the early days of the European Communities, the leaders, meeting in the European Council, have increasingly established 'their' institution as the *de facto* 'head of governance' of the EU.

Origins and Development

Although no provision was made in the founding treaties for summit meetings of Heads of Government, a few such gatherings did occur in the 1960s and early 1970s. At the Paris summit in 1974 it was decided to institutionalise these meetings with the establishment of what soon became known as the European Council.

The main reason for the creation of the European Council was a growing feeling that the Community was failing to respond adequately or quickly enough to new and increasingly difficult challenges. Neither the Commission, whose position had been weakened by the intergovernmental emphasis on decision-making that was signalled by the Luxembourg Compromise, nor the Council of Ministers, which was handicapped both by sectoralism and by its practice of proceeding only on the basis of unanimity, were providing the necessary leadership. A new focus of authority was seen as being required in order to make the Community more effective, both domestically and internationally. What was needed, argued France's President Giscard d'Estaing, who with West Germany's Chancellor Schmidt was instrumental in establishing the European Council, was a body that would bring the Heads of Government together on a relatively informal basis to exchange ideas, to further mutual understanding at the highest political level, to give direction to policy development, and perhaps sometimes to break deadlocks and clear logjams. It was not anticipated that the leaders would concern themselves with everyday matters or with the details of policy.

The formal creation of the European Council was very simple: a few paragraphs were issued as part of the Paris communiqué. Two points about the communiqué are particularly worth emphasising. First, it was vague and left important questions unanswered, especially regarding the precise role and functioning of the European Council. Other than saying it would ensure progress and that an overall approach and consistency was taken in the activities of

the Communities, what the European Council would do was left open. Second, it had no treaty standing. It announced a political agreement between the national leaders, but it did not formally or legally integrate the European Council into the Community framework.

The European Council was thus part of the 'unofficial' approach to integration – that was also seen in the 1960s and 1970s with the Luxembourg Compromise and the development of foreign policy cooperation – rather than the 'official' treaty-based approach. Over the years, however, there has been a gradual 'constitutionalisation' of the position and role of the European Council, with the 'culmination' of this constitutionalisation process being the Lisbon Treaty, which established the European Council – which hitherto had not been listed in the treaties as one of the EU's main institutions – as a fully fledged EU institution.

It might have been thought that the limited treaty base of the European Council – not recognised at all until the SEA and remaining largely outside of the Community/Union legal framework until the Lisbon Treaty – would have hindered its ability to exercise influence and establish itself as an important decision-making institution. In practice it has not been a hindrance at all because the status of those who attend meetings – most notably the principal participants: the national leaders – is such that there is little to stop them from deciding amongst themselves what the European Council will and will not do. As a result, the evolution, operation, and influence of the European Council have owed much more to the preferences of those attending European Council meetings and to political and practical necessities than they have to treaty stipulations. Indeed, in order to give itself maximum flexibility and manoeuvrability, the European Council has been careful to avoid being based on or subject to tight treaty rules and requirements. It has been careful also to place itself mainly (though not exclusively) in the TEU – which, until the Lisbon Treaty, was largely beyond the jurisdiction of the Court of Justice of the European Union – rather than in the TEC (now TFEU).

The opportunity to decide for itself what it does has resulted in the European Council exercising a number of roles and performing a number of functions. The precise nature of these roles and functions are explained in some detail later in the chapter, so suffice it to note here that they add up to an extremely important and impressive portfolio. Indeed, they put

the European Council at the head and very heart of EU decision making – not on a day-to-day basis but rather from a more distanced position where it is centrally involved in setting the overall parameters of the EU system. Legally binding decisions are made by other EU institutions, but major political decisions concerning the institutional and policy development of the EU are now almost invariably taken by, or at least are channelled through and given clearance by, the European Council.

Membership

Prior to the Lisbon Treaty there were two 'tiers' of membership of the European Council: the Heads of State or Government of the member states and the President of the Commission; and – to provide the first tier with assistance – the Foreign Ministers of the member states and one other member of the Commission.

From the late 1990s, it became increasingly common for certain sectoral ministers, especially Economic Ministers, to also make an appearance at summits when agenda items warranted it. In response to this practice and to make for greater flexibility in the operation of summits, the 2002 Seville summit made provision for Foreign Ministers to be replaced in the meeting room by other ministers for specific agenda items. It did so simply by specifying that 'Each delegation shall have two seats in the meeting room' (European Council, 2002a: Annex III – Rules for Organising the Proceedings of the European Council).

This change at Seville highlights a practice that has been always been part of European Council meetings: in an attempt to encourage a more open and relaxed atmosphere than applies in Council meetings, there has been a tight restriction on the number of people who are allowed to be present in formal summit sessions. Prior to changes made by the Lisbon Treaty, the only people permitted access to the meeting room were: the two first members per delegation (with sectoral ministers sometimes replacing Foreign Ministers); the Council Secretary General (who, pre-Lisbon, was also the High Representative for the CFSP); the Council Deputy Secretary General; the Secretary General

the head and very important on a day-to-day basis. The President occupies a balanced position within the overall framework of the overall political and policy development. The President's decisions are made at major political and policy development and are invariably taken by the President and given clearances.

The Lisbon Treaty changed this situation by making two important changes to the membership of the European Council. First, as can be seen in Article 11.1, it more clearly restricts membership to just one tier, the Heads of State or Government plus the European Council President and the President of the Commission. The phrase 'Heads of State or Government' is used (as it always has been) because

there were two 'tiers' in the European Council: the Heads of State or Government of the member states; and – to provide a balance – the Foreign Ministers. The Foreign Ministers are normally associated with Heads of Government.

Occasionally, domestic political disputes arise over whether the President or Prime Minister should attend a summit. Other ministers – though not now Foreign Ministers given any precedence – can attend summit sessions, but more specifically only when the agenda so requires. Second, the occupant of the Lisbon Treaty-created post of

European Council President (see below) becomes a European Council member, though like the European Commission President, he cannot (under Article 235 TFEU) cast a vote on the (relatively rare) occasions when the European Council takes a decision by voting. The Lisbon Treaty also specifies that the occupant of the new position it created of High Representative of the Union for Foreign Affairs and Security Policy will take part in the work of the European Council, but he/she is not made a member of it.

As a result of the Lisbon Treaty changes, the people present in formal summit sessions has been altered in the following ways: there are more occasions when sectoral ministers rather than Foreign Ministers accompany the Heads of State or Government; there are more sessions when Heads meet without ministerial accompaniment; the European Council President is present; and the High Representative attends for external affairs agenda items.

But though physical presence in the summit meeting room is kept as tight as possible, several hundred officials attend European Council meetings. Each member state has a suite in the vicinity of the summit meeting room, which is available to its official delegation and from which officials may be summoned as required. At Seville it was decided that official

Document 11.1

Key Treaty provisions on the European Council

- 1 The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions.
- 2 The European Council shall consist of the Heads of State or Government of the Member States, together with its President and the President of the Commission. The High Representative of the Union for Foreign Affairs and Security Policy shall take part in its work.
- 3 The European Council shall meet twice every six months, convened by its President. When the agenda so requires, the members of the European Council may decide each to be assisted by a minister and, in the case of the President of the Commission, by a member of the Commission. When the situation so requires, the President shall convene a special meeting of the European Council.
- 4 Except where the Treaties provide otherwise, decisions of the European Council shall be taken by consensus.

Source: Article 15, Treaty on European Union.

delegations would be restricted in size to 20 people. However, these are supplemented by numerous other officials who make up what are customarily described as the non-official or technical delegations.

The European Council membership is thus based on the Council of the EU model in the sense that it is made up of national delegations, plus the Commission. Unlike in the Council, however, the participants in formal European Council sessions are not accompanied by teams of national officials. The original thinking behind this restriction on access to the summit meeting room was that it would encourage relaxed informality, and in any event was not strictly necessary as the European Council is not a law-maker. However, in practice it has proved difficult to achieve the desired mood, not least because of the increased number of participants following EC/EU enlargements and the increased importance of decisions taken at European Council meetings. As photograph 11.1 shows, the physical setting of summits does not encourage informality!

* * *

The eurozone crisis, which followed in the wake of the economic and financial crisis and developed in intensity from 2010, resulted in the governmental leaders of eurozone states coming to the view that they occasionally needed to meet separately from the full European Council. After all, why should non-eurozone governmental leaders (numbering nine at the time of writing in autumn 2016) participate in meetings discussing such matters as eurozone rules and bailouts to indebted eurozone states? Accordingly, Euro Summits (as they came to be known) began to be occasionally held and were given legal, though not EU treaty, status in the 2012 Fiscal Pact Treaty – which was signed by 25 of the EU's then 27 member states (see Chapter 1). Euro Summit meetings are held at least twice a year, with ordinary meetings held, whenever possible, after European Council meetings. The President of the Euro Summits is whoever is President of the European Council which, as is shown below, means that since 2014 the President is Donald Tusk – the former Prime Minister of a non-eurozone state (Poland).

Photo 11.1 The European Council in session, 15 February 2013



The European President

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The European Council

President

The creation of the post

With the Lisbon Treaty, the Presidency of the European Council was held concurrently with the Presidency of the Council. So, it rotated between the member states every six months. As with the Council Presidency, this arrangement had advantages and disadvantages. The advantages included that every six months there was the possibility for a new Head of State or Government to inject an innovative dynamism into EU processes at the very top level and that every few years (though with enlargements between the years greatly increased) every member state was given its chance to be 'in the spotlight'. The disadvantages included the disruptions that the frequent turnovers created, the enormous burden placed on the shoulders of the national leader of the state occupying the Presidency, and the high dependence of the European Council on the competence of a person who was in the position of European Council President not because of his/her credentials for doing the job but rather as a side-effect of national politics.

The participants in the 2002–03 Constitutional Convention took the view that the disadvantages of the existing situation outweighed the advantages and opted to discard the rotating European Council Presidency and replace it with a new post of permanent and appointed European Council President. The Convention's recommendation on this matter was not seriously challenged in either of the subsequent IGCs that led to the Lisbon Treaty. Certainly there were voices expressing reservations, based principally on concerns that the new post would result in (further) confusion over the location of leadership in the EU, would weaken the position of the Commission and especially that of its President, and would signal a shift towards greater control by the member states of EU affairs. But, these two latter concerns worked 'both ways' and were important reasons why some national governments supported the creation of the new post. France and the UK were especially to the fore in wanting to strengthen the institutional position of the European Council and to see greater European Council control over the political direction of the Union.

The Lisbon Treaty accordingly provided for the creation of a new post of European Council President.

The appointment of the first two incumbents of the post

As can be seen in Document 11.2, the European Council President is elected to office by the members of the European Council by QMV, for a maximum of five years (two terms of two and a half years each). In practice, the use of QMV was avoided with the appointment of the first two incumbents of the post and is likely to be so in the future. The main reason why unanimity has been, and is likely to continue being, preferred is that the authority of the President clearly would be undermined if it was known that he/she, even before assuming office, was not supported by the governments of all member states.

In the run-ups to the appointments of the first two Presidents, there existed two broad views, with various

Photo 11.2 Herman van Rompuy, President of the European Council, December 2009–November 2014

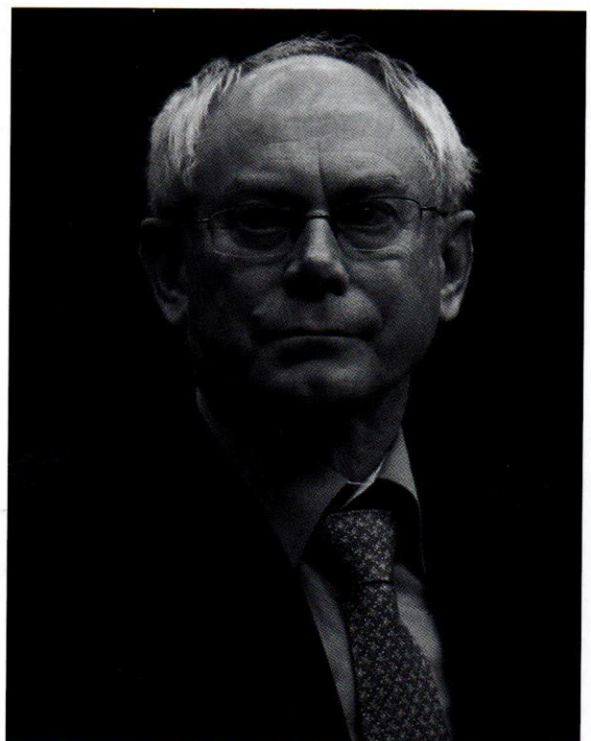
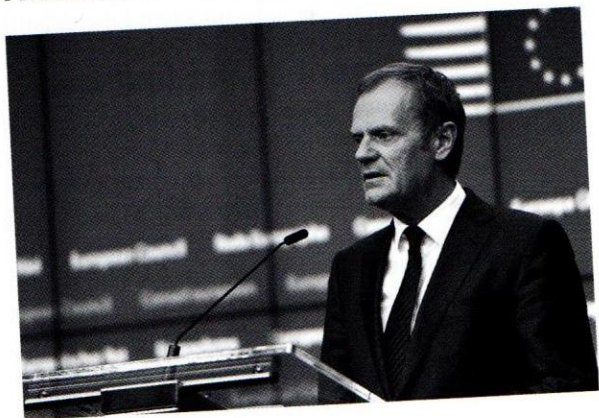


Photo 11.3 Donald Tusk, European Council President, December 2014–



shadings in-between, amongst the member states on what sort of person should be appointed. In what might be called the 'bolder' view, the post was seen as needing to provide the EU with vigorous leadership, and in particular as enabling the EU to project itself more effectively and dynamically on the world stage. Those taking this view inclined to appointing a 'big hitter', which was normally taken as meaning a serving or a former head of government with a forceful personality from a large member state. In what might be called the 'meeker' or consolidationist view, what was thought to be needed was a competent politician who had displayed good mediating and chairing skills in national, and perhaps also EU, politics.

On the first occasion the new Lisbon Treaty rules were used, in early November 2009 just after the Treaty had been ratified, the meeker view prevailed and Herman van Rompuy, the serving Belgian Prime Minister was appointed by consensus. The member states most strongly supporting his appointment were many of the EU's smaller states – which feared a strong President could work too much in the interests of the larger member states – plus, crucially, France and Germany, whose leaders seemed to have become increasingly concerned that they could be overshadowed on the European stage by too powerful a European Council President. Shortly before Van Rompuy had completed his terms of office (his first term having been renewed without controversy), there was a slight tilting towards the bolder approach with the appointment, at a special summit in August 2014,

of Donald Tusk, the serving Polish Prime Minister as his successor. Crucial to Tusk's appointment was strong backing from the German Chancellor, Angela Merkel.

The first European Council Presidents were the both serving prime ministers. They were, therefore, well known, and doubtless reassuring, to most of those who appointed them. Their appointments allowed much to being part of package deals in which factors other than their personal competence loomed large. So, the appointment of Van Rompuy – a centre-right and male politician from a small member state – was 'balanced' by the appointment of Catherine Ashton – a centre-left and female politician from a large member state (the UK) – to the new post of High Representative of the Union for Foreign Affairs and Security Policy. The appointment of Tusk was part of a wider deal in which the centre-right, who had a large majority in the European Council and had just secured the largest number of seats in the European Commission and European Council Presidencies (Juncker and Tusk respectively), won the post of High Representative went to the centre-left, Federica Mogherini.

The powers, influence, and styles of European Council Presidents

As can be seen in Document 11.2, most of the powers of the European Council President are phrased in very general terms. What, for example, does the phrase 'drive forward its work' mean? In practice, the different ways in which the first two Presidents have gone about undertaking their duties have shown it largely means whatever the incumbent interprets it as meaning, given: his personality and ambition; the manoeuvrability and flexibility he is given by the member states; and the operating circumstances in which he finds himself.

To support him in the exercise of his duties, the President has a personal *cabinet* of 14–15 officials. Although he is not head of the Council Secretariat – that is the Secretary-General of the Council – he can also call on the Secretariat when needed.

Regarding the interpretation of the role of European Council President, Van Rompuy chose to give it a relatively low profile and to concentrate on improving the operation of the European Council.

The Treaty

- 5 The European Council shall elect its President for five years, renewable once.
- 6 The President of the Council shall chair it and shall ensure the smooth running of the Council with the President of the Commission.
- 7 The President of the Council shall endeavour to ensure the smooth running of the Council with the President of the Commission.
- 8 The President of the Council shall present the Council to the public.

The President of the Council shall ensure the representation of the Union in the powers of the Council.

Source: Article 15, Treaty of Lisbon

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Document 11.2

The Treaty provisions on the President of the European Council

The European Council shall elect its President, by a qualified majority, for a term of two and a half years, renewable once. In the event of an impediment or serious misconduct, the European Council can end the President's term of office in accordance with the same procedure.

The President of the European Council:

- a) shall chair it and drive forward its work;
- b) shall ensure the preparation and continuity of the work of the European Council in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council;
- c) shall endeavour to facilitate cohesion and consensus within the European Council;
- d) shall present a report to the European Parliament after each of the meetings of the European Council.

The President of the European Council shall, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy.

The President of the European Council shall not hold a national office.

Source: Article 15, Treaty on European Union (Post-Lisbon Treaty).

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by trying to ensure its meetings were as well prepared as possible, especially in respect of arranging pre-agreements on difficult and contentious issues. He and his team engaged in an almost constantly ongoing, semi-networking, process of keeping in touch with the Permanent Representations of the member states and with national capitals, for the purpose of facilitating decision-making. Van Rompuy did not, for the most part, strike out with major initiatives of his own, but concentrated more on reaching pragmatic agreements. Words commonly used to describe the approach and style of his Presidency are 'conciliatory' and 'consensus-seeking'.

Although he undertook the external representative functions assigned to him by the TEU, Van Rompuy did not become much actively involved in foreign and security matters. This was partly a matter of personal inclination, but was a consequence too of his term of office coinciding with the height of the economic and monetary crisis, which he was obliged to prioritise.

Tusk, by contrast, as a former Foreign Minister as well as Prime Minister, was more disposed than Van Rompuy to take an active interest in foreign policy matters. Circumstances also pushed him in this

direction, with increasingly difficult EU–Russia relations naturally being of particular concern to a Polish national.

As for his general approach to and style in the job of European Council President, in his first term of office (which coincides with the time of writing this chapter) Tusk was a little more assertive than had been Van Rompuy, seeing his role going beyond brokering compromises to providing leadership when necessary and when possible. But, of course, he was naturally obliged not to over-reach himself given his ultimate dependence on the member states for all European Council decision-making.

* * *

There is the potential for tensions, and even turf disputes, between the President, the European Commission President, and the High Representative. Regarding relations with the European Commission President, whilst the European Council President is restricted to operating within the framework of European Council activities, the fact is, as will be shown below, these activities cover virtually all spheres of EU operations. Regarding relations with the High Representative, the requirement that the European

Council President 'shall, at his level and in that capacity, ensure the external representation of the Union' is a recipe for obvious 'who does what' problems and uncertainties.

To date, even though personal relations between the holders of these posts have not always been close, reasonable working relations have been established. The European Council President and the European Commission President, for example, have, especially under Tusk and Juncker, sought to safeguard and advance the interests of their institutions, but they have been able to collaborate when necessary. So, for instance, both have usually welcomed – sometimes together and sometimes separately – high-level visiting dignitaries to Brussels.

Organisation

Frequency, location, and length of summits

Frequency

From the Maastricht Treaty until the entry into force of the Lisbon Treaty, the European Council was required to meet at least twice a year. These two required meetings were held at the end of each six-month Council Presidency, in June and December.

However, from the late 1990s it became increasingly common for there to be three or four meetings per year. The 2002 Seville summit regularised this *de facto* situation by specifying that the European Council would henceforth meet in principle four times a year: twice during each Council Presidency. As can be seen in Document 11.1, the Lisbon Treaty made it a treaty requirement that there should be at least four summits a year: twice during each Council Presidency. Two of these summits continue to be held in June and December, whilst the others are normally in March and October.

The Treaty also empowered the European Council President to convene special summits when required. It is a power that Van Rompuy and Tusk have both used with some regularity: to call special summits on the eurozone and Greek financial crises, the Russian occupation of the Crimea and the associated crisis over the Ukraine, and the European migration crisis.

Location

Up to 2001 summits were held in the country of the (rotating) Presidency. However, with security becoming an increasing problem and with the prospect of enlargement meaning that without a change a large number of summits would be held in small states, the 2000 IGC annexed a declaration to the Nice Treaty stipulating that 'as from 2002, one European Council meeting per presidency will be held in Brussels. When the Union comprises 18 members [which, of course, it has since May 2004], all European Council meetings will be held in Brussels'. The declaration related, however, only to the end-of-Presidency summits: that is, to those held in June and December. The Brussels move was 'completed' in late 2009 when new European Council Rules of Procedure stated that, apart from in exceptional circumstances, 'The European Council shall meet in Brussels' (European Council, 2009b: 52).

Length

The 'standard model' for summits has been that they have been held over a two-day period, beginning in the early afternoon of day one and ending in the late afternoon of day two. From this model, there have been various departures in practice, most of them arising from the length and nature of agendas and the politics of meetings. The longest summit to date was at Nice in December 2000, where disagreements over the contents over what became the Nice Treaty resulted in the meeting extending into a fifth day. Under Donald Tusk an effort has been made to tighten and shorten summits, with several having been confined to one day.

Rules of procedure adopted in late 2009 (which still apply at the time of this writing) formalised the expectation that 'normal' summits would be held over two days:

Each ordinary meeting of the European Council shall run for a maximum of two days, unless the European Council or the General Affairs Council, on the initiative of the President of the European Council, decides otherwise. (European Council, 2009b: 53)

The timing and length of special summits depend largely on the reasons for which they have been called.

they rarely extend into a second day and often last just a few hours.

Preparing summits

The creation of the new position of European Council President in the Lisbon Treaty naturally resulted in a shift of the responsibility for preparing summits being placed on him. (For a description of the pre-Lisbon arrangements, see the sixth edition of this book.) However, it was widely felt by many national governments and other EU actors that all preparatory arrangements should not be put wholly in the hands of the new President. Accordingly, the new post-Lisbon Treaty rules of procedure made provision – as Document 11.3 shows – for the Head of Government of the Council Presidency state, the Commission President, and the General Affairs Council also to have an involvement in preparations.

Setting the agenda

The sorts of matters that appear on the agendas of normal summits are considered later in the chapter, but the circumstances that can bring them onto agendas will be outlined here.

- Some issues are almost invariably on the agenda because of their intrinsic importance. So, time is usually allowed for a discussion of the general economic situation in the EU, and some time is normally also set aside for a consideration of developments relating to the internal market, EMU, and the promotion of employment. It used to be the case that the March summit in particular considered market-related matters, but this practice has been largely dropped. Enlargement also used to usually feature prominently on agendas, but with much of the momentum having gone out of the enlargement process since the Croatian accession in 2013 it does not now feature as regularly as it did.
- The contextual environment within which the EU operates can 'force' issues onto the agenda. So, for example, the global financial and economic crisis that erupted in 2007–08 resulted in subsequent summits giving a top priority to examining, and taking decisions on, a range of remedial measures. Similarly, this was seen with the increasingly acute

migration crisis from late 2014.

- The Commission may be pressing policy initiatives for which it is seeking European Council approval. This was, for example, the case with a number of papers and proposals it submitted in 2013–15 designed to increase investment in the European economy.
- There may be a need, or a wish in some quarters, to use a summit to make or to formalise institutional change. This is, however, not so important now as in the first decade of this century – the so-called 'constitutional decade' – when many summits were much taken up with treaty reform matters.
- Decisions may be needed on matters that have come to be accepted as requiring European Council resolution, or at least approval. So, for example, several summits in 2011–13 held discussions/negotiations on the broad contents of the 2014–20 multiannual financial framework (MFF).
- Business may be left over from, or have been referred from, previous summits. For example, the June 2015 summit referred the UK's wishes to renegotiate its membership terms in advance of holding a referendum on its continued membership of the EU to the December 2015 summit, which then onward referred it to the February 2016 summit.
- Reports may have to be considered, or at least noted. For instance, amongst reports submitted to the June 2015 summit were a Commission communication on the creation of a digital single market and a Council report on the progress being made in creating 'a more effective, visible and result-oriented' CSDP – which the December 2013 European Council meeting had decided was an important goal.
- External relations usually require discussions, declarations and decisions. For example, amongst matters considered at the March 2015 summit were the European Neighbourhood Policy, the Eastern Partnership, Russia/Ukraine, and Libya.

The conduct of business

Summits can naturally vary in terms of how precisely they are arranged and conducted. The most obvious variation arises from the contents of agendas, with some summits being assigned fewer working sessions than others.

Document 11.3

Preparing European Council meetings

Article 2

Preparation for and follow-up to the proceedings of the European Council

- 1 The President of the European Council shall ensure the preparation and continuity of the work of the European Council in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council.
- 2 The General Affairs Council shall prepare and ensure the follow-up to meetings of the European Council, in liaison with the President of the European Council and the Commission.
- 3 The President shall establish close cooperation and coordination with the Presidency of the Council and the President of the Commission, particularly by means of regular meetings ...

Article 3

Agenda and preparation

- 1 In order to ensure the preparation provided for in Article 2(2), at least four weeks before each ordinary meeting of the European Council ... the President of the European Council, in close cooperation with the member of the European Council representing the Member State holding the six-monthly Presidency of the Council and with the President of the Commission, shall submit an annotated draft agenda to the General Affairs Council. Contributions to the proceedings of the European Council by other Council configurations shall be forwarded to the General Affairs Council at the latest two weeks before the meeting of the European Council. The President of the European Council, in close cooperation as referred to in the first subparagraph, shall prepare draft guidelines for the European Council conclusion and, as appropriate, draft conclusions and draft decisions of the European Council, which shall be discussed in the General Affairs Council. A final meeting of the General Affairs Council shall be held within the five days preceding the meeting of the European Council. In the light of that final discussion, the President of the European Council shall draw up the provisional agenda.
- 2 Except for imperative and unforeseeable reasons linked, for example, to current international events, no other configuration of the Council or preparatory body may, between the session of the General Affairs Council at the end of which the provisional agenda for the European Council is drawn up and the European Council meeting, discuss any subject submitted to the European Council.
- 3 The European Council shall adopt its agenda at the beginning of its meeting. As a rule, issues entered on the agenda should have been examined beforehand, in accordance with the provisions of this Article.

Source: *Rules of Procedure of the European Council* (European Council, 2009b).

Thus bearing in mind that variations occur, the 'standard model' for the conduct of business at European Council meetings that last more than one day is as set out in Box 11.1.

Three points about the conduct of business in the European Council particularly merit emphasising.

First, decisions are almost invariably taken by unanimity or, to be more precise since votes are rarely taken, by consensus. This is largely a consequence of a mixture of political choice and necessity, with it being recognised that immense international political problems and disharmony would arise

Box 11.1

The 'standard'

The specifics of the summits are planned in a customary format of

- On the basis of the day one. Since 1985 Ministers in attendance
- During breaks the their supporting
- In the evening, the Government and on the other, usually
- What happens after are reconvened pl late-night meeting business ('pre-draft basis for further
- Another plenary usually picks up from the night now table are sometime informal discussion
- The summit ends customarily agreed
- Press conferences, held for the up to 4 summits into major occasions.

The EU were the European Council as being subject to which participants try to ensure they are usually meeting when a meeting with an issue This long-standing process-making was given which, as Document 11.1, the TEU article on the Treaties provide the European Council s

Box 11.1

The 'standard model' for European Council meetings

The specifics of the scheduling of summits varies, most notably with regards to whether one- or two-day summits are planned and whether they are timed to open before or after lunch. The following describes the customary format of two-day summits that open after lunch.

- On the basis of the agenda that has been agreed in advance, a plenary session is held in the afternoon of day one. Since 1987 this session has included an address from the President of the European Parliament. Ministers in attendance may have separate meetings.
- During breaks there are informal discussions between summit participants and between participants and their supporting national delegations.
- In the evening, dinner provides another opportunity for further informal discussions. The Heads of Government and the President of the Commission on the one hand, and other ministers in attendance on the other, usually dine separately.
- What happens after dinner depends on what progress has been made during the day. Occasionally, there are reconvened plenaries in an attempt to make progress with uncompleted business, and often bilateral late-night meetings are held. During the night, officials work on a draft of conclusions on the first day's business ('pre-drafts' are written before summits open) and/or on a form of words that can serve as a basis for further negotiations the next day.
- Another plenary session is held in the morning and sometimes also the afternoon of day two. This usually picks up from the previous day's discussions, but with the draft that has been worked on during the night now tabled. With the participants trying to move towards conclusions, breaks in the proceedings are sometimes called so as to permit delegations to study the implications of proposals or to allow informal discussions to take place.
- The summit ends with the issuing of 'European Council Conclusions'. Everything in the statement is customarily agreed to by all summit participants.
- Press conferences, including by each Head of State or Government from all of the member states, are held for the up to 4,000 journalists who attend European Councils and who do so much to turn the summits into major media events. Different versions of what has happened are often given on these occasions.

the EU were the European Council to use majority voting for the high-profile decisions it commonly takes. Wessels (2015) describes the European Council as being subject to a strong 'club spirit', in which participants try to find agreements and in which they are usually very solicitous and accommodating when a member state clearly has major difficulties with an issue.

This long-standing preference for consensual decision-making was given treaty status by the Lisbon Treaty which, as Document 11.1 shows, included in its new TEU article on the European Council: 'Except where the Treaties provide otherwise, decisions of the European Council shall be taken by consensus'

(Article 15: 4, TEU). And the treaties do not much 'provide otherwise': with appointments to certain senior positions being the main area where they do (see below).

Second, regarding which states exercise most power in the European Council, there is no simple answer to this question. The large states, and especially Germany, naturally have more political and economic weight. It is thus easier for them to be more insistent on a matter and, if necessary, to threaten to use the veto that all European Council members in theory have but that small states are more reluctant to exercise. So, if the UK had been the size of, say, Slovenia, it is very doubtful whether the other member states would have

agreed, as they did at the December 2015 summit, to renegotiate some of the UK's accession terms

But, large states do not always 'get their way'. Factors other than size determine influence, with the extent of the influence states exercise often varying between policy areas. So, Germany may be a hegemon in respect of eurozone-related policy matters, but it is not so in respect of foreign policy. And Cyprus, as a very small state (it has a population of less than one million) may normally exercise only modest influence, but it has been a key player in respect of relations with Turkey, where in recent years it has habitually vetoed the opening of new negotiating chapters.

There are, therefore, 'non-size' factors that also determine influence. Amongst these factors are the importance of a policy area to a state's core interests (the more important an issue is seen to be to a member state, the more other states are inclined to accommodate a distinctive national position); the standing and competence of the governmental head; and the resolve of a member state to want to maximise its potential influence (which Germany, because of the legacy of the past, generally does not want to do in the sphere of foreign policy).

Third, the European Council Conclusions – which summarise the outcomes of summits, including decisions taken – are mostly prepared before the national leaders meet and involve a time-consuming process with participation by ‘the whole Brussels and national machineries... . Most formulations in the Conclusions ... are not the result of intense debates among the governmental leaders themselves; quite often the members merely agree to a draft prepared by national ministers and/or high-ranking civil servants’ (Wessels, 2015: 135–6). Usually, only the most contested of matters are extensively discussed.

Activities

As was noted above, the European Council is relatively free to decide what it may and may not do. The few treaty and other legal provisions that relate to its responsibilities are, for the most part, vague, whilst the political status of its members is such as to put it generally beyond much challenge.

As a result, the activities undertaken by the European Council have tended to vary, according both to the

preferences of the participants and changing circumstances and requirements. So, in the second half of the 1970s, when President Giscard d'Estaing and Chancellor Schmidt determined much of the direction and pace of European integration, considerable time was given to general discussions of major economic and monetary problems. For much of the 1980s, in contrast, when some participants – notably Margaret Thatcher and the representatives of the Commission – began to press particular distributional questions, and when policy issues were increasingly referred 'upward' from the Council of Ministers for resolution, the summits came to be much concerned with quite detailed decision-making. Towards the end of the 1980s another shift began to occur as summits devoted increasing time and attention to the general direction and development of the Community. This shift has continued and has resulted in the European Council increasingly assuming the role of a sort of board of directors: setting the overall framework and discussing and taking broad decisions on major and contested issues, but leaving the operationalisation of the outcomes of its meetings to management (which in the European Council's case means a mixture of the European Council President, the Commission, the Council, and the EEAS). Since 2010 many European Council meetings have been held in circumstances of high political tension, with the Greek/eurozone crisis followed by the migration crisis featuring prominently on summit agendas.

The main topics and areas with which the European Council concerns itself can be grouped under four headings.

The evolution of the European Union

Although this item appears only occasionally in European Council agendas as a topic in its own right, it is central to reviewing and guiding the general evolution of the Community. What is at issue is what several specific items are, in effect, concerned with. Some of these items – constitutional and institutional reform, EMU, and enlargement – are dealt with separately below. Others include:

- Setting out guidelines for general policy development and also sometimes for development in specific policy areas. So, the June 2014 summit adopted a document called 'Strategic Agenda for the 2030s'.

- Union in Times of crisis: priority areas for action: employment and competitiveness; energy and climate; and justice and fundamental rights.
- The summit further encourages the Member States to continue their work in the following areas:
 - Monitoring progress in the internal market.
 - Troubleshooting: the EU is threatened - June 2009 summit: the Commission asks people to approve the Treaty of Lisbon.
 - Setting out framework for the future: the summit affirmed necessary changes since the early 1990s to ensure the principle of subsidiarity.
 - Framing the parameters for the future by determining the EU's role in the world.

CODE 11.2

The European C Integration

- The June 1985 Milan summit
- the December 1985 summit
- The IGCs that worked on the
- summits in 1989 and 1990
- conducted at the De Muntz
- Preparations and arrangements
- – notably Corfu in July 1992
- Amsterdam Treaty was signed
- The Amsterdam summit
- which decisions on the future of
- summit. The content of the
- The Nice summit produced
- for the Constitutional Treaty
- of the CT were agreed at the
- agreement on virtually all
- after the failure to ratify the
- summit asked the for the
- June 2007 summit decided
- summit agreed on the content
- designed to persuade the

participants and changing circumstances. So, in the second summit, President Giscard d'Estaing determined much of the agenda for integration, considered discussions of major economic issues. For much of the 1980s, participants – notably representatives of the Commission – considered distributional questions. Increasingly referred to as 'shuttlecocking' when progress in building the EU is threatened – as with measures agreed at the June 2009 summit to try and persuade the Irish people to approve the Lisbon Treaty.

Setting out framework principles when this is deemed necessary – as with periodic statements since the early 1990s emphasising the importance of subsidiarity. Framing the parameters of EU income and expenditure by determining the size and shape of the EU's

MFFs. In the two years or so before final agreement is reached on the overall size and composition of MFFs, this item is almost invariably on summit agendas.

'Constitutional' and institutional matters

These come up in the European Council in three main forms.

First, the European Council takes important decisions relating to treaty development and reform. As Box 11.2 shows, since the mid-1980s it has been a key player in respect of the establishment and remits of IGCs, finalising the contents of treaties, and deciding what is to be done when treaties run into ratification difficulties.

Second, a range of specific institutional matters are considered and decided at summits, such as the

Box 11.2

The European Council and the 'constitutionalisation' of European integration

- The June 1985 Milan summit established the IGC that paved the way for the SEA, which was agreed at the December 1985 Luxembourg summit.
- The IGCs that worked on what became the Maastricht Treaty were established over a series of four summits in 1989 and 1990 (two regular and two special). The final negotiations on the Treaty were conducted at the December 1991 Maastricht summit.
- Preparations and arrangements for the 1996–97 IGC were decided at summits between 1994 and 1996 – notably Corfu in June 1994, Cannes in June 1995, and Madrid in December 1995. The contents of the Amsterdam Treaty were finalised at the June 1997 Amsterdam summit.
- The Amsterdam summit made provision for the convening of another IGC to prepare for enlargement, whilst decisions on the convening and agenda of the 2000 IGC were taken at the June 1999 Cologne summit. The contents of the Treaty were finalised at the December 2000 Nice summit.
- The Nice summit provided for another IGC, which led to later summits determining the preparations for the Constitutional Treaty IGC – including creating the Constitutional Convention. The final contents of the CT were agreed at summits in December 2003 and June 2004 (the first of these summits reached agreement on virtually everything except national voting weights in the Council).
- After the failure to ratify the CT: the June 2005 summit decided on a 'period of reflection'; the June 2006 summit asked the forthcoming German Presidency to prepare a report to enable progress to be made; the June 2007 summit decided to convene an IGC, on the basis of a very tight mandate; the October 2007 summit agreed on the contents of the Lisbon Treaty; the June 2009 summit agreed on a list of measures designed to persuade the Irish people to ratify the Treaty.

number of seats in the EP that are to be assigned to acceding states and the location of newly created EU offices and agencies.

Third, the European Council takes important personnel decisions. Most notably it: appoints its own President; appoints the High Representative of the Union for Foreign Affairs and Security Policy; appoints the President, the Vice President, and the Executive Board members of the European Central Bank (ECB); proposes to the EP the person it wishes to see appointed as Commission President and proposes to the Council the person it wishes to see appointed as Council Secretary General; and it formally appoints the Commission as a body, once it has been given an EP vote of consent. Given the importance of these appointment powers, personnel decisions can sometimes become extremely politicised, difficult, and protracted. However, decisions can be taken by QMV if necessary, and though this is avoided if at all possible, it was used in 2014 with the decision to nominate Jean-Claude Juncker as Commission President-designate (see Chapter 9).

The economic and monetary policies of the European Union

Summits have long reviewed the overall economic and social situation within the EU and looked in a general way at questions relating to economic growth, trade patterns, inflation, exchange rates, and unemployment. Until the early 1990s, however, differences between the member states about what should be done, coupled with a widely shared determination to ensure that national hands remained firmly placed on key economic controls, meant that these discussions usually produced little beyond general exhortations on topics such as controlling inflation, tackling unemployment, and encouraging investment.

However, in recent years these economic deliberations, whilst still falling far short of producing a common economic policy for all member states, have acquired more bite. The main reason for this has been the post-2008 global financial and economic crises, followed from 2010 by the eurozone and Greek crises, which have obliged the EU's national leaders, along with EU policy-makers at all levels, to examine what EU level responses are appropriate. Accordingly, since 2008 the European Council, and where appropriate

also Euro Summits, have considered and authorised numerous actions relating to the crises, with measures covered including tighter macroeconomic coordination, banking reform, the promotion of investment, rescue mechanisms for eurozone states in financial difficulties (with Greece featuring particularly prominently), and the rules of the eurozone. As a number of academic commentators have observed, the European Council emerged as the centre of gravity in EU responses to the crises (see Dinan, 2013; Chang, 2014; Puetter, 2015). Moreover, Herman Van Rompuy has written of his five-year Presidency as being at the heart of the side of the euro: 'From crisis summit to crisis summit we were rewriting the basic rules of monetary union' (quoted in De Schoutheete, 2015).

Enlargements

Most important decisions relating to EU enlargement are taken at European Council meetings, usually on the basis of recommendations from the Commission. In the years leading up to the 2004 and 2007 enlargements, there were two summits when enlargement did not feature prominently on the agenda, whether it was in the form of considering membership applications, authorising the opening of accession negotiations, hearing reports from the Commission on the progress of negotiations, deciding whether negotiations had been successfully concluded, setting accession dates, or – as was the case with the Turkish application – dealing with problems arising during the accession process.

By way of illustrating the range of enlargement matters with which the European Council can become involved, amongst the many key decisions taken in the process that led to the 2004 enlargement were the agreement at the June 1993 Copenhagen summit that CEECs could become members of the EU; the setting-out at the December 1994 Essen summit of a pre-accession strategy; the confirmation at the Luxembourg 1997 summit of the Commission's recommendation that negotiations should open with five CEECs and Cyprus in 1998; the similar confirmation at the Helsinki 1999 summit that negotiations should be extended in 2000 to the five remaining CEEC applicants and Malta; and the agreement at the December 2002 summit that ten states had completed the accession negotiations successfully and could join the EU on 1 May 2004.

However, since the 2004 and 2007, the enlargement process has been less intense. Croatia's accession was relatively straightforward. The Commission indicated that there would be no more enlargements. In consequence, the focus has been less on summit agreements and more on updating reports from the Commission on progress being made by candidate countries. There are occasionally proposals to bring new life into the Treaty, but the European Council recommendations from the June 2013 summit have focused on negotiations with Serbia.

External relations

In addition to the 'special' role of the European Council in international relations in three principal areas, the European Council has been assigned the overall principles of foreign and security policy. The formulation of this role is a key task. Second, many non-foreign policy issues are internal EU matters.

The Treaty provisions

- 1 The European Council shall define general guidelines for the defence implications of the Common Security Policy and shall recommend the President of the Council in order to develop the Common Security Policy.
- 2 The Council shall frame the Common Security Policy and shall define and implement the Common Security Policy. The Common Security Policy shall be based on the principles of the Common Security Policy.

Source: Article 26, Treaty on European Union

considered and author... to the crises, with... macroeconomic... promotion of invest... eurozone states in fir... turing particularly... eurozone. As a num... ve observed, the Euro... centre of gravity in... Dinan, 2013; Chang... German Van Rompuy... dency as being at the... summit to crisis sum... rules of monetary... (2015).

However, since the 'big bang' enlargement of 2007, the enlargement process has become less intense. Croatia's accession in 2013 was relatively straightforward and the incoming Juncker Commission indicated in the autumn of 2014 that there would be no more accessions in the foreseeable future. In consequence, enlargement has come to feature less on summit agendas, though from time to time updating reports from the Commission on the progress being made by applicant states are noted; there are occasionally pronouncements designed to breathe new life into the Turkish accession process; and occasional recommendations may be endorsed – as at the June 2013 summit decided to open accession negotiations with Serbia.

External relations

In addition to the 'special case' of enlargement, the European Council is involved in the EU's external relations in three principal ways. First, since the Maastricht Treaty the European Council has been assigned by the TEU a guidance role in the overall principles and direction of the EU's foreign and security policy. The post-Lisbon Treaty formulation of this role is set out in Document 11.4. Second, many non-foreign policy issues are not strictly internal EU matters. On the contrary indeed,

policy areas such as external trade, development, climate change, and energy are largely, or at least in many respects, external in character. Summits thus often have such topics on their agendas and may look at them with a view to considering the EU's relations with the likes of the United States, Russia, China, and Japan, or with a view to coordinating the EU's position in international negotiations (such as at G8 and G20 summits or in the World Trade Organization). As was noted earlier in the chapter, because of the overlapping and interconnected nature of foreign and security policy with other policies with external implications, and because also of the somewhat ambiguous phrasing of the TEU on the matter – where the European Council President, the Commission President, and the High Representative are all assigned responsibilities – a sometimes uneasy division of labour exists regarding who is to represent the EU in high-level external policy exchanges and negotiations.

Third, the European Council has long issued declarations on important aspects of international political affairs, with topics that have much featured in recent years including Libya, Syria, and Russia/Ukraine. Sometimes the declarations have had policy instruments attached to them, but usually only 'soft' instruments in the form, for example, of mild economic sanctions or modest economic aid.

Document 11.4

The Treaty provisions on the Foreign and Security Policy Roles of the European Council

1. The European Council shall identify the Union's strategic interests, determine the objectives of and define general guidelines for the common foreign and security policy, including for matters with defence implications. It shall adopt the necessary decisions. If international developments so require, the President of the European Council shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union's policy in the face of such developments.
2. The Council shall frame the common foreign and security policy and take the decisions necessary for defining and implementing it on the basis of the general guidelines and strategic lines defined by the European Council. The Council and the High Representative of the Union for Foreign Affairs and Security Policy shall ensure the unity, consistency and effectiveness of action by the Union.

Source: Article 26, Treaty on European Union.

Specific internal policy issues

Despite the original intention that the European Council should operate at a fairly general level, in practice it often concerns itself with quite specific internal policy issues. There are three main reasons for this: (1) some issues are so sensitive and/or so intractable that it requires the authority of national leaders to deal with them; (2) the European Council is, because of its non-sectoral nature, often the best-placed institution to put together broad-ranging policies or broker deals that cut across policy sectors; and (3) the status of the European Council in the EU system is now such that the general expectation and assumption is that most policy matters of significance ought at least to be given clearance, if not be determined, at European Council level.

These differing reasons have resulted in three broad types of internal policy involvement by the European Council. First, it sometimes plays a significant role in policy initiation. For example, since the late 1980s it has prompted initiatives in such areas as immigration, drugs, and terrorism. Second, policy involvement can take the form of tackling issues that the Council has been unable to resolve because of differences between member states and/or that it is deemed necessary the European Council should resolve because of their importance or controversial nature. Climate change, energy, and migration are examples of such policy areas in recent years. Third, and this has become of increasing importance as the number of policy issues that are 'referred up' from the Council for final resolution has declined (largely as a consequence of QMV resulting in fewer blockages at Council level), the European Council has become less concerned with arbitrating and acting as a final court of appeal on internal policy issues and more concerned with encouraging and guiding. This is illustrated by the frequent messages it sends to other EU institutions, especially the Commission, via summit Conclusions, with Conclusions frequently studded with phrases such as the European Council 'invites a report on', 'calls for action to be taken in regard to', 'confirms its full support for', 'welcomes the progress made by', 'endorses the steps taken in connection with', and so on.

The European Council and the EU System

As the previous section showed, the European Council concerns itself with various activities, the relative importance of which can vary from summit to summit. Five broad functions, which can be analytically separated but which in practice greatly overlap, are associated with these activities. The functions are set out in Box 11.3.

One function, it should be emphasised, that the European Council does not exercise is that of legislator. As Document 11.1 shows, the TEU prevents it from taking legislative decisions. Its decisions are political decisions. When it is intended that its decisions should be given legal effect, the customary EU legislative procedures have to be applied. And in those procedures there is no guarantee that a European Council agreement will automatically produce a law of passage. One reason for this is that the policy guidelines laid down by the European Council are sometimes insufficiently precise to clear all political obstacles. Another reason is that governments

BOX 11.3

Functions of the European Council

- It is a forum, at the highest political level, for building mutual understanding and confidence between the governments of the EU member states.
- It identifies medium- and long-term EU goals.
- It is a policy initiator and dispenser of policy guidelines.
- It makes an important contribution to the coordination of EU policy goals and activities.
- It is a political (not a legislative) decision-maker – both on matters that have come to be accepted are its ultimate responsibility (most notably constitutional and major institutional policy, and budgetary issues), and on matters that, because of their importance or their political complexity and sensitivity, it is thought should be referred to it.

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occasionally decide after a summit that their delega-
have given too much away and that ground must
be recovered by taking a tough line in the Council.

Institutionalised summitry in the form of the
European Council has inevitably strengthened the
position of national governments in the EU system.
It has also added an extra intergovernmental ele-
ment to the nature of the EU by virtue of the leaders
usually always acting on the basis of consensus –
either because they are required to do so or, in those
circumstances where voting is possible, because they prefer
to do so.

However, although the European Council is
 unquestionably a very important EU institution,
 its roles in the EU system are not wholly fixed. For
 the most part it focuses on 'very high' politics – by
 attempting to provide strategic direction for the EU
 and taking major – 'history-making' (Peterson and
 Bergberg, 1999: chapter 1) – decisions. It tries to
 avoid becoming too involved in policy details. But
 this position of dealing with 'the big picture' and
 leaving detailed and operational matters to others is
 not applied with complete consistency. What hap-
 pens at individual summits is not part of any wholly
 regularised or consistent pattern. Thus, some sum-
 mits are relatively low-key affairs and do little more
 than pronounce on some aspects of current inter-
 national developments, indicate one or two policy
 initiatives in fringe policy areas, and cobble together
 a concluding statement exuding general goodwill.
 Other summits, by contrast, are surrounded by an
 atmosphere of crisis and prophecies of catastrophe
 should they fail to produce firm decisions on key
 and pressing issues. Occasionally they do fail, but
 the forecasted catastrophes never quite happen, and
 the next summit, or next but one, is usually able to
 find an agreement via the customary EU method of
 compromise.

* * *

The creation and development of the European
 Council has inevitably had implications for the role
 and functioning of the other principal EU institutions.

- The Commission has experienced some undermin-
 ing of its special position regarding policy initiation
 as a result of the European Council's increas-
 ing habit of indicating policy preferences and

solutions. However, the extent of the undermin-
 ing should not be overstated as the Commission
 President participates in the political discussions
 with national leaders at the summits, and the
 preferences and solutions that are indicated and
 decided are often based on reports and documents
 submitted by the Commission to the summits.

- The Council has lost power to the European
 Council by virtue of the increasing tendency of
 most major issues to go through summits in some
 form. As Hayes-Renshaw and Wallace (2006: 1)
 note, one role of the European Council is to act
 'as a higher level of the Council of Ministers, by
 attempting to settle those issues on which the
 ministers have been unable to reach agreement'.
 And, as Wessels (2015: 93) puts it: 'The politi-
 cal weight of the governmental heads as ultimate
 decision-makers is on its own sufficient to reduce
 the Council's decision-making autonomy.'

However, the extent of the Council's loss of
 power should not be exaggerated. One reason
 why it should not be so is that there is no rigid
 hierarchical relationship between the two bodies
 in the sense that the Council always feels obliged
 to refer all significant matters 'upwards' for final
 decisions. It is true that most broad-based or very
 significant initiatives are referred to the European
 Council, but often that is for little more than politi-
 cal approval or for information. Certainly it would
 be quite erroneous to suppose that the European
 Council takes all 'first-order' decisions and the
 Council is confined to 'second-order' decisions.
 A second reason why the extent of the loss should
 not be overstated is that there is no consistent line
 of division between the two regarding who does
 what, other than the Council being responsible
 for making legislation. A third reason is that most
 issues considered by the European Council have
 already been prepared, channelled and filtered by
 the appropriate formations of the Council. And a
 fourth reason is that since the European Council
 meets for only six to eight days a year, it cannot
 normally hope to do anything more than sketch
 outlines in a restricted number of areas.

- The EP has been largely bypassed by the European
 Council and so could be regarded as having expe-
 rienced some net loss of power. It is true that the
 European Council President gives a verbal report

on each summit meeting to the next EP plenary session, and it is also the case that the EP President addresses the opening sessions of summits in order to inform the national leaders of the EP's thinking on key issues. However, there is no evidence that either of these procedures produce much in the way of influence. Far more important is the almost complete lack of input by the EP into European Council agendas or deliberations, and the tendency of the Council of Ministers to take the view that proposals that stem from European Council decisions do not permit it much manoeuvrability when dealing with the EP.

- Since the European Council operates largely outside the framework of the TFEU, and since its decisions are political rather than legal in character, its existence has had few implications for the Court of Justice. Or rather it has had few direct implications. Necessarily, however, in so far as important decisions are taken that are beyond the Court's 'reach', this constitutes a weakness in the influence of the Court.

Concluding Remarks

The record of the European Council is mixed. On the one hand, there have been failures, or at least the non-fulfilment of hopes. This was particularly so in the period from about 1980 to 1988: summits became rather routinised and immersed in specifics; too much time was devoted to policy detail rather than to mapping out the future; and disputes about distributional issues were seemingly always on the agenda.

On the other hand, there have been positive achievements: understandings between national leaders have been furthered; important goals have been identified given an impetus/brought to a conclusion – such as on enlargements, the internal market, institutional reform, and EMU; and agreements have been worked out on matters that were either unsuitable for, or could not be resolved by, the Council.

That there should be both pluses and minuses in the record is not altogether surprising. The summits are, after all, conducted on a relatively loosely structured basis and it is thus perhaps inevitable, given the participants, that they should be drawn into attempting to do a host of different things. It is also inevitable that summits should experience many of the problems of intergovernmental conflict that are so characteristic of the Council.

Aware of the European Council's weaknesses, the government of the member states – led by the governments of the large member states – used the treaty reform process that led to the Lisbon Treaty to strengthen the European Council's institutional capacity. They did this by replacing the six-month rotating Presidency of the European Council with a more permanent President. The evidence to date indicates that whilst this change has marginally improved the operational functioning of the European Council, it has not in itself greatly impacted on the European Council's (already very significant) position in the EU system. But what has impacted on the European Council's position in the EU system is 'events': the first European Council President assumed office in 1992, with crises, and especially the eurozone and migration crises, bringing the European Council more into the stage than ever.