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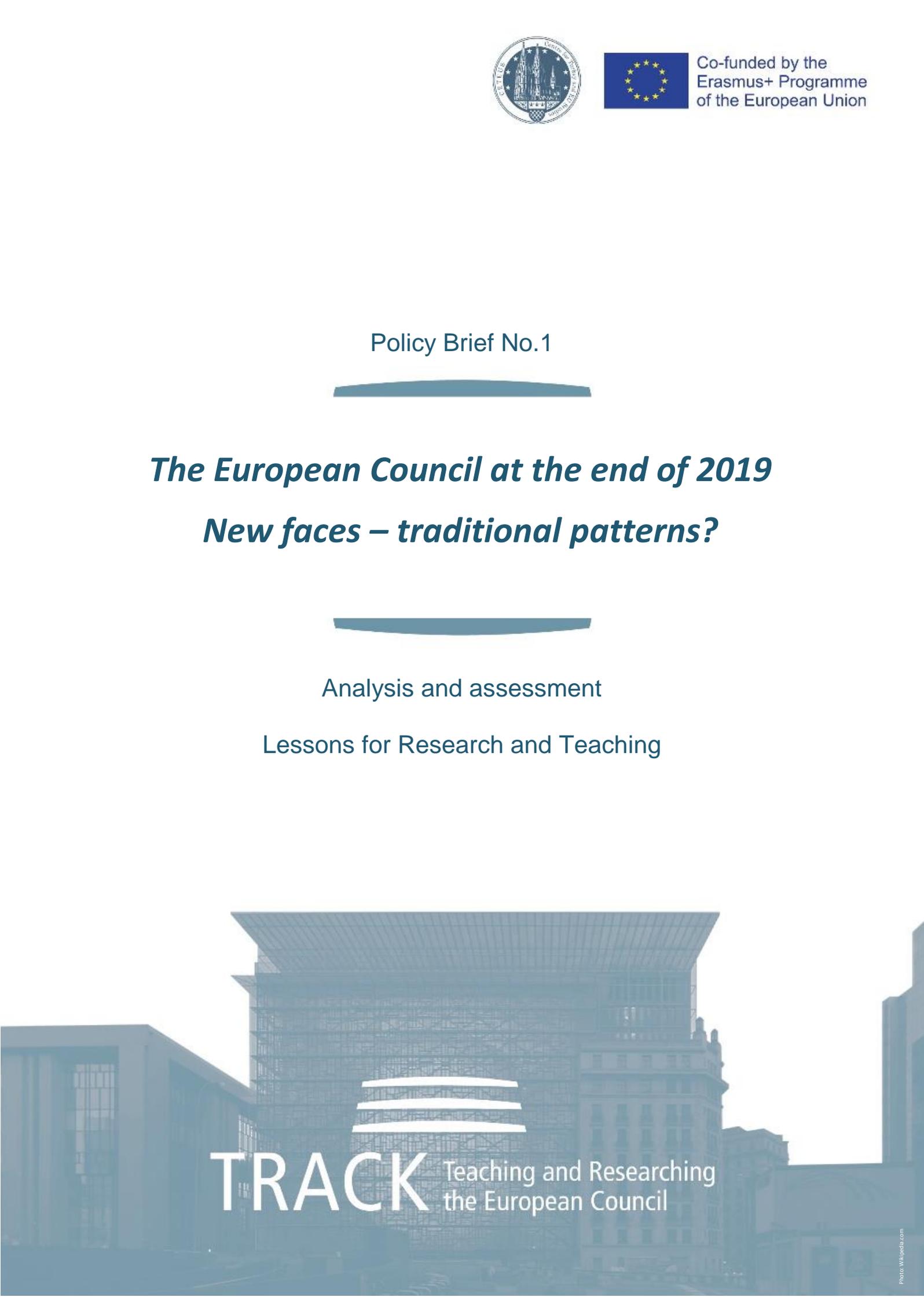
# *The European Council at the end of 2019*

## *New faces – traditional patterns?*

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Analysis and assessment

Lessons for Research and Teaching



**TRACK** Teaching and Researching  
the European Council



For studying the ‘strange’ system of the European Union, the European Council (EUCO) offers ample material and insights. TRACK will have a look at the output of this key institution to offer a starting point for relevant research and stimulating teaching lessons: Which lessons can we draw from the collective activities by the political leaders of the EU – as they like to call themselves? Even if it does not make fun to read the EUCO conclusions it is worthwhile to have a closer look at them.

Can we identify changes or do we observe traditional patterns? With a new President of the European Commission at the table and a new president chairing the meeting – do new faces signal a renewal? Do the Heads of State or Government open a new chapter in the history of their institution?

**1. Analysing the key institution’s activities, one has to differentiate between different EUCO formats:**

The political leaders meet within the European Council with all 28 members, without the UK (the European Council (Art. 50 TEU)) and within the Euro Summit. Do these legal frameworks have an impact on the working of the EUCO? Especially since all EU-members are participating in the Euro Summit that was originally envisaged to be a closed shop for the governmental heads of the Eurozone countries?

**2. Following a well-established tradition, the political leaders have again used their institution at the end of 2019 for dealing with a broad range of highly relevant political issues:** Climate neutrality, the future relationship with the United Kingdom (after Brexit), the EU’s budget for the next 7 years (under the heading of Multiannual Financial Framework (MFF)), a rather vague concept of the Conference on the Future of Europe, an EU-Africa partnership, a rules-based international order and (to be carefully watched) a statement on Turkey’s actions in the eastern Mediterranean. The Heads of State or Government reconfirmed their fundamental aim to manage all emerging challenges together. Despite all rhetorical claims for subsidiarity and protection of national sovereignty, they are continuously forming and shaping a state-like agenda. And with a view of all conclusions in 2019, are we missing key areas of core state power or national sensitivity?

**3. Have a careful reading of the words:** They might reveal implicit assumptions on how the European leaders define their role within the EU’s institutional architecture. Formulations and admonitions like “invites the Commission” or the “Eurogroup”, “calls on the President”, “the High Representative”, “the European Parliament”, “supports the EIB”, “welcomes” (European Council, December 2019),



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claim an overall procedural leadership for policy and system making of the EUCO. These wordings support the theory-based understanding of the leaders' institution as the 'principal' delegating tasks to other bodies as 'agents'. But the European Council also "welcomes the European Commission's announcement" or "announcement by the EIB". Also, by demanding that in the Conference on the Future of Europe "priority should be given to implementing the[ir] Strategic Agenda agreed in June" (European Council, December 2019), they claim to have a dominating role in the EU's institutional architecture.

**4. Not surprisingly, the European Council has also reconfirmed its explicit leadership in the Brexit-process by an extensive interpretation of the wording of Treaty article (50 TEU).** In its guidelines, the Heads of State or Government put forward key demands for a future relationship with the UK and determined their own key role in the follow-up procedure. Thereby, they defined opportunities but also set constraints: "the future relationship will have to be based on a balance of rights and obligations and ensure an equal level playing field" (European Council, December 2019). No doubt: The European Council will take the major and final decisions on the mandate and on the final agreement.

**5. A major part was devoted to climate change.** Following a well-known strategy, the European Council put forward an ambitious program for climate policy – identifying the main challenges on the agenda and framing programmatic guidelines. As the institution has already laid down the guidelines for the EPC in the 70s and for the Area of Freedom, Security and Justice from the 80s onwards, the European Council again underlined its ambition to frame future policies and confirmed its task "to define the political directions and priorities" (Art.15(1) TEU) of the EU. The leaders set a clear goal "by endorsing the objective of achieving a climate-neutral EU by 2050" (European Council, December 2019). Even more: they announced their support for concrete budgetary actions: also by "welcoming the Commission's announcement that its forthcoming proposal will aim at facilitating EUR 100 billion of investment through the [new] Just Transition Mechanism" (European Council, December 2019).

**6. Again, quite naturally, the political leaders were facing differences and controversies of interests.** As a way to reach nevertheless consensus they re-established an opt-out clause – this time for Poland regarding the implementation of the goals formulated for climate neutrality. They further postponed the decision on the Budgetary Instrument for Convergence and Competitiveness as part of the deepening of the Economic and Monetary Union. Here, we can observe a typical pattern: To prevent dissent, the EUCO has delegated the task to other institutions (here the Euro-summit).

**7. Postponing decisions and delegating tasks to other institutions can also be observed looking at the MFF:** the short statement signals deep controversies about the size of the income and the



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categories of expenditures. The leaders apparently have not wanted to take the difficult road to consensus at that meeting.

**8. Less explicitly than in other conclusions, the European Council formulated positions for the EU's role in global and regional affairs** – thus, on the EU-Africa partnership and on dealing with trade issues in a “global rules-based international order” (European Council, December 2019). Whereas these guidelines remain rather general, we need to be aware of a specific point of rising relevance with a high potential for conflict: “the European Council unequivocally reaffirms its solidarity with Greece and Cyprus regarding [...] actions by Turkey” (in the Mediterranean Sea) (European Council, December 2019).

**9. In view of what we might call the role as a Constitutional Architect, the European Council has typically envisaged steps for shaping the EU's political system:** The leaders set guidelines for the exit of one member state (no more widening but reducing membership) and pushed for next steps to deepen the Economic and Monetary Union. Moreover, the EUCO also took up “the idea of a Conference on the Future of Europe” which “should contribute to the development of our policies in the medium, and long term so that we can better tackle current and future challenges” (European Council, December 2019). In this context, they agreed on guidelines for an “inclusive process” (European Council, December 2019). It is strongly recommended to compare this paragraph with the Laeken declaration of the European Council (European Council 2001). In a significant difference to a clear mandate for the Constitutional Convention, the political leaders remained vague in 2019. But it should be mentioned that they do not envisage to make use of the respective procedures for treaty change (Art.48 TEU) by which a convention could be installed. Like in their earlier declarations after the Brexit referendum (Bratislava (16 September 2016), Rome (25 March 2017) and Sibiu (9 May 2019)) and in the strategic agenda for 2019-2024, they do not show any ambition for a comprehensive constitutional deepening. They apparently consider the need to face the demand of a grand debate on future and ‘finalité’ of the Union, but in contrast to former generations of leader they see no common ground for treaty changes and revisions. By limited transfers of sovereign powers e.g. in the Banking Union as part of the EMU they – implicitly and inadvertently – follow the Monnet method.

**10. More research has to be done on the impact of the new president:** which profile for this difficult task did he develop – with which kind of result? Does he follow the low public profile of van Rompuy or does he rather aim to establish himself as some kind of Monsieur l'Europe?

**11. The conclusions of December 2019 confirm traditional patterns of the historical evolution of this institution:** We observe well-known traces of how an intergovernmental body aims to face challenges



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by searching for more Europe while simultaneously including supranational features. In a process of vertical and horizontal fusion, the EUCO merges national and EU institutions.

**12. In order to analyse and assess the EUCO's role and performance, we need to have a closer look at the conclusions:** sometimes, they hide potential opportunities or deep-seated conflicts. And of course, we need to follow up the implementation of its goals: will they lead to concrete actions or remain empty words?

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### Find out more...

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