

EU-27 WATCH

No. 9
July 2010

ISSN 1610-6458

www.EU-27Watch.org

EU-27 Watch

Contributing partners are

Austrian Institute of International Affairs, Vienna
Bulgarian European Community Studies Association,
Sofia

Center for European Studies / Middle East Technical
University, Ankara

Centre d'études européennes de Sciences Po, Paris
Centre d'étude de la vie politique, Université libre de
Bruxelles

Centre d'études et de recherches européennes Robert
Schuman, Luxembourg

Centre of International Relations, Ljubljana

Cyprus Institute for Mediterranean, European and
International Studies, Nicosia

Danish Institute for International Studies, Copenhagen

Elcano Royal Institute and UNED University, Madrid
European Institute of Romania, Bucharest

Federal Trust for Education and Research, London

Finnish Institute of International Affairs, Helsinki

Foundation for European Studies - European Institute,
Łódź

Greek Centre of European Studies and Research,
Athens

Institute of International Affairs and Centre for Small
State Studies at the University of Iceland, Reykjavik
Institute for International Relations, Zagreb

Institute for World Economics of the Hungarian
Academy of Sciences, Budapest

Institute for Strategic and International Studies, Lisbon

Institute of International and European Affairs, Dublin

Institute of International Relations, Prague

Institute of International Relations and Political
Science, Vilnius University

Istituto Affari Internazionali, Rome

Latvian Institute of International Affairs, Riga

Mediterranean Academy of Diplomatic Studies,
University of Malta

Netherlands Institute of International Relations
'Clingendael', The Hague

Ohrid Institute for Economic Strategies and

International Affairs, Skopje

Slovak Foreign Policy Association, Bratislava

Stockholm International Peace Research Institute
(SIPRI)

University of Tartu

On the project

Due to the new treaty provisions of the Lisbon Treaty and the economic crises the enlarged EU of 27 member states is on the search for a new modus operandi while also continuing membership talks with candidate countries. The EU-27 Watch project is mapping out discourses on these and more issues in European policies all over Europe. Research institutes from all 27 member states and the four candidate countries give overviews on the discourses in their respective countries.

The reports focus on a **reporting period from December 2009 until May 2010**. This survey was conducted on the basis of a questionnaire that has been elaborated in March and April 2010. Most of the 31 reports were delivered in May 2010. This issue and all previous issues are available on the EU-27 Watch website: www.EU-27Watch.org.

The EU-27 Watch No. 9 receives significant funding from the **Otto Wolff-Foundation, Cologne**, in the framework of the *"Dialog Europa der Otto Wolff-Stiftung"*, and financial support from the **European Commission**. The European Commission is not responsible for any use that may be made of the information contained therein.



Disclaimer

Institutes/authors are responsible for the content of their country reports. The publisher and editorial team cannot be held responsible for any errors, consequences arising from the use of information contained in the EU-27 Watch or its predecessors, or the content of external links on www.EU-27watch.org or in the EU-27 Watch. The content of the EU-27 Watch is protected under German copyright law. The articles of the EU-27 Watch can be printed, copied, and stored for personal, scientific, and educational use for free. Articles of the EU-27 Watch may not be used for commercial purposes. Any other reprint in other contexts is not allowed without prior permission from the publisher. For permission or any other question concerning the use of the EU-27 Watch please contact: info@EU-27watch.org.

Editorial Team

Publisher: Prof. Dr. Mathias Jopp
Executive Editor: Dr. Katrin Böttger
Managing Editor: Julian Plottka
Editorial Staff: Daniela Caterina, Gregory Kohler,
Christoph Kornes
Layout: Matthias Jäger

Contact: info@EU-27watch.org
www.EU-27watch.org

iep Institut für
Europäische Politik
Bundesallee 23
D-10717 Berlin
Tel.: +49/30/88.91.34-0
Fax: +49/30/88.91.34-99
E-mail: info@iep-berlin.de
Internet: www.iep-berlin.de

Germany**Implementation of the Lisbon Treaty: a question of leadership?****Gesa-Stefanie Brincker and Jochen Eisenburger***

Having originally been one of the supporters of the creation of this new post of a President of the European Council in order to give the European Union (EU) a face and the work of the European Council more continuity and coherence, the German government in the end only supported a rather unimpressive politician to fulfil this important and demanding position. Thus, it became clear that the Merkel government did not want to install a personality ambitious to dominate EU policy making and able to attract a lot of media attention. It was rather a calm personality, possibly not being a “media rival” and political competitor to the heads of state and government in the European Council, who was finally preferred.

The German media explained the following advantages of Herman Van Rompuy’s calm character: as he has no desire for media attention, he could be able to moderate behind the scenes and thus more easily balance the different interests of EU member states.¹ Not least journalists praised the compromise between France and Germany that he was able to push forward in the context of the Greek crisis in February 2010.² One proof that Angela Merkel and Nicolas Sarkozy appreciated these moderating qualities could be the fact that they agreed to install a working group under Van Rompuy’s chair that is supposed to evaluate the lessons learned from the financial crisis by the end of 2010.

In general, German political actors attribute Van Rompuy the role of a facilitator of negotiations. They agree to his main function of chairing and preparing the European Council meetings and brokering member states’ interests in advance. Similar to other EU Heads of State, Merkel (Christian Democratic Union – CDU) seems to enjoy the growing influence of this new European institution, which is in part due to Van Rompuy’s promotion of the European Council negotiations. At the same time, the political weight of the European Commission and the Council of Ministers is, at least from an outside point of view, diminishing. With regards to German EU politics, the more active role of the European Council in the European crisis management and the exclusion of the foreign ministers from European Council meetings caused a power shift in the German foreign affairs system from the German Federal Foreign Ministry and its Minister Guido Westerwelle (Free Democratic Party – FDP), who is no longer an official member of the European Council according to the Lisbon Treaty, to the German Federal Chancellery and thus to Chancellor Merkel herself.

Whereas the German political actors did not concentrate on a debate about the new post of a European Council President nor on Van Rompuy himself, researchers strongly focused on the question of the unclear future institutional balance between the several EU heads that could lead rather to conflicts and discontinuity instead of the originally intended clarity via the installation of a stable EU president. Thus, conflicts on the question of competence could arise: Firstly, between the rotating EU presidency and the stable European Council President; secondly, between José Manuel Barroso, Catherine Ashton and Van Rompuy regarding the external representation of the Union; thirdly, between the European Commission President and the European Council President in the context of formulating new ideas on the underlying currents for the EU’s future development.³ Any changes of the role of the rotating council presidency are linked to the respective EU member state and its political leaders who could either refrain from taking a leadership role and leave the moderation floor mainly to Van Rompuy, Ashton and Barroso or behave in concurrence to these EU personalities.

Due to her political affiliation, Catherine Ashton aroused less criticism than Van Rompuy from German opposition party members. Nevertheless, Social Democrats (SPD) and Greens, as well as the left-wing party DIE LINKE, questioned whether she would be able to fulfil the high variety of challenging tasks that lie ahead. DIE LINKE mainly demanded more involvement of the European Parliament in European foreign affairs.⁴ In fact, incorporating the position of formerly two posts, High Representative and Foreign Affairs Commissioner, or even three (if one also considers her future chairing of the Foreign Affairs Council, formerly presided by the rotating EU presidency) proves to be difficult. Consequently, German Member of the European Parliament (MEP) Elmar Brok expressed his fears that Ashton could end up not sufficiently supporting European common interests, but instead getting stuck in Council matters and thus getting lost between various national interests and personalities.⁵

* Institut für Europäische Politik.

Furthermore, not only could the EU's national foreign ministers get into a rivalry with Ashton, but Barroso could also become an awkward partner when it comes to the EU's external representation, as the German daily *Süddeutsche Zeitung* underlines.⁶ Being institutionally placed between the intergovernmental Council and the supranational European Commission, Ashton might face ongoing tensions between the competences of these two bodies in European foreign affairs that she would have to balance. Initial proof for this were the discussions about the competences of the European External Action Service (EEAS) that would conflict with the Commission's formerly exclusive fields, such as development policy.

The EEAS has already been discussed among German actors in the context of the Lisbon Treaty deliberation. Then, in the context of Ashton's "Proposal for a Council Decision establishing the organisation and functioning of the European External Action Service", the questions about the EEAS's institutional set-up and about the political control of this new diplomatic service became subject to debate again.

Westerwelle criticised Ashton's proposal for being unclear concerning the division of competences and saw a need for further negotiations. He emphasized the necessity of having an institution that would not only establish a double structure, but that should be able to speak with one voice for the European Union (EU).⁷ Furthermore, members of the German government emphasised their will to reinforce the use of the German language on equal footing with English and French as official languages in the context of the EEAS's work and the recruitment criteria for the diplomatic personal of the EEAS.

In general, the German parties followed the position of their European complements. Accordingly, the parliament faction of the conservative CDU/CSU (Christian Democratic Union/Christian Social Union) argued similarly to Elmar Brok, German member and rapporteur of the European Parliament for the EEAS and spokesman of the European Peoples Party (EPP), that the EEAS should be closely linked to the communitarian European Commission instead of the Council in order to ensure a more effective control by the European Parliament. The SPD basically shared this view and emphasised that the European Parliament should exercise more budgetary control over the EEAS.⁸ MEP Franziska Brantner and German Member of Parliament Manuel Sarrazin (both Greens) were disappointed by the proposal because it would create double structures in the field of development cooperation, thus hindering an efficient and coherent acting in external crisis management. A closer institutional link of the EEAS to the Council of Ministers or a more independent diplomatic service did not find any support in the debate, though. A more critical opinion on the EEAS proposal was held by DIE LINKE underlining that the Bundestag would run the danger of losing its competence and control of German military missions. Jürgen Wagner, working for Informationsstelle Militarisierung (IMI), shared this criticism and stated that Ashton's proposal would fail to establish mechanisms of parliamentary control. Moreover, his organisation holds the opinion that, by integrating all military structures into the EEAS, the institution could be dominated by security policy interests. Other decisive elements, such as development policy or the promotion of human rights, might thus become subordinated.⁹ In general, the idea of integrating the development policy sector in the EEAS's structures aroused special attention in Germany and was criticised in the last months by several German non-governmental organisations (NGOs) and think tanks. For instance, VENRO (Verband Entwicklungspolitik deutscher Nichtregierungsorganisationen), a German association that represents about 120 NGOs in the development cooperation sector, argued that European development policy would need an independent institutional structure that would be able to articulate its interests independently.¹⁰

The public consultation process that was opened by the European Commission regarding its proposal defining the rules and procedures for the European Citizens' Initiative (ECI) was actively received by German political parties, the Parliament and non-governmental organisations (NGOs). Some of the German Landtage, the regional parliaments, adopted resolutions on the ECI as well and forwarded them to the Commission.¹¹

The majority of German political parties shared the same expectations for the ECI. It was regarded as being a new instrument for the participation of EU-citizens in European policy-making and an opportunity to reduce the distance between the Union and its citizens. Moreover, the ECI was expected to contribute to the promotion of transnational debates on European issues. Only DIE LINKE criticised, with reference to Article 11 (4) Treaty on European Union, that the planned ECI regulations would not aim at a direct participation of EU citizens in EU politics and thus no contribution to overcoming the EU's democratic deficit was undertaken. The governing FDP, as well as the opposition SPD and Greens, saw the need to facilitate some of the criteria planned for a successful ECI, especially concerning the minimum number of countries represented by the ECI and the quorum for

each member state. In addition, the Greens called for the right for initiators of an ECI to challenge decisions by the Commission, the right of public consultations, the introduction of data protection measures and the obligation for initiators of ECIs to reveal their financial sources. On the contrary, the party of Chancellor Merkel, the CDU, supported the Commission's proposal and regarded an intervention of the Bundestag as unnecessary.¹²

German NGOs were sceptical towards the Commission's proposal: For instance, the NGOs Mehr Demokratie e.V.,¹³ the Young European Movement¹⁴ and Greenpeace Deutschland criticised the formal criteria of putting forward an initiative as being too difficult to reach. The idea of using the identity card number or social security card number as a measure for verification of votes is rejected. In sum, the mentioned NGOs shared the concern that the ECI runs danger to become an empty shell that would be unable to fulfil the high expectations connected to it.¹⁵

¹ Cf. Bilger, Oliver: EU-Ratpräsident, Schöngest mit Schlagkraft, Süddeutsche Zeitung, 21 November 2009.

² Cf. e.g. Stabenow, Michael: EU-Ratspräsident Van Rompuy: Anlaufstelle für Merkel und Sarkozy, Frankfurter Allgemeine Zeitung, 9 April 2010.

³ Cf. Kietz, Daniela/Von Ondarza, Nicolai: Willkommen in der Lissabonner Wirklichkeit, SWP Aktuell 29, March 2010, p. 2-3.

⁴ Cf. Lösing, Sabine: Tabula Rasa: Ashton nur ein leeres Blatt Papier?, press statement, 2 December 2009.

⁵ Cf. Busse, Nicolaus: EU Außenbeauftragte, Sagen Sie mir die Richtung, Frankfurter Allgemeine Zeitung, 2 December 2009.

⁶ Cf. Winter, M.: Einsame Kämpferin in Brüssel, Süddeutsche Zeitung, 3 March 2010.

⁷ Cf. Handelsblatt: Streit um EU-Außenpolitik eskaliert, 31 March 2010, available at: <http://www.handelsblatt.com> (last access: 15 July 2010).

⁸ SPD AG Angelegenheiten der Europäischen Union: Europas Außenpolitik demokratisch mitgestalten, press statement 867, 22 June 2010.

⁹ Cf. IMI-Standpunkt 2010/008: Ein Militärisch-Auswärtiger Dienst für Europas imperiale Machtpolitik, 29 March 2010, available at: <http://www.imi-online.de/2002.php?id=2090> (last access: 15 July 2010).

¹⁰ Cf. VENRO: Entwicklungspolitik muss eigenständig bleiben, 26 April 2010, available at: <http://www.venro.org> (last access: 15 July 2010).

¹¹ See inter alia the resolution of the Bavarian Landtag, available at:

http://ec.europa.eu/dgs/secretariat_general/citizens_initiative/docs/bayern_landtag_de.pdf (last access: 15 July 2010); and the Resolution of Landtag of Saxony-Anhalts, available at:

http://ec.europa.eu/dgs/secretariat_general/citizens_initiative/docs/lt_sachsen_anhalt_de.pdf (last access: 15 July 2010).

¹² For the transcript of the debate on the European Commission's Proposal for a regulation of the European Parliament and the Council on the Europeans Citizens' Initiative in the German Bundestag on 20 May 2010 see Document number 17/43, available at: <http://dipbt.bundestag.de/dip21/btp/17/17043.pdf>, as well as the speeches of Thomas Dörflinger, Karl Holmeier, Michael Roth, Dr. Stefan Ruppert, Dr. Dieter Dehm and Manuel Sarrazin.

¹³ Cf. Mehr Demokratie e.V.: Stellungnahme zum Vorschlag der EU-Kommission für eine Verordnung des Europäischen Parlaments und des Rates über die Bürgerinitiative vom 31.3.2010 (Stand 7.5.2010), available at:

http://ec.europa.eu/dgs/secretariat_general/citizens_initiative/docs/mehr_demokratie_de.pdf (last access: 15 July 2010).

¹⁴ Cf. Junge Europäische Bewegung: Stellungnahme der Jungen Europäischen Bewegung Berlin-Brandenburg e.V. zum Verordnungsvorschlag der Europäischen Kommission über die Europäische Bürgerinitiative, 5 April 2010, available at: http://jeb-bb.de/fileadmin/files_jef-d-bb/2010/EBI/100405_Stellungnahme_der_JEB_zur_EBI-VO.pdf (last access: 15 July 2010).

¹⁵ Cf. Mehr Demokratie e.V.: NGOs fordern Nachbesserungen bei der Europäischen Bürgerinitiative (EBI), 11 May 2010, available at: [http://www.mehr-demokratie.de/752.html?&tx_ttnews\[backPid\]=276&tx_ttnews\[tt_news\]=7274&cHash=08d16dcf7a40c6f8ca2462d38fcae10a](http://www.mehr-demokratie.de/752.html?&tx_ttnews[backPid]=276&tx_ttnews[tt_news]=7274&cHash=08d16dcf7a40c6f8ca2462d38fcae10a) (last access: 15 July 2010).

Questionnaire for EU-27 Watch, No. 9

Reporting period December 2009 until May 2010 – Deadline for country reports 21 May

All questions refer to the position/assessment of your country's government, opposition, political parties, civil society organisations, pressure groups, press/media, and public opinion. Please name sources wherever possible!

1. Implementation of the Lisbon Treaty

On the 1 December 2009 the EU-reform ended with the entering into force of the Lisbon Treaty. However, the new treaty provisions still have to be implemented. Some procedures and conditions have to be determined. In other cases, procedures, power relations, and decision-making mechanisms will change due to the new provisions.

- How is the work of the new President of the European Council, Herman Van Rompuy, assessed in your country? Which changes to the role of the rotating council presidency are expected?
- How is the work of the new High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, assessed in your country? Please take into particular consideration both her role within the European Commission and her relationship to the Council of the European Union.
- On 25 March 2010 a "Proposal for a Council Decision establishing the organisation and functioning of the European External Action Service" was presented. How is this concept perceived in your country? Which alternatives are discussed?
- On 31 March 2010 the European Commission presented a proposal defining the rules and procedures for the European Citizens' Initiative (ECI). What are the expectations for the ECI in your country? What are the various positions concerning the rules and procedures?

2. Enlargement and European Neighbourhood Policy

The European Commission has given its opinion on Iceland's application for EU-membership and a decision from the Council is expected before the end of June. Croatia seems to have settled its border dispute with Slovenia. Against this background:

- Which countries does your country expect to become members of the European Union in the next enlargement round? What are the opinions in your country on the membership of these countries?
- How are the membership perspectives of those countries discussed, which are not expected to become a member in the next enlargement round?

The Eastern Partnership and the Union for the Mediterranean were the last major projects dealing with the European neighbourhood:

- How are these projects assessed in your country?

3. European economic policy and the financial and economic crisis

The European Council agreed on 25/26 March on the key elements of the Europe 2020 strategy, the successor of the Lisbon strategy. While not being on the formal agenda the economic and financial situation in Greece was discussed. The European Council agreed on a finance package combining bilateral loans from the eurozone and financing through the International Monetary Fund.

- How is the finance package for Greece assessed in your country? Are there any opinions on the process, how the agreement on the package was reached?
- Which lessons should be drawn from the Greek case for a reform of the Stability and Growth Pact?
- How is the idea of "a strong coordination of economic policies in Europe" perceived in your country? What concepts of an European economic governance are discussed in your country and which role do they assign to the Euro group?
- How is the Europe 2020 strategy discussed in your country? What are the priorities for the Europe 2020 strategy from your country's perspective?

4. Climate and energy policy

The climate conference in Copenhagen took note of the Copenhagen Accord but did not reach a binding agreement. The next conference of the parties (COP 16 & CMP 6) will take place at the end of November 2010.

- How is the Copenhagen conference assessed in your country? Please take into consideration the negotiation strategy of European Union and the results of the conference.
- Does the European Union need to change its own energy and climate policy in order to give a new impulse to the international negotiations?
- Is a global agreement within the UNFCCC the best strategy to fight climate change? If not, which alternative strategy should the European Union follow?
- What is your country's position on financing mitigation and adaptation efforts in developing countries?

5. Current issues and discourses in your country

Which other topics and discourses are highly salient in your country but not covered by this questionnaire?