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# The Role of EEAS Chairs in Council Negotiations on Foreign and Security Policy Post-Lisbon

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## Abstract

This article examines the impact of the introduction of a permanent chair in the area of the Common Foreign and Security Policy (CFSP). The Lisbon Treaty transferred the functions of the rotating Presidency to the High Representative for Foreign Affairs and Security Policy, represented at lower levels by officials from the European External Action Service (EEAS). Whilst the permanent chair was intended to improve effectiveness in CFSP negotiations, recent deadlocks challenge such expectations. Drawing on sociological approaches, we show that the ability of EEAS chairs to uphold the impartiality norm has been undermined by the fact that they are perceived as ‘outsiders’ by national negotiators. This has had negative consequences on the chairs’ capacity to fulfil key roles of organiser, broker and political leader and, in turn, negotiation dynamics. Based on these findings, we argue for the need to take norms and identity factors more seriously when designing institutions.

**Keywords:** chair; CFSP; European Union; negotiations; norms

## Introduction

Decision-making in the foreign and security policy of the European Union (EU) has recently become the focus of attention in academic and policy circles, following increasing episodes of member states using their veto to block common positions (European Parliament 2021; Pomorska and Wessel 2021). This was the case when Hungary blocked an EU statement criticising China’s Hong Kong policy in 2021 or Cyprus opposed sanctions against Belarus in 2020. Similar concerns have resurfaced regarding the need to maintain unity in the face of Russia’s aggression against Ukraine. These problems are striking given that the reforms introduced by the Lisbon Treaty (2009) were aimed at ensuring continuity and leadership in the Common Foreign and Security Policy (CFSP) (Juncos and Whitman 2009; Vanhoonacker et al. 2011). One way the Lisbon Treaty sought to do so was by transferring the functions of the rotating presidency to the High Representative for Foreign Affairs and Security Policy (HRVP), who is represented at lower levels by officials from the newly created European External Action Service (EEAS) (Blockmans and Hillion 2013). This article investigates how the introduction of a permanent chair has impacted CFSP negotiations and why it has not led to a more efficient decision-making. In particular, we ask: how have social factors impacted on the role performance of CFSP chairs post-Lisbon?

The EU has had a six-month rotating presidency since 1958, which extended its functions to the European Political Co-operation (EPC) after its establishment in the late 1960s. From the relatively modest function of organising and chairing EPC meetings (Nuttall 1992), with the creation of the CFSP at Maastricht (1991) and the Brusselisation

of this policy (Allen 1998), the role of the rotating presidency expanded, adding considerable weight to the chairperson given its central position in Brussels-based negotiations. In theory, the presidency was responsible for ensuring the continuity and consistency of the EU's external relations. In practice, the agenda was often decided by the country at the helm in line with its national interests, which led to complaints about lack of long-term continuity and coherence (Duke 1999: 9, 31). This was one of the key reasons behind the establishment of a permanent chair in the CFSP area with the Lisbon Treaty.<sup>1</sup> As mentioned by one interviewee, 'We made the choice to give the chair to the HRVP. But the Lisbon Treaty did not force us to have a permanent chair at the working group and Political and Security Committee (PSC) level; we did that to ensure coherence' (Interview 28; also 39). Yet, the new system has not performed as expected.

The Lisbon Treaty reforms provide us with the closest thing to a social experiment: what happens when the rotating chair under the helm of individual member states becomes a permanent chair held by an official of a quasi-supranational or *de novo* body? By focusing on this question, the article contributes both to the EU literature – which has so far largely neglected the role of EEAS chairs despite their central role in foreign policy negotiations – and to the literature on chairs in multilateral negotiations – by exploring the factors that limit a chair's influence. We bring together rationalist insights on the importance of formal institutional design with sociological approaches to argue that the performance of CFSP permanent chairs after Lisbon has been impacted by norms and identity. We focus on how norm compliance affects role performance in the case of CFSP chairs. Namely, the (perceived) violation of the impartiality norm has had a detrimental effect on role performance as it has diminished the trust required to perform key roles, from organiser, to broker, to political leader. The empirical findings of this article also contribute to the literature by highlighting how identity (insider vs. outsider) matters when it comes to role performance and the influence of chairs.

The article proceeds as follows. It first explains the analytical framework of this study and how it contributes to existing approaches. It then moves on to review the norm of impartiality and whether and to what extent it informs the behaviour of EEAS chairs. The third section focuses on the traditional roles performed by the chair and examines how these roles have been executed in practice post-Lisbon. We tease out some constraining factors that make it difficult for the new chairs to fulfil their roles: the fact that EEAS chairs are generally perceived as being partial and as 'outsiders' by national negotiators. This, we argue, has had negative consequences on the EEAS chairs' capacity to fulfil their roles and thus the overall effectiveness of negotiations in Brussels.

## I. The Impact of Institutional Design on Chairs Performance

### *Theoretical Framework*

Whilst there is a dearth of work on CFSP chairs after Lisbon (for a notable exception, see Vanhoonacker et al. 2011), some studies have focused broadly on the functions and influence of the HRVP and the EEAS. Of these, a majority have drawn on rational choice and principal–agent theories (Dijkstra 2012; Helwig 2017; Henökl and Trondal 2015), with

<sup>1</sup>For more information on the context and origins of the establishment of EEAS chairs, see Morgenstern-Pomorski (2018); for more on the particular emphasis on effectiveness (and efficiency) when the service was established, see Onestini (2015).

one study applying role theory (Aggestam and Johansson 2017). Only one work has touched upon the personal characteristics (networking skills) of EEAS chairs (Heimsoeth 2021). In contrast to this, the International Relations and Public Administration literature has observed that chairs exercise considerable influence in negotiations (Metcalf 1998; Thomson 2008). These studies have shown that ‘negotiation management’ by the chair can make a ‘decisive difference in reaching multilateral cooperation on salient global challenges of today, such as climate change, trade and biosafety’ (Monheim 2015: 265). Chairs play a key role in maintaining the legitimacy of the negotiation process and can influence issues such as transparency, inclusiveness or ‘procedural justice’ through their individual skills and tactics (Monheim 2015; Walker and Biedenkopf 2020).

Rational choice institutionalism and delegation theory have been applied to study the structural factors that affect the success of the chair, such as the chair’s mandate, resources and formal constraints (Blavoukos and Bourantonis 2011; Tallberg 2003, 2004). Specifically, Tallberg (2010) has shown how the institutional design matters. He distinguishes between three different models: one where the chair rotates between state representatives; one where there is an elected chair selected amongst the participating states; and finally a system where a supranational official is appointed as the chair. Tallberg concludes that a rotating chair has more room for manoeuvre and is able to influence more negotiating outcomes to their national advantage because ‘states grant relatively more discretion to rotating chairs than to elected state chairs or appointed supranational chairs’ (Tallberg 2010: 250). These findings are particularly relevant in the case of CFSP because the Lisbon Treaty transformed the rotating presidency into a permanent chair.

In line with these assumptions, we would expect EEAS chairs to have a more limited role in shaping negotiations and fostering consensus amongst the member states than the rotating presidency. The problems that have affected the CFSP over that past few years and growing calls to move from unanimity to qualified majority voting would support Tallberg’s findings. Whilst we concur with Tallberg that the formal institutional design matters, we argue that the ability of the permanent chair to perform the roles associated with this job and to influence negotiations has been undermined not so much because of the specific *ex ante* and *ex post* control mechanisms introduced by the member states but because of two interlinked factors: norms and identity. Our central hypothesis is that the less a chair is perceived to be a part of the ‘in-group’ and to act impartially, the less able she or he will be to competently perform the chair’s roles.

In doing so, we align with sociological accounts that emphasise the importance of social expectations and group dynamics. Sociological perspectives on leadership have observed how social expectations and the legitimacy of the leader matter (Aggestam and Johansson 2017). In particular, there has been a significant body of work that noted the existence of informal norms and rules determining a chair’s appropriate behaviour, the so-called ‘norms of the presidency’ (Elgström 2006; Elgström and Tallberg 2003; Niemann and Mak 2010; Tallberg 2004). Whilst rational institutionalist approaches acknowledge the existence of this set of formal and informal norms, they understand norms as an exogenous constraint on the chair’s behaviour rather than an endogenous factor shaping preferences (Tallberg 2004). The norms are used instrumentally by actors to achieve their interests, for instance, when the rotating presidency portrays their policies in the name of the ‘European interest’ to gain support from others or to restore their

tarnished reputation (Elgström and Tallberg 2003). Sociological accounts depart from this understanding by showing how norms shape chairs' preference formation.

Amongst the key norms that have been mentioned in the literature, three stand out: consensus-building, effectiveness and impartiality (Elgström 2006; Elgström and Tallberg 2003; Niemann and Mak 2010; Tallberg 2004). Yet, despite these norms being well established in the literature, little systematic empirical work on norm compliance/violation has been conducted (see Niemann and Mak 2010: 728). This is particularly the case when it comes to the consequences of norm violation on role performance and negotiation dynamics. We argue that norm breaking undermines the legitimacy, trustworthiness and credibility of the chair and can thus have an impact on their ability to influence negotiations (see Elgström 2006: 185). Specifically, the (perceived) violation of the norm of impartiality, one of the key norms of the presidency, has had a negative impact on the ability of the chair to fulfil the traditional roles of organiser, broker and political leader.

Even less attention has been paid to issues of identity and in-group dynamics. With its focus on *ex ante* and *ex post* mechanisms of control, rationalist approaches to formal leaders have not examined the impact of institutional design on group dynamics. Having said that, Tallberg (2010: 246–247) does acknowledge how a rotating presidency creates opportunities for diffuse reciprocity, where member states are more willing to accept proposals from the chair if they know they themselves will have an opportunity to be in the same position in the future. With the change from a rotating to a permanent presidency, these opportunities for diffuse reciprocity are lost. In addition to this, we argue that it matters who is at the helm: whether the chair is one of the member states or a supranational official outside the 'inner group'. This has consequences in terms of member states willingness to accept and recognise a supranational representative as 'one of them'.

The importance of a 'we-feeling' amongst those participating in the CFSP has been discussed in the previous literature (e.g. Cross 2007; Tonra 2003; on dynamics within the Council, see Lewis 2010). It draws on the assumption that increasing integration and institutionalisation would lead in time to the emergence of a common identity (Deutsch 1957). Identity has received particular attention in the constructivist literature, with some studies showing that a 'community of action' emerged as a result of socialisation processes in the Council (see, e.g. Tonra 2001). The establishment of a permanent chair has however weakened the feeling of solidarity and reciprocity that 'oiled the wheels' of the CFSP system before Lisbon. As a result, EEAS chairs cannot play the role of *primus inter pares* (first amongst equals), undermining their roles as brokers and political leaders in turn.

### Methodology

To determine the impact of norms and identity, the article conducts an analysis of chairing practices within the Council, namely, in the PSC and CFSP Working Groups.<sup>2</sup> We do not examine the Foreign Affairs Council but focus on the lower levels of decision-making where we can compare the role of individual chairs across different thematic and geographical areas (e.g. from human rights to enlargement to relations with the United

<sup>2</sup>For a list of the preparatory bodies chaired by a representative of the HRVP (see Council of the EU 2009b0 28–34)

States or Russia). The empirical evidence comes from 40 semi-structured interviews with national diplomats and EEAS chairs, lasting approximately one h, and conducted by the authors mostly in Brussels, but also online, between 2017 and 2019. A semi-structured questionnaire was used for the interviews. The sample of interviewees included representatives from various (geographic and thematic) working groups and both small and big member states. In this article, interviews are identified with a number to maintain the anonymity of the interviewees. All the interviews were transcribed by the authors, and the dataset was analysed and coded manually by the authors in order to identify themes and patterns, focusing on the various norms and roles of the chair that are examined in the article (e.g. relational/process/outcome impartiality, organiser, broker, political leader). Both authors checked each other's coding in order to minimise cognitive biases. Finally, the evidence obtained from the interviews was triangulated with evidence from primary sources (official documents) and the secondary literature.

Having outlined our theoretical expectations and methodology, we now move to examining the impartiality norm and how the changes in institutional design introduced by the Lisbon Treaty have impacted this norm.

## II. Impartiality as a Central Norm of the Chair

Impartiality has been identified as a key norm prescribing the behaviour of the presidency both in the EU literature and the scholarship on chairs in international organisations (Elgström 2006; Metcalfe 1998; Tallberg 2004). Whilst other norms like consensus-building (Lewis 2019) or effectiveness (Thomas 2009) are expected to be followed by *all* negotiating actors, the impartiality norm sets out obligations exclusively for the chairperson. It is for this reason that we focus on this norm when assessing the role of CFSP chairs. According to Elgström, '[t]he norm that the Presidency should be neutral and impartial is almost uncontested' (Elgström 2006: 178). It has become customary for the scholarship on EU presidencies to quote the Council Secretariat's Handbook statement that '[t]he Presidency must, by definition, be neutral and impartial' (Council of the EU 2018: 10). Whilst it is widely acknowledged that the rotating presidency might pursue some national interests during its six-month stint, all presidencies try to avoid being publicly labelled as partial, 'the supreme insult' according to Elgström and Tallberg (2003: 202). Yet, as with any other norms, there are still exceptions that confirm the rule: 'Perceived vital national interests – of a constitutional nature, or linked to values of security or welfare – have led repeatedly to instances of openly self-interested behaviour' (Elgström and Tallberg 2003: 201). But, as our case demonstrates, more important than actual norm compliance are the expectations and perceptions of others regarding norm violation.

EEAS chairs acknowledge the importance of impartiality as a key norm driving the chair's duties (Interview 13). However, some EEAS chairs' practices challenge the norm: 'The chair should be formally neutral and impartial. In reality, it is different. We have a mandate [from the EEAS] and there are different expectations [...] even though it is contrary to the formal rule' (Interview 15). Another EEAS chair compared the role of the chairperson in CFSP working groups to what happens in EU Delegations, where the EEAS is a 'really neutral actor' and coordinates the EU member states on the ground. Things were different in Council meetings where 'the EEAS has somehow a strong



institutional position – and someone from the EEAS should defend this position [...] As a chair, if something is sensitive there is a pressure to steer the process in a certain direction' (Interview 17).

At this point, it is useful to draw an analytical distinction between impartiality and neutrality. Neutrality is about not taking sides in a negotiation. The examples above show that the EEAS has had difficulties remaining neutral. As noted by Elgström (2003), it is in fact impossible for the presidency to act as a neutral mediator as the chairperson will always have a stake in the conclusion of an agreement. Impartiality is about treating all the parties equally, which can be accomplished even when the EEAS needs to achieve a given mandate. How has the EEAS fared in this regard? To answer this question, it is helpful to identify three types of (im)partiality: relational, procedural and outcome partiality (Elgström 2003).

### *Relational Partiality*

Relational partiality refers to the expectations held by the negotiating actors regarding whether the chair has strong links or connections with one or several of the negotiating parties. Pre-Lisbon, the rotating presidency was held by a state representative and was perceived to be 'one of them', an insider to the negotiations. Hence, relational impartiality was not possible. EEAS chairs do not represent any official position of a member state, so in theory, it is possible for them to achieve relational impartiality. As emphasised by one EEAS chair, 'You need to be impartial: sometimes I have opinions, but I cannot present them, if other see me favouring any particular options, those of [my country of origin], I would lose my reputation, there would be no trust' (Interview 34; also 31).

However, the relational impartiality of EEAS chairs has often been compromised either because (1) their goals are associated with the EEAS/HRVP or (2) because they are seen as an instrument of the member states. The most obvious reason is that, given that the chairs are institutionally hosted by the EEAS, member states perceive them as favouring EEAS institutional interests or those of the HRVP. In his discussion of institutional models of formal leadership, Tallberg (2010: 247) expects that when the presidency is delegated to a supranational official, they will pursue their own goals, but that these will be identified as the 'European goal'. However, for many interviewees, it is evident that the EEAS has its own position as an autonomous entity and that it seeks to defend its institutional interest within CFSP negotiations. As noted by one diplomat, 'The EEAS has its own interests, its own agenda and sometimes this agenda does not coincide with that of the member states' (Interview 31). Another interviewee acknowledged that the 'EEAS has a clear political agenda, no doubt. It is not at the exclusive service of the member states', although their position might vary from working group to working group (Interview 28). In sum, the perception by some national representatives is that CFSP chairs seek to defend the interests and positions of the EEAS hindering relational impartiality (Interview 16).

Relational impartiality is also compromised by the fact that most EEAS chairs are nationally seconded diplomats, with a long career within their own national diplomatic services, and are expected to return to their diplomatic corps after they finish the five-year stint (renewable once) at the EEAS. As mentioned by one of the EEAS chairs, 'The chair is paid by the EEAS, but I have my contract with [Member State]. My career will be there, not necessarily here' (Interview 16). During the interviews, some representatives accused

EEAS chairs of aligning with the national priorities of their countries of origin. For instance, one of the officials commented: ‘some EEAS officials come from the member states and their agenda is that of their member states’ (Interview 23). This supports the view that as well as neutrality, impartiality might be difficult to achieve.

With the rotating presidency, it was clear to other member states that the country at the helm had its own national priorities, included in the presidency’s programme, that it sought to defend. It has taken more time for the member states to understand – even less so accept – that the EEAS might develop as an autonomous actor. In the same way as the rotating presidency, where “‘disinterest” as regards one’s own preferences is both extremely difficult to uphold and not always useful’ (Elgström 2003: 38–39), EEAS chairs find themselves in a difficult position, caught between the need to act as an effective honest broker amongst the member states *and* between the member states and the EEAS. They find themselves ‘between a rock and a hard place’ (Interview 15). This has increased the level of conflict between EEAS chairs and the member states and resulted in attempts to push back.

### *Process Partiality*

Process partiality relates to the behaviour of the chair during the negotiations, that is, the way the negotiations are conducted. If a chair is seen as favouring one of the parties over others, this will undermine trust in the chair and his/her mediation skills (Elgström 2003: 43). A national diplomat summarised this form of impartiality as follows: the ‘interventions [of the EEAS chair] should reflect the consensus in the room’ (Interview 31). Breaking the norm of process impartiality ‘has negative consequences for group dynamics because it undermines our role as an honest broker. It makes us open to accusations that the EEAS is trying to play the role of the 29th member state’ (Interview 15).

Open and transparent information during the negotiations fosters trust in the chair (Walker and Biedenkopf 2020). For instance, one of the interviewees emphasised the need to maintain an open relationship and to keep the member states informed (Interview 16). However, EEAS chairs have encountered some problems ensuring process impartiality, particularly, when it comes to sharing information. Diplomats complained that information was not fairly shared amongst all national representatives and that some member states, for instance, bigger member states or those with embassies in particular countries, were being advantaged as they had access to information which smaller member states did not have access to (Interview 23; 27). In other cases, diplomats felt the EEAS was withholding information as a strategy to shape the outcomes of the negotiation and increase its influence: ‘regarding Kosovo and Serbia’s process of normalisation, the EEAS is facilitating, but also withholding information because they want to play a role’ (Interview 30). However, there are differences between small and big member states and the role they attribute to the EEAS: ‘Big member states lobby and push so much behind the closed doors, delegate their people to the EEAS, take the lead’ (Interview 23). Small member states are more dependent on the EEAS for information. In the case of big member states, ‘they have their own national diplomacy, but they also use the EU instruments to pursue their own goals [...] If they cannot influence the policy, then they go alone’ (Interview 29). Small member states are, however, less able to shape the EEAS’ agenda and therefore feel



more vulnerable (Interview 39). Perhaps what unites big and small member states is the fact that everyone seems equally frustrated with the EEAS' performance.

### *Outcome Partiality*

Finally, outcome partiality refers to whether the outcome of the negotiations is perceived as fair or unbiased by the other negotiating parties. This form of impartiality is particularly relevant as process partiality might be ignored if the final compromise is perceived to be fair (Elgström 2003: 43). A fair compromise might still be advantageous to one or several of the negotiating parties, but as long as this is the 'best possible result' for all, given existing alternatives, it might still be perceived as an impartial outcome (Elgström 2003: 43). When it comes to outcome impartiality and EEAS chairs, the jury is still out. Some officials noted the ambition of the EEAS to push for their own initiatives, although not all the chairs would follow this line: 'What cannot happen is that the opinions of the EEAS do not represent the common ground among the member states. Has this line been crossed? No. Otherwise, the member states will not approve the paper' (Interview 31).

Many challenges faced by EEAS chairs were related to the perceived breach of the impartiality norm. The move from the rotating presidency to the permanent one has undermined the perception that the chair plays the role of *primus inter pares* and has changed the negotiation dynamics: 'the EEAS as an institution has an ambition of creating policy, independent from the member states. The rotating presidency was "one of us" versus an external institution which enters the competition' (Interview 30). The 'we-feeling' that was evident in the previous system seems to have been eroded.<sup>3</sup> As a result, the member states are less willing to accept breaches of the impartiality norm. The differences in terms of we-feeling and trust compared to the rotating presidency system are evidenced in this quote:

[in the groups chaired by the presidency] there is socialization at play. The presidency chairs take the role of honest brokers, the member states know they can rely on them, there is trust. In the case of EEAS chairs, they act against the member states, it is stressful, they push their own agenda. (Interview 38)

Because of what is generally perceived to be a breach in the norm of impartiality, relations between EEAS chairs and the member states have become increasingly strained. The loss of trust can have an impact on the ability of the chairperson to perform its mediating role (Walker and Biedenkopf 2020). As summarised by an interviewee, 'relations with the EEAS are not easy. The member states rapidly regretted having instituted it. The EEAS is now the 29th ministry of foreign affairs [...] They have a very difficult job' (Interview 32; also 13). As the EEAS has become another player in the field, so member states insist on protecting their national interests and this has had an impact on negotiating dynamics: '[d]ebates are more brutal towards the chair' (Interview 13). This evidence suggests an increasing level of conflict within CFSP working groups and committees due to the failure of EEAS chairs to be recognised as *primus inter pares*. But how has this impacted on their ability to fulfil their roles? It is to this question that the next section turns.

<sup>3</sup>One of the EEAS chairs remarked that having nationally seconded officials taking on the role of EEAS chairs went some way to help towards that feeling of 'shared identity' (Interview 16).

### III. The Roles of CFSP Chairs Post-Lisbon

To assess the impact of the Lisbon reforms, one needs to start by identifying some of the traditional roles performed by EU chairs. The official EU Handbook of the Presidency of the Council (Council of the EU 2018) identifies the following presidency roles: planning, coordinating and chairing meetings; suggesting compromise solutions; representing the Council in relations with other EU bodies and negotiating with them legislative acts.<sup>4</sup> For its part, the literature has distinguished several formal and informal roles, with most accounts highlighting key tasks such as coordination, chairing, providing administrative support, mediation, information, shaping a political agenda and representing the Union in contacts with other EU bodies and with the outside world (see Elgström 2003; Elgström 2006; Quaglia and Moxon-Browne 2006; Schout and Vanhooonacker 2006; Tallberg 2003). Following Schout and Vanhooonacker (2006) we focus on the three key roles of the presidency: (1) the organiser, (2) broker and (3) political leader. We first identify the main features or tasks associated with each of these roles and then examine how the Lisbon Treaty reforms and changes to the impartiality norm as well as identity factors have affected the performance of those roles. But, before we do so, some caveats are in order.

First, whereas these roles can be seen as analytically different, they are also ‘intertwined and blurred empirically’ as amply put by Bengtsson et al. (2004: 313). They have also clashed in practice (see Elgström and Tallberg 2003: 202). In the past, it was expected that states would set the agenda and use the presidency to promote some of their ideas and norms (Bengtsson et al. 2004: 314). On the other hand, they were expected to act as honest brokers and facilitate consensus amongst all member states. These problems have not disappeared with the entry into force of the Lisbon Treaty and, if anything, they have become more acute in the CFSP. In the words of an EEAS chair, ‘there was uncertainty about the role of the chairs. Up to then [the entry into force of the Lisbon Treaty], the chair was pursuing the agenda of the presidency; currently, there is little or no coordination between the chairs. They all have adopted their own understanding of what it means to be a chair’ (Interview 17).

Second, competing expectations towards the chair mirror mixed expectations towards the EEAS as an institution (see Aggestam and Johansson 2017: 1217; Morgenstern-Pomorski 2018: 196). On the one hand, the EEAS is tasked with agenda-setting and is expected to exert some form of political leadership. On the other, many member states want the EEAS to continue to be a ‘servant’ to the member states and to refrain from putting forward alternative positions. This situation leads to a role conflict between the role of an effective political leader and a respected broker. This is captured by the Handbook of the Presidency, which notes that in case of a stalemate in negotiations, the presidency will need to propose some solutions, ‘which inevitably means that political choices will have to be made’ (Council of the EU 2018: 10). The key difference between the role of EEAS chairs and the rotating presidency is that the EEAS is not one of the member states and this undermines any expectations of (diffused) reciprocity that can facilitate compromises.

The first role, that of **organiser**, involves tasks such as planning and chairing meetings, including preparing a formal agenda, distributing previous minutes alongside other

<sup>4</sup>The latter function does not apply to CFSP, where intergovernmentalism continues to be the main decision-making mode.

preparatory documents (Schout and Vanhooonacker 2006: 1055) and writing up reports from the meetings. All of this should ensure that there is a 'smooth conduct of discussions' (Council of the EU 2009a: 48). The presidency also takes care of the internal 'flow' of documents between different levels in the Council. For example, as a rule, it should only pass a file from a working party to COREPER when there is a 'reasonable prospect of progress or clarification of positions at this level' (Council of the EU 2009a: 58). If the role of the organiser is well-fulfilled, it is hardly noticed by the others, whilst errors lead to chaos and irritate negotiation's participants (Vanhooonacker et al. 2011: 143).

In the role of organiser, the chairperson depends greatly on the Council Secretariat, which has historically played a supportive role to the rotating presidencies and still fulfils many of the organisational tasks. However, since the Secretariat is a different organisation to the EEAS, this cooperation has not always been smooth. In the years following the establishment of the EEAS, the member states complained that the role was not performed with enough care. Documents were reportedly often distributed late (the general rule is that they should be sent out a week in advance of the meeting), and the information presented was not always considered reliable (Interviews 28, 36; European Parliament 2013: 37). When documents were distributed late, delegates did not have enough time to prepare and respond, undermining the negotiation process. It has also been argued that the fulfilment of this role of organiser can have an impact on how trustworthy the chair is seen. In their initial assessment of the EEAS role, Helwig et al. (2013: 14) noted that 'if member state representatives are denied access to certain information or feel excluded in the process of drafting decisions, the new set-up is likely to lead to lower trust towards the permanent chair'.

Problems were also reported during the period of tenure of the second HRVP, Federica Mogherini (2015–2019), with changes to the agenda last minute or withholding information (Interview 32). That similar problems were experienced when the EEAS was already expected to be a fully established institution, reinforced suspicions amongst member state representatives regarding the lack of relational and process impartiality of the chair. This also suggests that there is a circular relationship between norms and roles, with norms impacting on the fulfilment of roles and role performance then shaping perceptions about (appropriate) compliance with norms.

The second role, **the broker**, involves tasks such as creating a good atmosphere, finding out the positions of the member states, creating mutual understanding, formulating compromises and identifying possible bargains (Schout and Vanhooonacker 2006: 1055). An important part of working towards an agreement takes place in informal settings and in between meetings, as acknowledged in the official guidelines (Council of the EU 2018: 26). What is especially important to successfully fulfil this role is gaining the trust of those around the table (Walker and Biedenkopf 2020). This is linked to the expectation that the chair will act as an 'honest broker' and be 'neutral and impartial' (Council of the EU 2018: 10). Therefore, presidencies have always been expected to refrain from using this position to further their own interests; otherwise, they risk 'criticism and retaliatory measures from other Member States' (Thomson 2008: 595). In this sense, the norm of impartiality is key to becoming a successful broker.

A good broker is usually expected to foster consensus-building, a norm that prescribes the need to achieve broader compromises amongst the member states, bringing everyone on board (Elgström 2006: 179). This is particularly important in the CFSP where

unanimity is the rule and member states still have the right to veto decisions, although it applies to most EU policy areas (Lewis 2010). The need to forge consensus has become a crucial one for EEAS chairs, from the working group level to the PSC (see Michalski and Danielson 2020: 11). For instance, ‘at the working group level, the unanimity rule means that it is always about consensus as one member state can oppose the whole. [...] Unanimity is a strength; you never want to be the last one to say no. You feel the pressure, so you try and build consensus’ (Interview 29). The chair has thus a key role to ensure that a fair compromise can be achieved through its role of ‘honest broker’. According to one interviewee, ‘Everyone needs to work towards consensus, including the EEAS’ (Interview 31). Appropriate behaviour requires for the chairholder to facilitate consensus amongst the member states, especially where it might require some difficult compromises: ‘Consensus is the best solution as it means that no one feels left behind [...]. Consensus means there is an extra effort to accommodate’ (Interview 24).

Yet, it has been noted that under conditions of unanimity, we might expect a more constrained role of the chair (Blavoukos and Bourantonis 2011; Elgström 2006; Tallberg 2010). Therefore, the reforms introduced by the Lisbon Treaty have had a two-fold impact on the role of a broker. Firstly, the change from the rotating to the permanent presidency means that the EEAS is continuously in the spotlight and the enforcement of the consensus-building norm is scrutinised more than under the rotating system because ‘member states are more lenient towards the rotating presidency, they understand; they will sit in that seat, amongst peers’ (Interview 16). Again, the role of the chair as *primus inter pares* has been challenged as the EEAS representative is not considered to be ‘one of us’ (an equal) by the member states (Interview 30). This was echoed in a previous study of the EEAS that found that

many of the problems with the new system are caused by the fact that the chairs of the Working Parties are not treated by the Member States as ‘one of them’ or as ‘honest brokers’. Before Lisbon, the Member States knew that they would have to undertake the same difficult task of chairing sooner or later. This helped foster institutional memory and ownership. (European Parliament 2013: 42–43)

Secondly, and linked to the previous point, there is evidence that the feeling of ownership amongst the member states, which the previous system was able to instil, has decreased, impacting on the ability of the chair to foster consensus. Other studies have also found evidence of weakening of the ‘we-feeling’ within CFSP committees, partly due to the removal of the rotating presidency system (European Parliament 2013: 43; Maurer and Wright 2021: 867). This is aptly summarised by this quote:

As colleagues rotated, there was a sense of solidarity, the team spirit became heightened, you realized, I will be at that chair and I’ll need to have those colleagues to be solution-oriented; so you would not be saying ‘no’, there was a sense of discipline. At the moment, it is gone. (Interview 39)

Coordination of EU external relations, that is, ensuring inclusivity, transparency and impartiality, has become a key challenge for the role of broker (Vanhoonacker et al. 2011). This task requires close coordination with the rotating presidency, which still chairs COREPER II and some of the working groups. On top of this, permanent chairs are

engaged in a 'two-level game' (Elgström and Tallberg 2003: 194), connecting national capitals with Brussels-based institutions. Post-Lisbon, EEAS chairs are not just caught between EU and domestic politics, but they also mediate between the member states and the HRVP/EEAS, trying to accommodate demands from the former to influence the later (Balfour et al. 2015; Maurer and Wright 2021: 867). According to the EEAS guidelines,

Working Group Chairs must be made aware of EEAS positions and objectives and be fully involved in the planning and preparation of policy initiatives since the outset. As the main formal channels of interaction with the Member States, they are best placed to provide advice on how proposals will be received by them and on how to handle the process. (EEAS 2016: 1)

EEAS chairs have had to work harder to make the EEAS listen to the member states and their interests (Interview 16), though some representatives are still unconvinced: 'Are [EEAS chairs] a broker or a representative of the EEAS? Whom does the chair serve?' (Interview 13). Thus, the ability of the EEAS to maintain the trust from the member states whilst retaining autonomy remains a key challenge.

The move from the rotating to the permanent presidency has also made it more difficult to address problems raised by the arrival of populist governments. Representatives from populist governments have engaged in disruptive tactics within the Council and contested long-standing procedural norms such as consensus-building, vertical and horizontal consistency or the coordination reflex. These representatives have questioned the increasing transfer of authority to new institutions such as the EEAS or the HRVP (Juncos and Pomorska 2021). In addition to this, the learning opportunities that were previously provided by the rotating presidency are not available any longer in the CFSP. The rotating presidency had a 'Europeanising' effect not only on the officials from the country at helm but on their Ministries of Foreign Affairs too (Pomorska 2015; Vanhooonacker et al. 2011: 147). According to one interviewee,

The rotating presidency was moving around the table, when you were in the chair, you learnt a lot about the system. There was a learning effect of the presidency, maturation and a pedagogical process. Post-presidency, you had a very good idea how the process worked. The good ones spread the knowledge, this was especially good for small and medium member states. This was spreading around the ministries. But this is gone! (Interview 39)

The third role, **political leader**, requires for the chair to work towards the interest and long-term objectives of the Union first and foremost (Schout and Vanhooonacker 2006: 1055), as well as working towards the strategic objectives laid out by the European Council. The presidency should provide the Union with political guidance and leadership (Vanhooonacker et al. 2011). This role encompasses the task of agenda-setting, which involves prioritising certain choices over others. The chair may introduce new issues on the agenda, downplay others or even exclude them (Elgström 2006: 177).

The exercise of leadership is closely linked to the need to achieve results, to be effective. Thomas (2009: 344) refers to this as one of the CFSP meta-norms: 'joint action as an intrinsic value, including support for the functionality and credibility of the EU as a global actor'. For his part, Elgström (2006: 202) describes effectiveness as the obligation for the



presidency to 'actively push the European agenda forward and try to finalize as many outstanding issues as possible'. A presidency's success is often measured by the ability of the chair to conclude as many dossiers as possible during their six-month turn. This core duty also remains a central one for EEAS chairs. According to an EEAS guidance document, 'achieving a positive outcome' remains, amongst other duties, 'the very sense of the job' (EEAS 2016: 1).

Achieving a final agreement continues to be the strongest incentive for most representatives: 'we need to move forward, we need to have a common agenda, so this [using the veto] cannot happen a lot. That realisation is shared by everyone' (Interview 31). Effectiveness is also used to judge the performance of particular working groups: 'people compare groups, you want to get as much done as possible at the group level' (Interview 28). The commitment to reaching common solutions extends to and is dependent on the role of the chair. As one of the interviewees put it, 'It is in their interests that there is a compromise, they can go differently about it; if there is one from the EEAS, the chair is neutral but also goal-oriented' (Interview 20). Another interviewee argued that 'effectiveness is up to the chairs', which is why 'chairs need to be carefully chosen [...] They need to have a good knowledge of the substance [...] understand the sensitivities of the member states and know their positions. Also, they need to be a real manager, basic rules need to be applied, otherwise discussions can go forever' (Interview 22). Hence, after the changes introduced by Lisbon, chairs still remain committed to getting results and providing leadership.

Whilst in the past the rotating presidency could only provide short-term leadership due to its six-monthly term (Metcalf 1998: 414), the EEAS is able to exercise leadership on a more long-term basis and to ensure consistency (Interview 32, also Helwig et al. 2013: 12). The downside is that the sense of urgency and the pressure to get a result associated with the six-month rotating presidency has been somehow lost with the Lisbon reforms (see European Parliament 2013: 41; Maurer and Wright 2021: 867). The institutional set-up post-Lisbon has also complicated matters. For instance, agenda-setting in EU foreign policy has become more fragmented, with different institutions claiming a leadership role (Maurer and Wright 2021; Vanhoonacker and Pomorska 2013). Recently, the President of the European Commission, Ursula von der Leyen, also expressed her ambition of leading a 'global Europe' in her State of the Union address (von der Leyen 2021).

The difficulties of EEAS chairs to be seen as impartial have affected the exercise of political leadership. A more 'impartial' and disinterested chair might be in a better position to build trust and achieve successful outcomes than a partial one (Elgström 2003). Moreover, whilst the permanent chairperson is no longer a *primus inter pares*, it has been given the role of policy initiator. In other words, the chair is being asked to do more, but they are placed in a more difficult, almost impossible, position than the rotating presidency, especially since trust has been lost due to concerns over impartiality. Despite of having delegated agenda-setting to the HRVP and (at least partially) to the EEAS, member states are still reluctant to transfer political leadership to EU institutions. Our research thus supports previous findings that 'leadership requires autonomy and trust to be enacted' (Aggestam and Johansson 2017: 1204).

It is for this reason that most EEAS chairs might choose to exercise 'leadership from behind' (Interview 13) to avoid resentment or open confrontation with the member states. The significance of informal negotiations, often mediated by the chair, has also increased

as a result (see Aggestam and Bicchi 2019; Helwig et al. 2013: 14). In areas where the EEAS does not exercise its right of initiative, member states might be tempted to submit non-papers to the HRVP to promote their own initiatives and interests, generally in coalition with other member states (European Parliament 2013: 42). This does not necessarily threaten cooperation and in fact might serve as a complementary mechanism, a way to integrate the views of other member states. However, it has been noted that where the member states feel challenged by the HRVP/EEAS, they might also pursue informal practices such as coalitions amongst like-minded member states that *de facto* bypass and undermine the role of EEAS chairs as political leaders (Aggestam and Johansson 2017: 1217). In sum, the fact that the impartiality norm has been undermined and the EEAS is no longer seen as a first amongst equals can be said to have impacted the ability of the chair to get results.

## Conclusions

In this article, we have examined the performance of EEAS chairs in CFSP working groups and committees after the entry into force of the Lisbon Treaty. We have shown that it has often been difficult for them to follow the generally accepted roles of a 'competent chair'. As a result, negotiations have become 'more brutal' (Interview no. 13) and less consensual in some instances. This is in clear contradiction with the intended aims of the Lisbon Treaty reform: a more coherent and efficient system of decision-making. As our article shows, there are several factors at play.

Firstly, earlier assumptions under-estimated the fact that the EEAS would develop its own agenda as a political institution in its own right. Consequently, EEAS chairs feel compelled to represent the HRVP/EEAS' institutional interest when performing their roles of political leaders. This has had negative consequences on the EEAS chairs' ability to be perceived as an impartial actor – especially regarding relational and process impartiality – undermining their role of honest brokers. Having said that, it should be noted that some (mostly big) member states have also struggled to comply with the impartiality norm during their presidencies. However, in the case of the EEAS, the lack of impartiality has been compounded by its identity as an outsider. Moreover, we have suggested that there is a circular relationship between norms and roles: norms have an impact on the fulfilment of roles, with role performance then shaping perceptions about (appropriate) norm compliance.

Secondly, in line with sociological institutionalist and constructivist arguments that identity matters when it comes to group performance, EEAS chairs are constrained in their roles by the fact that they are often not perceived by the member states representatives as 'one of us', which has prevented them from acting as a *primus inter pares*, either in their roles of brokers or political leaders. This is the case even when many of the new chairs had previously served as national diplomats and had been socialised into CFSP norms. Since this 'we-feeling' has played a fundamental role in fostering the consensus-oriented negotiations in the Council in the past (e.g. Juncos and Pomorska 2011; Metcalfe 1998: 419; Tonra 2001), excluding the chairs from this in-group means that their ability to generate consensus and provide effective leadership has suffered.

It is worth noting that this article does not explore the individual characteristics or networking skills of EEAS chairs and their impact on negotiations, but this could be another valuable line of enquiry for further research (see, for instance, Heimsoeth 2021). In addition, we need to acknowledge the constraining role that domestic politics have played when it comes to CFSP negotiations. The rise of populist parties to power in some member states has made negotiations overall more difficult, both at higher and lower levels in the Council, affecting the roles of broker and political leader. This is another aspect that requires further investigation. Finally, whilst this article focuses only on the norm of impartiality, future research could explore other norms, such as consensus-building and effectiveness, and the way in which they have been affected by the institutional changes brought about by the Lisbon Treaty.

In sum, the findings demonstrate the importance of norms and identity when it comes to performing the role of the chair in the CFSP. When the new system was designed, a lot of expectations were based on rationalist assumptions of institutional design. The impact the reforms could have on the ability of the chair to comply with the impartiality norm and questions of identity and belonging were not sufficiently taken into account. In practice, these issues, as well as the arrival of populist politics, have proven to be a major constraining factor for EEAS chairs and a reason behind CFSP negotiations becoming more difficult.

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