

Behind the Scenes of Intergovernmental Decision-making in the European Union: The Changing Role of the Council Secretariat

Paper for presentation at EUSA 17th Biennial Conference, 19-22 May 2022

Thomas Christiansen, Luiss University, Rome and Sophie Vanhoonacker, Maastricht University

Work in Progress – Please do not quote or cite without permission

Abstract

The Lisbon Treaty provided for major institutional reforms, impacting significantly on the governance of the European Union (EU). In many ways, the effect of these changes has taken time to become apparent following the coming into force of the treaty in 2009. As it happens, the eventual outcome of treaty change depends not only on the formal revisions to the legal framework, but also on the practice of intra- and inter-institutional relations. This paper analyses one particular dimension of this institutional reform process, namely the manner in which the General Secretariat of the Council (GSC), the administrative body supporting the work of the European Council, the Council of the EU and the rotating Presidency, has been affected by the changes contained in the Lisbon Treaty. This pertains in particular to two key innovations: the establishment of semi-permanent chairs for both the European Council (EUCCO) and the Foreign Affairs Council (FAC). For the GSC, the semi-permanent President of the EC (PEC) and the High Representative of the Union for foreign affairs and security policy (HR/VP) created both opportunities as well as risks in terms of its institutional role. While the greater continuity promised by the creation of the post of President of the European Council has created the potential for a more stable relationship between the postholder and the staff of the GSC, it also risks to reduce the secretariat's room of manoeuvre and to diminish its core role of facilitating a smooth running of the (European) Council. In addition, the transfer of the bulk of the Secretariat's foreign policy staff to the new European External Action Service (EEAS) to support the HR/VP has raised questions about the division of tasks – and the prospect of new rivalries – between these two administrations. In addressing these questions, the paper first examines the GSC's institutional preferences with regard to its role in supporting these new two players and successively identifies strategies and resources that were used to realize these preferences. It explores both the impact of internal institutional characteristics as well as the role of key players such as the Secretary General and high-level civil servants. The paper argues that the GSC was more successful in realizing its preferences in the case of the European Council than in that of the HR/VP and EEAS and explains why this has been the case. Beyond bringing new insights on the role of GSC, an under-researched part of the EU's institutional architecture, the paper also shows that even international secretariats with limited formal competencies possess a certain degree of autonomy. They may use the administrative resources at their disposal to realise their preferred outcomes, especially in relation to issues that affect their own, structure, position and functioning.

1. Introduction

In 2009, the Lisbon Treaty introduced a number of significant institutional reforms in the EU, and over the subsequent decade the responses to a series of crises – Eurozone, migration, Covid pandemic – have added further complexity to the Union’s institutional structure. One of the main consequences of these developments has been the manner in which the European Council (EU CO) has strengthened its pivotal role in EU governance. In the post-Lisbon era, and in the context of almost continuous crisis-management, Heads of State and Government coming together in the European Council were called upon time after time to take critical decisions on highly salient issues. In this process, the newly created position of an elected President of the European Council (PEC), replacing for this institution the rotating Presidency, had a decisive influence on the effectiveness and coherence of its work.

Over the same period, another key development arising from Lisbon Treaty reforms has been the creation of the European External Action Service (EEAS) under the leadership of the High Representative for EU foreign policy – a post that has been joined with that of Vice-President of the European Commission. In addition to the ‘double hats’ of the new HR/VP, the postholder now also chairs the Foreign Affairs Council (FAC), the Council configuration bringing national foreign ministers together on a regular basis. As such, s/he is expected to act as a bridge between the supranational logic of the European Commission and the intergovernmental logic of the Council.

While there has been much scholarly analysis of the political implications of both of these reforms, less attention has been paid to the administrative dimension of these changes. This leaves a considerable gap in our understanding of the functioning of EU decision-making, considering that both the creation of the PEC and the establishment of the EEAS raise profound questions about the role of the General Secretariat of the Council of the EU (GSC): the former radically changed the role the GSC had previously in assisting the rotating Presidency to prepare European Council meetings, and the latter removed from the GSC the units that had until then coordinated the EU’s Common Foreign and Security Policy.

This paper seeks to address this gap by providing a detailed analysis of how these changes have affected the GSC and identifies the wider implications of these developments for EU decision-making. In doing so, it contributes to the growing literature that recognized the significance of EU administrative governance (Hofmann and Türk 2006; Bauer and Trondal 2015), and beyond that the role of secretariats the support the work of international and regional organisations (Dijkstra 2017; Ege 2020; Knill et al. 2019; Schütte 2021). As prior research has shown, the significance of secretariats goes beyond the technical facilitation of intergovernmental decision-making – they have at least the *potential* for more far-reaching influence on the process of inter-state bargaining, mediation between state interests and the shaping of institutions and policies.

However, the contribution made by secretariats such as the GSC is difficult to determine not only because much of their relevant work is of a politically sensitive nature, but also because officials serving in them tend to underplay their contribution to the process of political decision-making. The effectiveness of their role relies precisely on the obscurity of the contribution that they may make as non-elected policymakers, by avoiding high public profile and remaining ‘in the shadows’¹. Yet the relative invisibility of those working for secretariats such as the GSC should not stand in the way academic scrutiny – indeed, it should serve as a further incentive to illuminate the nature of the work that is being undertaken here, and the wider implications it has for European governance.

This paper addresses the question of how the two major reforms mentioned above – the establishment of the semi-permanent positions of PEC and of HR/VP/FAC Chair – have impacted on the institution, and how its officials have reacted to these new challenges. A starting hypothesis in this

¹ There has been much writing about the GSC in the early 2000s (Christiansen 2002a; Mangenot 2003, 2011; Christiansen and Vanhoonacker 2008; Dijkstra 2008; Juncos and Pomorska 2010) but relatively little after 2010 (i.e. post-Lisbon) (Gilloz 2021).

regard is that the GSC as an institution, and the officials serving in it, are not only passive recipients of institutional change, but will seek to actively influence the outcome. More specifically, we expect that the GSC, despite its limited formal powers, has a certain degree of autonomy and agency, facilitating the use of available resources when the prerogatives of the institutions come under pressure (Beach 2004; Bauer and Ege 2016).

Following a brief review of the historical evolution and functional responsibilities of the GSC, the paper develops the analytical frame that is then applied to the analysis of the post-Lisbon changes. In separate sections the impact of, and the institutional response to, the establishment of the PEC and the HR/VP are being analysed, before concluding on the wider significance that these findings have for our understanding of institutional politics in the EU. The research underpinning this paper has relied on a number of sources, including a series of semi-structured interviews with senior officials that have provided, under conditions of anonymity, insights from within the EU institutions, permitting the reconstruction of decision-making processes, a better grasp of institutional responses and insights into the administrative and organisational culture at the GSC.

2. The General Secretariat of the Council

Compared to the large-scale bureaucracy of the European Commission or even the sizeable secretariat of the European Parliament, the GSC is a relatively small administration composed of about 3100 staff member, of which only half are at the senior levels (i.e. AD rank) (CHECK).² Based in the Justus Lipsius building in Brussels, the GSC is organized in Directorates-General and services³. It is led by a Secretary-General (SG), a political appointee that usually has the background of a high-level diplomat or senior government advisor. In the period under investigation here, from the entry into force of the Lisbon Treaty to the early 2020s, three different SGs have held the position: Pierre de Boissieu (2009-11),⁴ former Permanent Representative of France to the EU who succeeded Javier Solana after the creation of the HR/VP position under Lisbon; Uwe Corsepius (2011-15), former high-level official at the German chancellery; and Jeppe Tranholm-Mikkelsen (2015-), former Permanent Representative of Denmark to the EU. As discussed below, the manner in which these officials carried out their leadership functions, and indeed their personal characteristics, has influenced the way in which the Lisbon reforms impacted on the institution. All three of the post-Lisbon SGs warrant our interest, but we start from the assumption that the most important period for the purposes of our analysis is the period immediately after the coming into force of the Lisbon Treaty when the revised treaty provisions were put into practice and the new institutional arrangements were given shape. Therefore, the predominant focus in the empirical analysis will be on the term of Pierre de Boissieu who was in post when the new arrangements after Lisbon were first implemented.

The historical trajectory of the GSC has been the subject of prior academic research (see f.e. Mangenot 2003 and 2001; Christiansen and Vanhoonacker 2008). Having been in existence since the inception of the European Communities, the size and the responsibilities of the Secretariat have grown considerably over the years. As has been pointed out, this development was less the result of any pre-conceived design but rather the consequence of incremental changes stemming from the path of the

² On the GSC's staff and budget, see: <https://www.consilium.europa.eu/en/general-secretariat/staff-budget/>

³ As of early 2022, the functional responsibilities of the DGs providing policy and legal support are as follows: Economic and Financial Affairs; Competitiveness and Trade; General and Institutional Policy; Justice and Home Affairs; Legal Service; Agriculture, Fisheries, Social Affairs and Health; Transport, Energy, Environment and Education; External Relations; Legal Affairs. The four shared services include: Communication and Information; Translation Service; Organisational Development and Services; Digital Services.

⁴ With the entering into force of the Lisbon Treaty, the High Representative who also occupied the position of Vice President of the Commission was no longer based in the GSC and the SG's main task reverted to managing and giving direction to the administration of the GSC.

wider integration process, and the evolution of the Council (and later the European Council) in particular (Christiansen and Vanhoonaeker 2008).

Notwithstanding its continuous presence, only with the Maastricht Treaty was a reference to the GSC entered into the EU's primary law. In the early years, the Secretariat's role was largely limited to administrative and logistical tasks such as facilitating meeting venues, arranging interpretation, sending out invitations, preparing agendas and drafting minutes. These services were provided to all levels of the Council hierarchy, ranging from working groups and the regular meetings of member states' permanent representatives (Coreper I and II) all the way to the various configurations of ministers. From 1975 onwards, the GSC also became responsible for the administrative support of meetings of Heads of State and Government in the European Council.

Over the 1970s and 1980s, in the context of successive enlargements and the gradual expansion of policy-competences, the functions of the Secretariat also expanded. Increasingly, it acquired the role of supporting and advising national representatives in the (European) Council and the rotating Presidency in brokering agreements. While the bulk of its work continues to relate to supporting the EU's legislative process and to managing the workflow of other routine decision making, it has also been tasked with supporting the negotiations of treaty revision in the context of several Intergovernmental Conferences (IGCs) and the Convention for the Future of Europe (Christiansen 2002b; Beach 2004). Both with regard to legislative decision-making and treaty reform, the Council's Legal Service has been an influential provider of expert opinion.

As a matter of fact, its procedural know-how, its legal expertise and the bird's-eye view it possesses on dossiers across successive Presidencies place the GSC in a critical position to support officials, diplomats and ministers chairing Council meetings in their role as brokers. Over time, this has enabled GSC officials to develop the experience as well as a wide portfolio of instruments and strategies to 'demine' dossiers and forge compromises. In addition, the GSC staff is well equipped to maintain an overview on the coherence and the consistency of EU policies across the various sectors. And finally, it disposes of a strong political sensitivity to understand both which 'red lines' of member states need to be observed, and which solutions are qualified to stand the test of time (# 5).

In sum, the GSC has become an indispensable player in the Council policy-making machinery, not so much due to any substantial knowledge of the content of legislative dossiers or policy-initiatives, but rather because of its detailed expertise in terms of procedures, political processes and available instruments. It does this while observing neutrality with regard to the substance of political negotiations – the GSC is not meant to take a position in any discussions but has to concentrate on facilitating the process of decision-making and its successful conclusion (Mission statement 2007). This impartiality is indispensable if the Secretariat wants to maintain the trust of all member states and of the rotating Council Presidency.

3. Conceptualising Institutional Change in the Council Secretariat

The question of institutional change and adaptation in the Council Secretariat after the Lisbon Treaty is an interesting and under-researched issue in its own right, but it can also be seen as a case of a much broader phenomenon, namely the manner in which international secretariats react to changes in their institutional environment. Generally seen as agents of member states acting as principals that set the parameters for their activity, international secretariats are not assumed to have significant powers to shape this environment. Indeed, with an emphasis on logistical support and the facilitation of inter-state bargaining, there is no expectation of any actorness or power to shape their own destiny. The logical consequence of this perspective is an assumption of structural determinacy: changes in the legal framework or the treaty base of international secretariats, agreed by member states, explain the outcome in terms of institutional behaviour, be it of a constraining or empowering nature. Secretariats are seen as the objects, not subjects, of institutional politics.

Such structurally dominant explanations of institutional change therefore also assume little or no agency on the part of international secretariats or the officials working in them. The EU's Council Secretariat can be seen in the same vein – in contrast to actual EU institutions such as the European Commission or the European Central Bank, with the Council Secretariat there is no expectation of any capacity to act independent and shape the course of events. Instead, it is seen as a decision-taking rather than a decision-making body.

Against this more traditional view, we start from the assumption that the staff in an international secretariat such as the GSC has the *potential* for actorness and political influence. The obstacles to realising such a potential may be high, and the argument here is *not* that the actions of secretariat officials better explain outcomes than structural forces. However, we start from the assumption that *both* elements of structure and patterns of agency are important when seeking to understand the role of the GSC in policymaking. While structure and agency can be regarded as being mutually constitutive (Thelen and Steinmo 1992; Barnett and Finnemore 1999), each has to be identified at the outset of such an institutional analysis. Empirical research then has to determine the interaction between agency and structure over time, making the study of a process of institutional adaptation the key object of research. There are various ways of conducting process-oriented research into institutional change – our approach in the present case is to consider three dimensions of a secretariat's response to the structural change derived from treaty revision. Each of these dimensions can be seen as an arena for empirical research in order to determine the interplay between structural and actor-centred explanations:

- Institutional Risks and Opportunities
- Preferences, Resources and Strategies
- Outcomes (in terms of new patterns of institutional behaviour and substantive change)

In studying the secretariat's reaction to treaty change, below each of these stages will be given ample attention, in order then to be able to come to a conclusion on the impact that the treaty change had on the institution. Before conducting this analysis in the following sections, it will be important to discuss below the scope of such a research.

With regard to the formal-legal structure within which the Secretariat operates is defined by the above-mentioned treaty articles and by the Rules of Procedure (RoPs) of the Council and the European Council (art. 13 and art. 23, Comments 2016). Here the provision is that its role is defined in terms of logistical support and assistance of the Presidency in 'seeking solutions'. This double role as 'secretary' and 'advisor in brokering agreements' is also reflected in the Secretariat's core values of professionalism, esprit de corps, and impartiality (Mission statement, s.d.).

The definition of the Secretariat's role as the 'assistant' of the European Council and Council shows that there are strong structural constraints, limiting the opportunities for individual or collective agency. Indeed, the GSC staff does not have any formal right of initiative and can only intervene in meetings and in the wider policy-process through the (rotating) Presidency. We can add to that the many unwritten rules of political life in Brussels, among which the need for the GSC and its staff to keep a low profile and remain in the shadows is one of the most well-observed practices.

Yet, the emphasis on being impartial and remaining invisible does however not mean that the Secretariat has no influence on the proceedings. Over the years it has forged a well-developed institutional identity with as principal mission to ensure that 'the Council and the European Council operate smoothly' by providing them with 'advice and support' 'in all areas of activities' (Mission statement, s.d.).⁵ The support that its staff provides to the member states, together with the institutional memory and procedural expertise, implies a strong identification with the interests of the

⁵ The first mission statement was adopted in 2007 at the initiative of SG de Boissieu. The document which is currently on the website has no date but the content has not changed.

Council and the European Council. As a consequence, this means that - especially when it comes to the direction of European integration and institutional matters - the Secretariat has developed also a set of preferences of its own. In his research on the role of the GSC during the IGCs of Amsterdam and Nice, Beach (2004) has shown that the officials of the Secretariat clearly favoured a further strengthening of EU institutions in general, and of the Council position, in particular. Interestingly, this research also revealed that GSC staff managed to influence the outcome of the negotiations through their supporting role in helping the parties reach a compromise. In other words, the Secretariat not only had its own preferences (autonomy of will) about the outcome but also managed to translate them into action (autonomy of action) (Bauer and Ege, 2016) – a significant degree of agency within the confines of the legal and ideational structures within which the GSC is conducting its work.

This paper assesses the effect that the institutional structures of the newly created positions of permanent chairs for EUCO and FAC has had on the GSC and identifies the preferences and strategies that Secretariat officials developed in response to these. In order to do so, this paper adopts a three-step approach: First, both the risks and the opportunities brought by the changes in governance structure for the GSC are being assessed; second, the strategies developed by the administration's leadership, and the resources utilised to achieve these, are being identified; and third, extent to which these strategies achieved their aims is being explained. In doing so, the paper will be able to make informed statements on the impact that these changes have had on the GSC, providing insights not only into the mechanisms of institutional change in the European Union, but also on the role of administrative governance and the nature of treaty change in the EU.

The empirical research on the impact that the Lisbon reforms have had on the GSC relied on both primary documents, secondary sources and on eight semi-structured interviews with key actors involved in the process (see appendix 1). Valuable primary sources included the institutions Rules of Procedures, as well as Council decisions, EEAS review reports and other relevant documents. The majority of interviews were conducted with current or former civil servants of the Council Secretariat, working in key positions under different Secretary-Generals. Although the process of implementing the Lisbon provisions took time, the key institutional mechanisms underpinning the new architecture were negotiated and established in the first two years after the entering into force of the Treaty. The key focus of our research is therefore on this early period. In order to triangulate the findings obtained from these interviews, additional research involved conversations with key officials from the EEAS and from some Permanent Representations.

4. The President of the European Council

Institutional Risks and Opportunities

As discussed above, the rotating Presidency has been one of the key features providing access for GSC officials to the highest levels of EU decision-making. The six-monthly turnover of chairing and agenda-setting duties in the Council heightened the demand for input from the GSC, be it through advice for the Presidency prior or during the meetings, assistance in the coordination of the workflow or developing a sense of the 'landing zone' for political compromises. The growing duties accompanying the Presidency have turned this role not only into an opportunity for member states, but also a significant administrative burden, in particular for smaller member states who are more thinly staffed. With successive enlargement, the number of smaller member states has grown, increasing further the demands on the GSC to step and provide assistance – and thus become more influential in the process.

The result has been a close working relationship between each Presidency and the GSC. This cooperation is built on trust and relies on the understanding that each has their distinct role – for the Presidency to recognise the value of the GSC's institutional memory and act on its advice, and for the GSC to follow the political direction of the Presidency and work with it in order to advance the agreed agenda. This cooperation takes place at all levels, with the effective interaction between Presidency

representatives and GSC officials in the weekly Coreper meetings being central to the smooth functioning of the Council.

Until Lisbon, the same also applied to the European Council, where the GSC supported the Head of State or Government acting as President. The departure, at this level, from the principle of rotation which continues to apply in most other aspects of the Council's work, raises the spectre of a new permanent centre of political power that might be less dependent on input from the GSC, and hence provide fewer opportunities for influence. It is therefore evident that, this particular change posed a significant risk to the key institutional role played by the GSC at the top level of EU decision-making.

At the same time, this reform also had the potential for the GSC to maintain its pivotal position within the EU's decision-making structure, or even to enhance it. The creation of the position of a semi-permanent President of the European Council (PEC), based on the premises of GSC, promised to improve the mutual interaction between both bodies. In designating a – indeed *the most* – senior representative of the European Union at the level of Heads of States and Government, the centre of power would be expected to shift more to Brussels, and away from the national capitals. The European Council would remain an essentially intergovernmental body, but its chair would now be part of the Brussels machinery, likely to adopt over time a more communitarian logic compared to the reflexes of the rotating presidency. A more permanent chair of the European Council could also be expected to have a greater stake in the successful outcome of meetings, given that it would be him (or her) who would have to deal with the consequences down the line. This in turn means that the PEC can be expected to be more open to advice from the GSC than a national leader holding the rotating Presidency – someone who both has his own domestic advisors and also has a national constituency to consider (#8).

The stakes for the GSC arising from the creation of the post of PEC were therefore considerable. Under unfavourable circumstances it stood to lose access to the pinnacle of EU decision-making. Yet If – and only if – the GSC was able to develop a good working relationship with the postholder, on par with its experience with the rotating Presidency, then this new institutional architecture provided greater scope for the GSC to become even more central to the decision-making process.

Preferences, Resources and Strategies

Based on the above assessment, it was critical that the GSC would develop quickly a trustworthy relationship with the new PEC and his staff. The interest of the GSC officials was to ensure that the PEC would accept, recognise and indeed value the services offered by the GSC in the same manner in which Presidencies had done previously. This meant devoting significant resources to the building up of this relationship – providing briefings, holding regular coordination meetings and generally making the hierarchy of the GSC available to the PEC.

Given the unique nature of the position, each postholder brought their own personal style and, to some degree, also their own national culture to the job. In this regard, Herman van Rompuy, the first-ever President of the European Council, in particular shaped the role, and thus also relationship between PEC and GSC. Coming from the experience of the Belgian executive, van Rompuy brought to the position an expectation of a large *cabinet* – a personal staff of advisers, assistants and secretaries – which in principle carried the risk (from the GSC perspective) to develop into an alternative and potentially even competing body outside the GSC. Yet, at the same time, van Rompuy also arrived at the position with the attitude of a bridge-builder, actively working to overcome institutional rivalries (such as between the Commission President and the PEC), and this also worked in favour of the cooperative relationship between his staff and the GSC (#1; #8).

The GSC, for its part, sought to avoid any initial conflict that could have soured the relationship at the point of inception. This meant that the GSC would provide support during the process of setting up the PEC's *cabinet* and subsequently the development of a professional relationship with its members

(#2). This relationship evolved based not only on professionalism and mutual trust, but also on the recognition of the distinctive qualities that either side could bring to the table. While the President's advisors might be able to discern quickly the mood in national capitals and being able to identify the politically most promising route towards an EUCO decision, the PEC had to rely on the expertise that only the GSC could provide: the institutional memory of past negotiations, the substantive expertise in managing complex dossiers, the availability of legal advice, and the manpower to produce detailed briefing papers at short notice. The GSC also strategically used its potential as bridgebuilder between EUCO and the different Council formations (#2).

On the basis of this early experience of good cooperation between van Rompuy, his *cabinet* and the GSC staff developed a collegial relationship that was also helped by geographical proximity (offices on the same floor) and a shared interest in seeing the European Council as a driver for integration. The fact that much of the van Rompuy Presidency was overshadowed by the Eurozone crisis helped to forge even deeper ties between PEC and GSC: the management of the sovereign debt crisis in the Eurozone required both extraordinary political sensitivity (as provided by the PEC and his staff) and a detailed knowledge of the substantive dossiers (to which the relevant sections of the GSC could contribute). The Eurozone crisis required in any case a high degree of cooperation among several key players – European Commission President, EcoFin Commissioner, ECB President, Eurogroup Chair, PEC – and it was on the initiative of van Rompuy that these would meet on a regular basis in order to coordinate their work. In these meetings, as elsewhere, senior GSC staff participated in their usual role of assisting the chair (#8).

During van Rompuy's term, a new *modus operandi* was established through which the GSC not only maintained a central role in managing the ordinary Council business, but also stayed closely involved in the preparation and running of European Council meetings. As part of this new arrangement, the Secretary-General would meet on a regular basis with the *chef de cabinet* of the PEC, and some ten staff of the GSC have been working with the *cabinet* in supporting the work of the PEC. In protocol terms this involved a recognition that the *chef de cabinet*, in the Belgian perspective, is regarded as something of a deputy of the post-holder, and as such senior to the Secretary-General – something that de Boissieu found easier to accept than his successor Corsepius.

One potential dissonance arising from the creation of the PEC was the fact that after the Lisbon changes the prime minister of the country holding the rotating Presidency would be side-lined in the European Council. Apart from removing the opportunities for national leaders to share the spotlight to political effect, this also threatened to interrupt the previously seamless integration between Council and European Council would suffer. Yet also in this regard, van Rompuy sought to build bridges, maintaining good contact with his counterpart from the member state holding the rotating presidency, and establishing the practice of inviting him or her to report on ordinary Council on the occasion of each EUCO meeting.

The first decade after the Lisbon Treaty has been a period of almost uninterrupted crisis, heightening demand not only on the European institutions to find appropriate solutions to manage these, but also polarising the public debate about Europe. Theorists have identified this as a post-functionalist moment in the integration process, reducing the opportunities for deepening integration further. In line with this argument, one would also expect a body such as the GSC to lose influence as contestation about EU policies intensifies and technocratic governance is seen increasingly negatively in the public perception. Yet while indeed also the business of EUCO has become more politicised, and deliberations more confrontational, this has not meant that the GSC has lost relevance in the process. Arguably, it has become even more important for either side of a debate to rely on the most convincing arguments. In this regard, the opportunity of the PEC to avail himself of the expertise present in the GSC, including that of the Legal Service, has been beneficial rather than detrimental to his efforts.

Outcome

In sum we can note that the GSC has largely succeeded in its aim: it has remained central to the EU decision-making processes at all levels, including in the context of the European Council. The previously collegial relationship of the GSC staff with the rotating Presidencies has been continued, indeed been expanded, in the new context of the PEC. The astute leadership of the GSC succeeded in avoiding major internal conflicts about the expected prerogatives of the new PEC, and instead build new relationships with each new postholder that even promised greater influence on the outcome of the negotiations. Therefore, with regard to the PEC, the agency of both the potholders and his staff, and the senior officials in the GSC, allowed the institution to realise the benefits of this relationship. Indeed, it may have become even more influential, seeing how the focus of PEC is less on the national audience and more on the common European interest – something to which the contribution of the GSC is more useful if not more essential.

5. The EEAS and the HR/VP

Institutional Risks and Opportunities

Aiming to address key challenges such as lack of continuity, coherent action and leadership, the creation of the new post of HR/VP supported by a designated diplomatic service was an important step in the further development of a European foreign policy (Amadio Viceré et al. 2020; Vanhoonacker and Pomorska 2016). This new institutional development also had important implications for the GSC as the High Representative and her staff would no longer fall under the auspices of the Council Secretariat and its Secretary General but operate as an autonomous body (Council 2010). It more concretely implied that the functions of HR and SG of the Council Secretariat would no longer coincide. At the administrative level, the Policy and Early Warning Unit, the staff dealing with civilian and military crisis management and part of the geographical staff of DG E (External Relations) were moved to the EEAS (Annex Council Decision 2010).

For the GSC, the new development created both opportunities and risks. Overall the promotion of the HR from ‘assistant’ to the rotating Presidency to president of the FAC and Vice President of the European Commission was seen as a very positive development. It was considered as the next logical next step following Solana’s successful performance. The nomination of the HR/VP for a period of 5 years created room for the development of a long-term relationship between the incumbent and the Secretariat (#3; #4). While the departure of the staff fulfilling executive foreign policy functions implied a loss of expertise, it also opened new opportunities for a more homogeneous service with a unified administrative culture.

At the same time, the GSC also realized that the new kid on the block represented certain risks. The Council Decision on the organization and the functioning of the EEAS (Council 2010) explicitly states that when supporting the HR/VP in her capacity as chair of the FAC, the EEAS should do so ‘without prejudice to the normal tasks of the General Secretariat of the Council’ (Council Decision 2010). Discussions between the GSC and the HR/VP and EEAS soon revealed that there were different interpretations about the implementation of this guideline.

Preferences, Resources and Strategies

The GSC position and preferences on the division of tasks between the GSC and the EEAS were clear-cut. Foreign policy strategy and analysis were unambiguously seen as belonging to the competencies of the new service and the GSC considered the move of a large chunk of its foreign policy expertise to the EEAS as a logical next step of the development of a fully-fledged European foreign policy (#3; #4). Its demands were primarily in the realm of its traditional turf of administrative and advisory tasks. The key principle underpinning its position was that, for reasons of overview and consistency, the FAC

needed to be treated as the other Council formations, irrespective of the fact that it had a permanent chair and an own service. Administratively, the CGS considered it essential that it would continue to take care of the logistics at all levels, ranging from the working groups to the FAC. As the only player having the overview of all Council formations, it was indispensable that the responsibility of reserving rooms, arranging interpretation, sending out agenda remained with the GSC. The same argument was used to defend its clerical role, which it had been fulfilling since the creation of the European Communities. How to deal with the second key role of the Secretariat as advisor to the Presidency and the FAC was less straightforward. It was inevitable that the EEAS staff, serving the HR/VP on a daily basis and chairing the working groups and the Political and Security Committee, would have an important, if not central voice in advising the different hierarchical levels on forging agreements. Also here the Secretariat still saw a role for itself. Firstly, it pointed to its indispensable role as bridgebuilder with the areas trade and development which continued to be chaired by the rotating Presidency. Secondly, the Secretariat argued that for reasons of consistency amongst the Council formations, it wanted to keep the monopoly of providing the FAC with legal advice. In other words, the legal service of the GSC was to also be the legal service of the EEAS (#5).

The HR/VP and her staff saw the division of tasks differently. In their eyes, the FAC with its own permanent chair and own foreign policy administration was different from the other Council formations and therefore needed to be independent of the rest of the Council structure. This insistence on autonomy was revealed in a variety of ways. Catherine Ashton, for instance initially refused to contribute to the 18-month programme of the trio Presidency and was not ready to accept A-items on the FAC agenda that were not related to external relations. Other examples were the initial reluctance to become part of the overall organizational structure of meeting rooms and the Council interpretation pool as well as the claim for an own legal service (#5).

The question of interest to this paper is how the GSC managed to convey and realise its preferences. This is best illustrated on the basis of a couple of concrete examples where both players had diverging positions. As concerns the EEAS' request for rooms and interpreters that would be solely allocated to the EEAS, the GSC was clearly in a stronger position. The fact that it traditionally had the monopoly over these logistical resources, meant that the EEAS was in a demanding position. It is therefore not surprising that the HR/VP and the EEAS lost this asymmetrical battle. The secretariat remained in charge of the allocation of rooms and interpreters for all Council formations and all hierarchical levels.

One of the most crucial issues of disagreement had to do with the autonomy of the Foreign Affairs Council vis-à-vis the other Council formations. This divergence was well illustrated in the frictions around the adoption of the first post-Lisbon trio Presidency programme. By initially refusing to participate in its development, the HR/VP and EEAS wanted to emphasize the FAC's autonomous status. The strategy of the GSC was to move ahead together with the three Presidencies involved, while continuing to invite the EEAS to the meetings. The latter often did not attend or contributed minimally. The result was that the first trio programme (July 2011 - December 2012) produced in the aftermath of the Lisbon Treaty would not contain a CFSP section.⁶ As time went by, the EEAS gradually became more cooperative and took up its responsibilities. The example is interesting because it shows the GSC's strategic use of one its key assets: its strong embeddedness in the Council system and its role as guardian of the overall coherence of the Council's work. Rather than going for a direct confrontation with the HR/VP and EEAS, it simply went on with its usual coordinating role of helping the upcoming members of the trio presidency with the drafting process and the integration of the different contributions into a coherent document.

The divergence of views on the autonomy of the FAC was also reflected in the discussions on an own legal service. For the secretariat, it was, for reasons of consistency and external representation, important that there would only be one Council legal service giving legal advice to all Council

⁶ See: http://www.cy2012.eu/index.php/en/file/Zvly6XtZoD_GpdeP_+CepQ==/

formations. Also here the HR/VP and EEAS only partially realised their preferences. While they created a small legal service to help out in day-to-day matters, they would for more substantial issues have to fall back on the legal services of the Council and the European Commission. Here the preferences of the EEAS were helped by the member states who mostly in favour of keeping the service limited in size and therefore had attributed relatively limited budgetary means.

While the GSC seems to have been quite successful in safeguarding a single Council regime, its traditional role as advisor of the Presidency has clearly changed as the HR/VP has now a fully-fledged own service who in addition to having content expertise, is also strong in terms of procedural and process expertise, traditional assets of the GSC. Still the GSC, whose staff continues to serve as notetaker at all meetings chaired by the EEAS, has one important advantage in that it also has a good overview of what is happening in the area of trade and development and therefore can keep an eye on the consistency amongst the different areas of EU external action. As the areas of EU policies with an external dimension is only growing, this is an important asset.

Outcome

It is clear from the above examples that the GSC was more than a mere neutral bystander and that when the Lisbon Treaty entered into force, it had clear views and preferences on the EEAS institutional design. At the same time, we also see that its attempts to influence the shape of the new service were primarily confined to areas explicitly affecting its own role or that of the Council more broadly. When its core mission as guardian of a smooth functioning Council acting as a single institution was challenged, it did not hesitate to stand up for its preferences and defend its turf. It hereby built on its long-term expertise as a process manager, its logistical capacities and its embeddedness in the full spectrum of Council formations. This allowed the GSC to skilfully exploit its comparative advantage over a little experienced newcomer who did not yet have a well-established machinery to rely on.

6. Conclusion

The establishment of semi-permanent chairs for both EUCO and FAC have had major implications for the EU governance structure, including also for the GSC, an institutional actor who – due to its limited visibility – receives relatively limited attention, be it public or academic. While recognizing significant structural constraints limiting possible reactions to the changing circumstances, the paper nevertheless demonstrated the agency that GSC officials have been able to mobilise in influencing outcomes. While generally obliged and committed to impartiality, our research has shown that the GSC will formulate its own institutional preferences and develop strategies to realise these in situations where the secretariat's position within the EU's governance structure is at stake.

The experience with reactions to the establishment of both the PEC and the EEAS show that the GSC has not been a passive bystander when it came to the implementation of these two key Lisbon changes which also would directly impact upon its own role. On the contrary, relying *inter alia* on their longstanding Brussels experience, GSC officials were well aware of both the risks and the opportunities generated by the arrival of the new centres of power. Rather than simply wait for the new chairs of EUCO and FAC to shape their administrative support structures, high-level civil GSC servants took a pro-active approach. By engaging with the 'newcomers' and developing appropriate strategies they sought to realise an institutional arrangement in the interest of the GSC.

One of the key resources constituting an important advantage that GSC staff have had over the newly arrived institutional actors is their detailed knowledge of EU decision-making procedures and institutional dynamics. Compared to other players, GSC officials have an excellent vantage point of the ins and outs of the (European) Council machinery and are therefore well-placed to anticipate the implications of the changing arrangements. On this basis, key officials in the GSC engaged with the

process of implementing the Lisbon reforms and were able to persuade others to move in their preferred direction. Choices were framed and a discourse developed in line with its core mission - ensuring the smooth operation of the Council and European Council. On several occasions, the GSC's well-established and highly respected legal service would underpin preferred ways of proceeding through authoritative legal arguments.

In the case of the PEC, the GSC was ideally placed to exert influence due to the physical proximity to, and close contact with, the incumbent who was based in the same building. The President relatively small *cabinet* even had their offices on the same corridor as the GSC's senior officials. The support offered by the GSC was compared to other players as those of the PEC and was therefore generally welcomed and seen as a win-win situation. The result was the development of a strong and trustworthy relationship that served both sides, and further strengthened the institutional position of the GSC.

By contrast, in the case of the HR/VP and the EEAS, the situation was more challenging as it concerned the creation of a new institution, outside of the GSC, with actors keen to profile themselves and establish an independent role. In addition, the EEAS with a prospective size of more than 3000 staff members (Brussels headquarters and some 200 'delegations' around the world) was not in an obvious need for the services of the GSC (which also did not possess a significant track record in terms of diplomatic experience). But even in this regard, with the GSC's role as process manager being affected substantially, it nevertheless managed to protect its logistical and clerical roles well, presenting itself strategically as the guardian of the consistent policymaking across the different dimensions of EU external action.

Thus, despite the risks associated for the institution with the Lisbon reforms, creating new centres of power, the position of the GSC has further strengthened since Lisbon, especially through the close cooperation with the PEC and his *cabinet*. The Secretary-General and other senior GSC officials play a key role in preparations of EUCO meetings and the drafting of its conclusions. Our research has shown that the GSC's commitment to impartiality and its desire to remain in the shadows did not stop its leading personnel to seek to influence the implementation of the Lisbon reforms in significant ways. This is testament to the logic that when areas where the institutional prerogatives of the GSC are at stake, its representatives will develop strategies that (within limits) impact on the outcome.

Beyond the GSC itself, this research also demonstrates the importance of the implementation stage in the process of treaty reform: treaty revision is far from finished when new provisions enter into force – the real meaning of new treaty provisions generally only reveal themselves in the process of putting these into practice (Christiansen and Reh 2009). The experience of establishing the position of PEC and even more so the creation of the EEAS are prime examples of the need for, and effect of, lengthy negotiations *after* the new treaty articles became law.

And beyond the experience of the EU, these findings concerning the post-Lisbon role of the GSC point to important messages for the study of political institutions: they sometimes hidden actorness and power resources of an administration such as the GSC also serve as an example of wider issues related to institutional change. It demonstrates that administrative resources such as institutional memory, procedural expertise and inter-agency networks have a bearing on the outcome of such changes. In this way, this paper also speaks to the broader literature on the role and agency of international secretariats that have limited formal competencies. The particular experience of the post-Lisbon GSC serves as an interesting illustration of how, even in cases of limited formal agency, secretariats of regional or international organisations possess a certain degree of autonomy and may use their resources in order they to realise their preferred outcomes.

References

- Amadio Viceré, M.G., Tercovich, G. and Carta, C. (2020), 'The post-Lisbon High Representatives: an introduction', *European Security*, 29(3), 259-274.
- Barnett, M. and Finnemore, M. (2004), *Rules for the World: International Organizations in Global Politics* (Ithaca, NY: Cornell University Press).
- Bauer, M. and J Ege (2016), 'Bureaucratic autonomy of international organizations' secretariats', *Journal of European Public Policy* 23(7), 1019-1037.
- Bauer, M. and Trondal, J. (eds.)(2015), *The Palgrave Handbook on the European Administrative System* (Basingstoke: Palgrave).
- Beach, D. (2004), 'The Unseen Hand in Treaty Reform Negotiations: The Role and Influence of the Council Secretariat', *Journal of European Public Policy*, 11(3), 408–39.
- Christiansen, T. (2002a), 'Out of the Shadows: The General Secretariat of the Council of Ministers', *The Journal of Legislative Studies*, 8(4), 80–97.
- Christiansen, T. (2002b). 'The role of supranational actors in EU treaty reform'. *Journal of European Public Policy*, 9(1), 33–53.
- Christiansen, T., & Reh, C. (2009). *Constitutionalizing the European Union*. Basingstoke: Palgrave Macmillan.
- Christiansen, T. and Vanhoonacker, S. (2008), 'At a critical juncture? Change and continuity in the institutional development of the Council Secretariat', *Western European Politics*, 31(4), 751-770.
- 'Comments on the Council's Rules of Procedure, European Council's and Council's Rules of Procedure (Brussels: European Union, 2016). Available at: <https://www.consilium.europa.eu/media/29824/gc0415692enn.pdf>
- Council of the European Union (2010), 'Council Decision of 26 July 2010 Establishing the Organization and Functioning of the European External Action Service', 2010/427/EU, OJ L201/30-40.
- Dijkstra, H. (2008), 'The Council Secretariat's Role in the Common Foreign and Security Policy', *European Foreign Affairs Review*, 13, 149-166.
- Dijkstra, H. (2017), 'Collusion in International Organizations: How States Benefit from the Authority of Secretariats', *Global Governance*, 23(4), 601-618.
- Ege J. (2020), 'What International Bureaucrats (Really) Want: Administrative Preferences in International Organization Research', *Global Governance*, 26, 577-600.
- 'GSC Mission Statement' (Brussels, s.d). Available at: <https://www.consilium.europa.eu/media/29311/gsc-mission-statement.pdf>
- High Representative of the Union for Foreign Affairs and Security Policy (2010b): Annex to the Proposal for a Council Decision establishing the organisation and functioning of the European External Action Service. 8870/10, Brussels: 22 April 2010.
- Hofmann, H. and Türk, A. (eds.)(2006), *EU Administrative Governance* Cheltenham: Edgar Elgar).
- Juncos, A.E. and Pomorska, K. (2010), 'Secretariat, Facilitator or Policy Entrepreneur? Role Perceptions of Officials of the Council Secretariat' in: S. Vanhoonacker, H. Dijkstra and H. Maurer (eds.) *Understanding the Role of Bureaucracy in the European Security and Defence Policy, European Integration on-line Papers, Special Issue, Vol. 14.* <http://eiop.or.at/eiop/2010-007a.htm>.
- Knill, C. and Bauer, M. (2016), 'Policy-making by international public administrations: concepts, causes and consequences', *Journal of European Public Policy*, 23(7), 949-959, DOI: [10.1080/13501763.2016.1168979](https://doi.org/10.1080/13501763.2016.1168979)

- Knill C., Bayerlein L., Enkler J., and Grohs S. (2019), 'Bureaucratic influence and administrative styles in international organizations', *Review of International Organizations*, 14(1), 83-106.
- Mangenot, M. (2011), 'De la présidence au système présidentiel: une institutionnalisation improbable du traité de Paris à celui de Lisbonne,' in V. Charléty & M. Mangenot (eds.) *Le système présidentiel de l'Union européenne après Lisbonne*, Strasbourg: École nationale d'administration (ENA), 21–32.
- Mangenot, Michel (2003): Une 'chancellerie du prince'. Le Secrétariat général du Conseil de l'Union Européenne dans le processus de décision bruxellois. *Politique Européenne*, 11: 123-142.
- Schütte L. (2021), 'Why NATO survived Trump: The neglected role of Secretary-General Stoltenberg', *International Affairs*, 97(6), 1863-1881.
- Thelen, K. and Steinmo, S. (1992), 'Historical Institutionalism in Comparative Politics', in S. Steinmo, K. Thelen and F. Longstreth (eds.) *Structuring Politics: Historical Institutionalism in Comparative Analysis* (Cambridge: Cambridge University Press), 1-33.
- Vanhoonacker, S. and Pomorska, K. (2016), 'EU Diplomacy Post-Lisbon: The Legacy of the Ashton Era', in M. Smith, S. Keukeleire, S. Vanhoonacker (eds.), *The Diplomatic System of the European Union: Evolution, Change and Challenges* (London and New York: Routledge), 11-28.

Appendix 1 – Interviews

No.	Function of the Interviewee	Date	Format
# 1	Former member of the <i>Cabinet</i> , PEC Herman Van Rompuy	26/08/2021	Zoom
#2	Former Deputy Director General, GSC	26/08/2021	Zoom
#3	Former Director, GSC	15/09/21	Zoom
#4	Former senior official, GSC DG E	27/09/21	Zoom
#5	Former Director, GSC	12/10/2022	Zoom
#6	Former member of the <i>Cabinet</i> of HR/VP Federica Mogherini	25/11/2021	Zoom
#7	Official in the GSC Legal Service	20/12/2021	Zoom
#8	Former senior member of the <i>Cabinet</i> , PEC Herman van Rompuy	14/01/2022	Zoom