

## Policy Brief

# The Two-Step Council Presidency

## France's Presidency of the Council of the European Union during the election period

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The French Council Presidency in the first half of 2022 comes at an important time. While many European dossiers such as the Digital Markets Act or the climate package „Fitfor55“ are waiting for decisive impulses and successfully conducted negotiations, presidential and parliamentary elections will take place in France from April on. President Macron will therefore use the first three months of the Council Presidency intensively to set political accents, to advance the European project and to make his mark in the French election campaign. The elections will then be the beginning of a technocratic phase of the Council Presidency in which few results are to be expected.

### Introduction

The EU Council presidency, which France will take over in the first half of 2022, comes at a turbulent time. While many European dossiers are awaiting decisive impulses and successful negotiations, presidential and parliamentary elections are taking place in France. The country's six-month Council presidency will therefore be divided into two phases: a first political phase until around the end of March, and a second technocratic phase for the rest of the presidency.

France will align its presidency to the guiding concepts of *Relance*, *Puissance*, *Appartenance* (or in English and less elegantly: Recovery, Strength, Belonging). The specific priorities are not yet known and will not be made public by the French President until December.

The role of rotating presidencies has been limited, particularly since the Treaty of Lisbon. The Council President has three important tasks: Firstly, it chairs the Council meetings and the preparatory working groups and sets the agenda in each case. In this way, it defines the priorities of the Council's work. Secondly, it must forge compromises within the Council, while setting aside its own interests. Thirdly, the Council presidency represents the Council in negotiations

with other EU institutions.

This Policy Brief shows the consequences of the national elections on the course and content of the EU Council Presidency.

### The elections provide a special framework

The EU Council presidency will be **divided in two** by the national election calendar. France expects two elections, each in two rounds, in the first half of 2022: the presidential elections will take place on 10 and 24 April, followed by the parliamentary elections to the National Assembly on 12 and 19 June. The period before the official start of the election campaign on 28 March 2022 will offer Macron strong incentives to play France's role as an **agenda setter and decision-making power**, at least symbolically. The second half of the Council presidency is being launched under the auspices of a more **technocratic phase**, during which work will continue, especially in the ministries at a working level.

### The Council presidency as a platform before the election

The two election campaigns will have a strong political influence on the Council presidency. Macron will try to use the Council presidency as a platform for the election campaign and present himself as a pro-European president who not only announces and demands but also **achieves results**. This image is made even more attractive by the fact that the best-placed candidates for the presidential office in the current opinion polls are following a latently or openly Eurosceptic line.

However, **Macron's record on European politics is mixed**. For long periods of time, he has been struggling to find allies for his far-reaching projects described in the Sorbonne speech in 2017. The European recovery plan is the big exception in this case. Against this background, symbolic negotiation successes during the presidency could certainly help Macron as a candidate.

At the same time, he will also take care not to leave himself open to attack. Political rivals will try to brand compromises within the framework of the Council presidency as a sellout of French interests. **France will therefore rarely be able to afford to set aside its own interests during its presidency.**

### Formal restrictions during the election campaign

In order to facilitate a **fair election campaign**, special restrictions are imposed in France in the pre-election period on those candidates and their supporters who hold political office. Two points are particularly important with regard to the Council presidency: the so-called "reserve period" (*période de réserve*), during which the government has to stand back to a great extent politically, and the limited **speaking times** granted to the candidates in the media.

The *période de réserve* begins a month before the first round of the presidential election, during which time members of the government may **no longer highlight their own records positively**. Even the implementation of last-minute political projects has to be abandoned, and the violation of this convention would entail high political costs. This commitment to political neutrality effectively freezes the government's publicly visible activities.

At the same time, the candidates' **speaking times** are strictly regulated by the *Conseil Supérieur de l'Audiovisuel* or CSA (French Audiovisual Board). The media is expected to allocate speaking times to the candidates, graduated according to proximity to the election. Starting on 1st January 2022 candidates receive speaking times in fair proportion to the last election result, later in a comparable relationship between the political forces, and in the last month before the election, in completely equal proportions and at the same broadcasting times. Any contributions which comment neutrally or favourably on the political work of candidates are also counted, so the candidates do not necessarily have to speak for themselves. Therefore, once government members declare themselves in favour of Macron's re-election, they are considered supporters and their public statements are examined in detail to see if they can be considered to be campaign assistance.

Both have an impact on the Council presidency. The required neutrality in the *période de réserve* freezes the state of government in the short term. Even the regulations for speaking times have their disadvantages. Ministers may indeed still lead the Council meetings, and Macron himself does not have to fear for his speaking time: The CSA announced a few weeks ago that his activities within the framework of the presidency will not be counted as speaking time for the campaign – unless he links them to the national debate. However, no one wants to be accused of breaking the rules in the middle of the election campaign, and caution is necessary. The consequence: **As the election approaches, the French government becomes increasingly inactive.** Its capacity to act at a European level will shrink in parallel. That is why the beginning of the Council presidency will be crucial.

### A technocratic phase after the election

The period after the presidential elections will be influenced by the question of the formation of a government. In a change scenario, the government would not be able to take full advantage of the Council presidency until the end of June, but the hurdles would also be high in a continuity scenario. In both cases, a **technocratic phase** would begin.

Emmanuel Macron's re-election, [as predicted in current opinion polls \(continuity scenario\)](#), would only partially help to form an assertive government. The days after the election offer the opportunity to present a new, forward-looking government, to replace less successful ministers, and to make clear the priorities for the coming years by means of a reorganisation of staff. The government formed between presidential and parliamentary elections is traditionally **dissolved again** after the outcome of the parliamentary elections; in this context, the ministries are newly staffed and the changed balance of power in parliament is taken into account.

Also, in the period between presidential and parliamentary elections, hardly any political decisions are made, usually in order not to jeopardise an expected parliamentary majority for the newly-elected president. A **final government staffing structure** and a consolidated executive are therefore not to be expected until the **end of June 2022**. This makes an active commitment to the Council Presidency very difficult, but depending on the nature and extent of the government reshuffle, individual European dossiers could still progress.

However, the replacement of Emmanuel Macron in the presidential office would have an even greater impact on the French presidency of the Council (**change scenario**). In this case, all ministries would have to be reappointed, and the staff members who are important in the French administration would have to be reassembled and integrated directly around the ministers. Due to the polarisation observed in political discourse, the takeover of currently serving ministers is extremely unlikely.

In such a change scenario, the above-mentioned factors, which suggest a technocratic phase, would be significantly reinforced once again. Moreover, the more clearly the positions on European politics of the elected president differ from those of the current president, the longer it would take to return the capacity of the government to act. For the remainder of the Council presidency, there is **little to be expected in the way of significant European political impulses**.

### The elections influence the agenda

Macron will therefore try to use the first three months of the Council presidency to achieve political successes. This short timespan is therefore already full to the brim with meetings. As described above, the agenda setting of the Council presidency is always to be understood in the context of the French election campaign: It gives President Macron a platform in domestic politics to promote his pro-European reform agenda.

The motto of the Council presidency is **Relance** (Recovery) – **Puissance** (Strength) – **Appartenance** (Belonging):

Relance	Puissance	Appartenance
<p>refers to the political will to rebuild the EU after the Coronavirus pandemic and the accompanying economic crisis, and to put it in a good economic and social position. The focus here is on economic, digital and climate policy.</p>	<p>takes a classic French approach, focusing on the EU's strategic autonomy and sovereignty, particularly in the areas of foreign and defence policy, technology, digital, energy and the economy. The EU should, in particular, abandon one-sided dependencies, demonstrate its capacity to act and become a strong foreign policy player.</p>	<p>is an inward-looking concept. What is expected above all is a political narrative which aims to revive the feeling of belonging to the EU. The emphasis is on strengthening and safeguarding European values such as democracy and the rule of law, but also security and freedom. The context and occasion for this could be the speech by Emmanuel Macron in the European Parliament in Strasbourg or at the Conference on the Future of Europe.</p>

In all three of these areas, there are many ideas and projects that are under discussion. Only a few will be able to be triggered or implemented in the short term and against the background of current political developments. In particular, President Macron will push for issues where results can be achieved and which will help him to stand out during the election campaign: the “winning agenda”. There are always the long term projects too: complex European projects or legislative packages which will span several years and which will have to be negotiated beyond the French presidency of the Council. Finally, the Council presidency will also have to deal with new political events which are forced onto the agenda and unpleasant issues that will score Macron few points in the election campaign: the “disruptive factors”.

### The winning agenda

On the issue of digitisation, Emmanuel Macron could want to score points, as he has always been in favour of regulating tech giants such as Google, Facebook, Amazon and Co. (in the French debate called GAFAM). It is therefore likely that Macron will actively support the conclusion of the [European Digital Market and Services Acts](#) which impose a list of obligations on large Internet companies and envisages fines for non-compliance. In mid-November 2021, the Council agreed on a common negotiating position. This may make trilogue negotiations between Commission, Parliament and Council under the French presidency of the Council more likely. Looking ahead to the election campaign, this is a very welcome topic for the French president, who has been campaigning for a “start-up nation” since 2017 and sees himself as the shaper of a digital future. Moreover, the big US corporations are far from popular with the French public.

In the field of foreign and security policy, the [EU Strategic Compass for Security and Defence](#) is expected to be adopted in March 2022. This document aims to outline the EU’s role in the field of security and defence over the next five to ten years. The draft includes ambitious proposals, such as a rapid reaction force led by France. It is no coincidence that the final negotiation is taking place during the French presidency of the Council. This was a compromise with the German Council presidency: Berlin launches the process, but Paris gets it over the threshold. France is a long-standing advocate of greater strategic autonomy for the EU. The Compass could thus serve Macron’s profile during the election campaign, especially since his most promising opponents are presenting the possibility of European cooperation as severely limited.

Furthermore, the French presidency of the Council will actively support the directive on [establishing a framework for minimum wages in the EU](#). Relevant negotiations have already been conducted by France with Nordic countries, who are sceptical with regard to their social models, in the autumn of 2021. This would accommodate Macron’s narrative of a “Europe that protects” and provide a symbolic response to France’s widespread concern about job relocation.

### The long term projects

With regard to climate change, a topic that has been repeatedly highlighted during the French President’s current term in office, Macron can push ahead with the negotiations on the **“Fit for 55” package**. The package envisages the EU reducing its CO2 emissions by 55% by 2030 and achieving climate neutrality by 2050. President Macron will focus on the **Carbon Border Adjustment Mechanism (CBAM)**, which is particularly popular in France. With this, CO2-intensive products such as cement, steel or electricity imported into the EU are to be covered by a CO2 levy if the CO2 price in the country of origin is not adequate. However, this mechanism will probably be negotiated as part of the overall package, and an agreement during the French presidency is therefore unlikely. The CBAM has a high symbolic value in France, because it addresses several key issues: protecting the French economy from unequal competition and leading it into a sustainable future, as well as regulating trade.

It is questionable whether France will dare to reform the **Stability and Growth Pact**. During the French Council presidency, it is at least necessary to clarify which rules will apply from 2023 on. It is still unclear to what extent the presidency will also push for a more fundamental discussion on the future of the rules. This will also depend to a large extent on the position of the new German federal government. The question of fiscal margins holds politically explosive power for France. During the pandemic, the budget was heavily burdened and many new debts were taken on. The fact that this will also play a major role in the election campaign is already indicated by debates

about the reorganisation of the budget.

Finally, the [Conference on the Future of Europe](#) is expected to be concluded in the first half of 2022. The Conference is a core project of Macron's European policy which he initiated. Since May 2021, the Conference has been intending to draw up proposals, with citizen participation, on how the EU, and in particular European democracy, can be further developed. Despite the one-year delay in launching the Conference, the closing date was retained, partly because Macron wanted to make a name for himself. However, not much has been expected recently from the Conference. It will therefore be interesting to see how Macron intends to give wings to the project in his planned speech during the plenary session of the Conference in March 2022.

### A full first six months in 2022

<b>19 January</b>	<b>Speech by the French President before the European Parliament in Strasbourg</b>
17/18 February	International summit: EU and African Union
March	Adoption of the Strategic Compass
March	Defence summit
<b>10/11 March</b>	<b>Speech by the French President at the Conference on the Future of Europe</b>
11 March	Official announcement of the presidential candidates
23 March	Social summit
<b>24/25 March</b>	<b>European Council</b>
28 March	Official start of the French presidential campaign
10 April	First round of French presidential elections
<b>24 April</b>	<b>Run-off of the French presidential elections</b>
13 May	Latest transfer of office in the event of a change of presidency
12 June	First round of French parliamentary elections (Assemblée nationale)
19 June	Second round of the French parliamentary elections
<b>23/24 June</b>	<b>European Council</b>

### The disruptive factors

**Council presidencies rarely go according to plan.** Current political developments, crises and conflicts change the long-prepared agenda and require rapid and flexible action. Other issues in turn, are inevitable for a Council presidency, despite the risk of losing points with one's own electorate at home. Four potential "disruptive factors" are already emerging for the coming months: the conflict with Belarus, the Brexit dispute, the debate on the rule of law and the handling of the Coronavirus pandemic.

The **conflict with Belarus** over the handling of refugees on the Polish-Belarusian border is expanding into an international conflict, the solution of which could still be dealt with during the French presidency of the Council. In addition to the increased protection of the EU's external

border and its relations with Russia, the issue could also involve the distribution of refugees within the EU. For Emmanuel Macron, this is a hot potato in the middle of the French election campaign, as the candidates on the right wing of the party spectrum are already clamouring for a halt to immigration. According to an [opinion poll by Elabe/BMFTV](#) at the end of September 2021, immigration is the second most important issue on the minds of French voters.

The situation is also worsening in the dispute with the United Kingdom over the application of the Northern Ireland Protocol. London wants to renegotiate Northern Ireland's special status and rejects the European Court of Justice as an arbitrator: A red rag for the EU member states. A quick solution is not foreseeable in the coming weeks, so the **Brexit dispute** is likely to fall within the time of the French Council presidency. Against the backdrop of the tense relationship between Paris and London, it is questionable how much France will push for an agreement. Most recently, the fisheries dispute between the two countries has dramatically disrupted relations. Internal politics also played a role in this: Macron was able to show in this way that he stands up for French interests. At the same time, the Brexit chaos is also a helpful counterargument against the promises of Eurosceptics in France.

The conflict over **respect for the rule of law** in Poland and Hungary will also be very present during the presidency. The dispute remains unresolved and has been exacerbated by the ruling of the Polish Constitutional Tribunal to stop accepting the primacy of EU law. The EU Commission plans initially to [deploy](#) the new rule of law mechanism against Hungary. The mechanism allows for the suspension of the payment of EU funds in the event of violations of the principles of the rule of law. Macron is affording himself an opportunity to defend the European values of democracy and the rule of law and thus to distinguish himself before the French voters. However, he will also want to avoid an internal French debate on the primacy of French law over EU law. This is exactly what some candidates on the right wing of the political spectrum have demanded.

Finally, the question of **how to deal with the Coronavirus pandemic** is returning to the EU agenda. Soaring infection rates in some member states are leading to new restrictions on public, social and economic life, while others have so far been spared. At the same time, protests against Coronavirus measures are on the rise. Among other things, the French Council presidency could be faced with negotiating new internal European border closures/openings, organising mutual medical support in the event of hospitals being overwhelmed and discussing further European aid for the economy. If the situation continues to deteriorate in January and February, the issue will make considerable demands on the EU agenda. The same applies to the French presidential campaign.

### **Conclusion: Three months to set policy priorities**

The French presidency of the Council in the first half of 2022 comes at a particularly special time. Because of the French elections, President Macron has only three months to set policy priorities and push ahead with the European project. The special framework and political dynamics in France provide strong incentives in this first phase to advance issues which are already in the process of negotiation and which are generating a positive response from the French public.

Whether it's the Digital Services Act, CBAM, the European Stability and Growth Pact, Fitfor55, the European minimum wage, or the Conference on the Future of Europe: references to French political discourse are omnipresent. Delivering results here would not only make the Council presidency successful but would also raise Macron's European profile at a time when he can use it to his advantage in order to be re-elected. Should he achieve this despite the disruptive factors, he could extend a link from his famous Sorbonne speech at the beginning of his term of office to

his current work.

Taken together, the elections will therefore, on the one hand, encourage the presidency and promote results and, on the other, limit its length and content.

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