

5 The Council, European Council and Member States

Rüdiger K. W. Wurzel

Summary guide

Member states shape EU policy by working within the Council of the European Union (Council for short). The Council is thus a central player in EU decision making. There are different Council formations (made up of ministers responsible for particular policy areas), one of which is the Environment Council. Over the years the number of Environment Council meetings has increased significantly although it has recently plateaued with usually four formal meetings per year. The member governments' top political leaders meet in a different forum – the European Council – which until recently had little to do with environmental issues. Nowadays the European Council plays an important role in EU climate change policy in particular. The well-known environmental leader/pioneer–laggard dimension among different member states goes a long way towards explaining the dynamics within the Environment Council.

Introduction

The Council has been called located ‘at the institutional heart of decision-making in the EU’ (Lewis, 2019: 158). Legally speaking, there is only one Council – or Council of the European Union as it has been formally called since the 2009 Lisbon Treaty –although the ministers responsible for particular policy areas usually meet separately in different Council formations (e.g. the Environment Council or the Foreign Affairs Council). The inaugural Environment Council meeting only took place in 1973 (although the Council had already been set up by

the EU's founding treaties in the 1950s), because the environment was not a salient issue on the EU's political agenda before the 1970s (see Chapter 2). As will be explained below, the ministerial meetings associated with the Council are only the visible tip of the iceberg of a much larger administrative machine. Importantly, it is the Council (together with the European Parliament (EP)) which adopts EU laws (see Chapters 8 and 12).

The top political leaders of the member governments (e.g. the French president, the German chancellor or the Polish prime minister) – usually referred to as heads of state and government in official EU documents gather for summit meetings in the European Council which became institutionalized only in the early 1970s. The European Council does not adopt laws but takes the important strategic decisions such as whether the EU's treaties should be amended (to include, among others, new environmental provisions), which applicant states should be allowed to join the EU or what strategy the EU should adopt in the Brexit negotiations with the UK which left the EU at the end of January 2020 (Burns et al., 2019).

The Council and European Council both constitute European institutions *and* negotiating forums for member governments. They therefore exhibit both supranational and intergovernmental features, although the latter tend to be more distinctive for the European Council. Outside the Council and European Council meetings, member governments also exploit numerous bilateral and multilateral contacts on environmental issues with other member governments. For example, the Finnish and Swedish governments frequently discuss environmental issues within the Nordic Council¹, France and Germany have held annual bilateral environmental minister meetings since the 1980s² and the Visegrad countries - Hungary, Poland, Czech Republic and Slovakia – have used their by now highly institutionalized meetings also to discuss EU environmental issues (Wurzel, Liefferink and Di Lullo 2019). European environment ministers also participate in a large number of international environmental negotiations on, for example, climate change and biodiversity.

As will be explained below, it is normally the six-monthly rotating Council Presidency which (often together with the Commission) represents the EU in international environmental negotiations (see Chapter 15).

Summary points

- The Council and the European Council are two distinct and very different EU institutions.
- The Council is attended by ministers responsible for a particular policy area such as the environment. Together with the European Parliament, it formally adopts new EU laws.
- The European Council is made up of the heads of state and government who take bigger strategic political decisions on things such as the enlargement of the EU and Brexit.

The Council

Considering its importance for the EU decision-making process, the literature on the Council is still relatively sparse although it has grown recently (e.g. Sherrington, 2000; Haynes-Renshaw and Wallace, 2006; Puetter 2014; Lewis, 2019; Wurzel, Liefferink and Di Lullo, 2019).

One reason for the still relatively sparse research on the Council is the fact that most of its meetings are held behind closed doors (Lewis 2019). With the perceived need for greater transparency within the EU (see Chapter 18), some ministerial Council meetings are now held in public. The Council publishes a press release on each meeting, though this merely summarizes the negotiating outcome not the preceding debate among ministers (see Box 5.2). Council press releases are wholly silent on the political differences which may have arisen between ministers during negotiations. This allows the ministers to present their own particular versions of events in post-Council press conferences often aimed primarily at their national media and domestic constituencies.

Between the 1970s and the 1990s, there was a proliferation of different Council formations while European integration deepened and the EU moved into new policy areas (including environmental policy). Pinder's assertion that the legal fiction of a single Council has given way to a 'hydra-headed conglomerate of a dozen or more functional Councils' (1991: 25) is still largely correct, although number of Council formations was limited to 16 in 1999 nine in 2002 before it rose again to ten in 2009 (Wurzel, Liefferink and Di Lullo 2019; see Box 5.1).

Box 5.1 Council formations since 2002

Agriculture and Fisheries Council (AGRIFISH)

Competitiveness Council (COMPET)

Economic and Financial Affairs Council (ECOFIN)

Employment, Social Policy, Health and Consumer Affairs Council (EPSCO)

Environment Council (ENVI)

Education, Youth, Culture and Sport Council (EYCS)

Foreign Affairs Council (FAC)

General Affairs Council (GAC)

Justice and Home Affairs Council (JHA)

Transport, Telecommunications and Energy Council (TTE)

(Source: Adapted from Council of the European Union (2019))

Although there is no formal distinction in terms of importance between different Council formations, the Foreign Affairs Council, General Affairs Council and the Economic and Financial Affairs Council are widely seen as the most senior Council formations. The Environmental Council has not reached a similar level of seniority, although it did survive

unscathed the various mergers of the Council formations into the ten listed in Box 5.1. The General Affairs Council was meant to take on an overall coordination role for the different Council formations. However, it has largely failed to fulfil this task (Lewis, 2019).

The Council was set up along functional lines to avoid zero sum games in which the winner seeks to take all. This has helped to depoliticize potentially highly divisive issues, facilitating agreement. However, functionally differentiated Council formations can lead to disjointed decision making which is unable to take account of the cross-cutting requirements of environmental policy. In the early 1990s, attempts were made to bring about better coordination of EU policies through so-called joint Councils consisting of two different Council formations, which, however, have been largely unsuccessful (Hayes-Renshaw and Wallace, 2006: 63; Wurzel, 2008). The proliferation of different Council formations posed a particular challenge for environmental policy which ought to be integrated into all EU policies, and thus all Council formations. In the late 1990s, most Council formations published environmental integration reports. This became known as the Cardiff Process because it was instigated by the European Council meeting in Cardiff when the UK held the EU Presidency in 1998 (Jordan *et al.*, 2008). However, most of the integration reports amounted to symbolic politics and had little, if any, impact on the practical work of the ‘non-environmental’ Council formations. In the mid-2000s, the integration reports were discontinued (Wurzel, Liefferink and Di Lullo 2019: 259; see Chapter 13).

Box 5.2 reproduces contents pages of the press release for the Environment Council meeting on 25 June 2018. It is a fairly typical press release.

Box 5.2 Contents page of press release for the Environment Council 25 June 2018

ITEMS DEBATED

– Circular economy

- Drinking water
- CO₂ standards for cars and vans

Any other business

- Current legislative proposals
- EU pollinators initiative
- Global pact for the environment beyond 2020 - a new global deal on chemicals and waste
- Obtaining ambitious results at COP 15 of the Convention on Biological Diversity in 2020
- Work programme of the incoming presidency
- Reports on recent international meetings
- Inclusion of Paris Agreement compliance as an essential element of EU agreements and enforceability of sustainable development provisions of trade agreements through the dispute settlement mechanism

OTHER ITEMS APPROVED

ENVIRONMENT

- Heavy-duty vehicles
- Invasive alien species
- South Atlantic whale sanctuary

TRADE

- Trade negotiations with Australia and New Zealand

JUSTICE AND HOME AFFAIRS

- Schengen Information System - Bulgaria and Romania
- Internal security fund

FISHERIES

- 2018 fishing opportunities amended
- North Pacific Ocean high seas fisheries resources: negotiations to accede to the convention

TRANSPORT

- Civil aviation safety - training organisations

CUSTOMS UNION

- Tariffs and quotas on certain products

RESEARCH

- Supercomputers
- European joint undertaking

TRANSPARENCY

- Public access to documents

Source: Adapted from Council of the European Union (2018)

Importantly, the environment ministers did not actually discuss any of the non-environmental issues (e.g. foreign affairs, justice and home affairs)) listed in Box 5.2. Instead the Environmental Council merely adopted – without debate – the agreements on the non-environmental dossiers left over from other Council formations that had reached agreement in principle without, however, having had the time to draft a legally watertight text. The legal fiction of one single Council does therefore have some practical relevance for the smooth running of the Council machinery.

The Council: composition and structure

Council meetings are normally attended by the most senior national politician – a minister or someone who deputizes for the minister (see Box 5.3). Thus agriculture ministers attend the Agricultural and Fisheries Council, environment ministers the Environment Council, and so on. The ministerial meetings are ‘the tip of the iceberg’ (Lewis, 2019: 160) of the Council

machinery, which also consists of the Committee of Permanent Representatives (Coreper), Council working groups and Council committees that are all supported by the Council's secretariat.

The Council secretariat, which has a staff of approximately 2,800, has the task to service the entire Council machinery . However, only about 250 of its staff hold policy-related positions, with about 1,000 translation staff and 200 officials in the legal service. . The Council secretariat functions as a conference centre, clearing house, collective memory and advisor to the presidency. It is 'responsible for the organisation of all Council meetings in Brussels, ensures that rules and procedures are followed and acts as a confidential advisor behind the scenes' (Wurzel, Liefferink and Di Lullo, 2019: 257). In 2009, the environment Directorate General (DG) of the Council secretariat was split into an environment DG and a climate DG. However, no 'Climate Change Council' was set up. Instead the Environment Council continued to take the lead on most climate change dossiers although it also began increasingly to cooperate closer with other Council formations, particularly with the energy ministers represented in the Transport, Telecommunications and Energy Council. As will be explained below, in the early 2000s, climate change emerged as a 'high politics' issue and thus also attracted increasingly attention from the European Council which issued the Environment Council with political guidelines on how to approach the UN climate change negotiations (Oberthür and Dupont, 2017; Wurzel, Liefferink and Di Lullo, 2019).

The internal organizational structure of the Council is hierarchical. Thus, all legal dossiers negotiated at ministerial Council meetings will already have been discussed by Coreper and in Council working groups (Hayes-Renshaw and Wallace, 2006: 68–100; Nugent, 2017). Coreper meetings are attended by national officials from the Brussels-based permanent representations and national officials from government departments. Permanent representation officials, who work and live in Brussels for several years, acquire a deep

knowledge of the EU decision-making process and the views of their opposite numbers from other member states. This explains why permanent representation officials sit beside the Minister at Council meetings (Lewis, 2019).

The Council working groups, which recruit their members from among national ministry officials and permanent representation officials, deal with ‘the bulk of day-to-day Council activity’ (Lewis, 2019: 166). Their main purpose is to resolve as many contentious issues in dossiers as possible before they are passed up to the Coreper. The Council environment working group is one of approximately 200 Council working groups which have spawned over the years. It has met on average three to four times a week since the creation of the Environment Council in 1973.

Because of the increased importance of the international climate change negotiations the work load on climate-related issues increased significantly for the Council which therefore established a separate working party on climate-related issues. Since 2001, there have been two working groups for the Environment Council, one on internal and one on international environmental issues (Wurzel, Liefferink and Di Lullo, 2019: 256).

If agreement has already been reached between all member states at Council working group and Coreper levels, then the dossier is passed on to the ministers as an ‘A’ point. Dossiers on which Council working groups and Coreper have made good progress, but failed to find agreement on a number of contested issues, are passed on to the ministers as ‘B’ points. Importantly, ‘A’ points are usually adopted by the ministers in the Council without further negotiations (although they can be reopened as ‘B’ points by any minister present). Hayes-Renshaw and Wallace (2014: 52) have estimated that approximately 85 to 90 per cent of Council dossiers are negotiated and agreed on in principle already at the working group or Coreper level which means that these dossiers are adopted as A-points by the ministers in the Council without further discussion. Relations between all levels of the Council and the EP

have changed significantly over the years (see Chapter 8). While the Council often failed to take the EP seriously in the early years of European integration, this is clearly no longer the case (Burns, 2017; Oberthür and Dupont, 2017; Wurzel, Liefferink and Di Lullo, 2019). There was a significant increase in legislative powers for the EP after 1987. The co-decision procedure, which later became the ordinary legislative procedure, grants the EP co-legislative powers that are equal to those of the Council. A conciliation committee has to be set up if agreement cannot be achieved between the Council and the EP (see Chapter 8). However, because of the large number of players involved, conciliation committee meetings have proved to be unwieldy affairs. Conciliation negotiations between the Council and EP are therefore conducted primarily during informal trilogues involving small teams of negotiators for each institution, with the Commission playing a mediating role. In trilogue meetings the Council is represented by the permanent representative of the member state holding the presidency, assisted by members of the Council secretariat, including its legal service. Wurzel, Liefferink and Di Lullo (2019: 255) have argued out that

the increasingly important practice of informal trilogues between the Commission, Council and EP, which aim to speed up decision-making, may over time lead to a reduction in Environment Council meetings.... The 2017 Estonian Presidency was the first in many years to organise only one Environment Council meeting as informal trilogues dealt with many of its dossiers.

Decision-making rules

The Council takes decisions according to one of three different main decision rules: (1) unanimity; (2) qualified majority; or (3) simple majority. Unanimity used to be the standard decision-making rule in the early years of European integration while simple majority voting was mainly applicable to procedural matters (Bache *et al.*, 2015; Nugent, 2017; Lewis 2019;).

The formal applicability of the use of qualified majority voting (QMV) has, however, continuously increased since the late 1980s. It was formally introduced in 1987 for most internal market measures and some other policy areas. Subsequent treaty amendments gradually extended its use to a point that it has become the normal decision-making rule for most common policy areas, including the environment (see Chapter 1). However, there are exceptions (see Chapter 3). For example, the Commission's proposal for a common carbon dioxide/energy tax was never adopted (see Chapter 17), because it was vetoed by the UK on sovereignty grounds (; Jordan *et al.*, 2010; Wurzel, Connelly and Liefferink, 2017).

Box 5.3 Voting in the Council

The 2009 Lisbon Treaty stipulated that from 1 November 2014 a double majority is required for qualified majority voting which applies to most issues under the ordinary legislative procedure. The double majority requires the support of a minimum of 55 per cent of member states (comprising at least 15 of the (post-Brexit) 27 member states) which represent at least 65 per cent of the EU's population. For a blocking minority at least four member states representing more than 35 per cent of the EU population are required. The combination of a double majority and a blocking minority prevents both that the smaller member states can easily outvote the large member states and that a few large member states can easily block proposals.

For policy areas for which one or several member states have an opt-out, a qualified majority requires 55 per cent of the participating member states which represent at least 6 per cent of the population of the participating member states.

In practice, the Council often strives to achieve unanimity even if qualified majority voting is

applicable according to the EU treaties (Lewis, 2019; Wurzel, Liefferink and Di Lullo, 2019). There is a ‘consensus reflex’ (Hayes-Renshaw and Wallace, 2006: 58) within the Council in which every possible effort is made to persuade reluctant member states to accept a compromise agreement. This explains why many EU laws contain exemptions, derogations, differentiated deadlines and vague phrases which allow for a wide interpretation of legal obligations during the implementation process (Wurzel, 2002, 2008).

The rotating Presidency

The brokering of a compromise agreement is one of the most important tasks assigned to the Council Presidency which rotates among all member states every six months, from January to June and from July to December. In addition to its mediator role, the holder of the Council Presidency has to fulfil major administrative, initiator, representative and point of contact functions (Wurzel, 1996; ; Lewis, 2019). It is not an easy task for the holder of the Presidency to juggle these, at times, conflicting demands.

Table 5.1 lists the six-monthly rotating Council Presidencies from 2014-2025. The UK was initially meant to hold the Presidency from 1 July to 31 December 2017. However, following the ‘Yes’ vote in the UK’s 2016 Brexit referendum the order of the rotating Presidency was swiftly changed with Estonia taking over the UK’s allotted Presidency slot (Council of the European Union 2016; see also Table 5.1)

Table 5.1 Six-monthly Council Presidencies, 2015–2025

<i>Year</i>	<i>Member states</i>	<i>Time period</i>
2025	Denmark	July–December
2025	Poland	January–June
2024	Hungary	July–December

2024	Belgium	January–June
2023	Spain	July–December
2023	Sweden	January–June
2022	Czech Republic	July–December
2022	France	January–June
2021	Slovenia	July–December
2021	Portugal	January–June
2020	Germany	July–December
2020	Croatia	January–June
2019	Finland	July–December
2019	Romania	January–June
2018	Austria	July–December
2018	Bulgaria	January–June
2017	Estonia	July–December
2017	Malta	January–June
2016	Slovakia	July–December
2016	Netherlands	January–June
2015	Luxembourg	July–December
2015	Latvia	January–June

Source: Council of the European Union (2016).

Over time, the Presidency’s mediator role has grown as the EU expanded from six to 27 (and, prior to Brexit, temporarily to 28) member states, the number of Council formations and meetings proliferated, qualified majority voting increased and the cooperation/normal procedure was introduced. Moreover, ‘[t]he tilting of power from the Commission to the

Council began to make the management of Council business a more substantive task' (Hayes-Renshaw and Wallace, 2006: 134).

The Presidency (together with the Commission and the European External Action Service (EEAS which was set up in 2011) also represents the EU at the international level (see Chapter 16). Increased international representation demands on the rotating presidency have exposed its limitations. Over the years, the EU has developed into an environmental leader in international climate change politics in particular (Jordan *et al.*, 2010; Wurzel, Connelly and Liefferink, 2017). However, in some important international negotiations, such as those at the Copenhagen climate conference in 2009, the EU has struggled to speak with one voice. Moreover, the rotating presidency lacks continuity. For the international climate negotiations so-called issue leaders and lead negotiators were created in the 2000s to allow for continuity beyond the six-monthly rotating EU Presidencies (Dupont and Oberthür 2017). This reform further contributed to the external leadership capacities of the Council (Wurzel Liefferink and Di Lullo, 2019: 257).

The introduction of the so-called trio Presidency with at least one large Member State forming part of a team of three Member States constitutes an important reform. Wurzel, Liefferink and Di Lullo (2019: 257) have argued that 'it is seen as beneficial for the EU's interests that trio Presidencies are able to draw on the diplomatic resources and structural powers of large Member States in international negotiations'. In 2006, the Council's rules of procedure were reformed so that 'every 18 months, the three Presidencies due to hold office shall prepare, in close cooperation with the Commission, and after appropriate consultations, a draft programme of Council activities for that period' (European Council, 2011).

Germany, Portugal and Slovenia were the first three member states to submit a joint programme under the new procedure. There is, however, a danger that large 'old' member

states may try to exert undue influence on small ‘new’ member states. The latter have significantly smaller administrative capacities and lack experience in running the Presidency. The secondment of national environmental ministry officials to other member states also increasingly takes place outside the Presidency. It shows that a considerable degree of trust has developed between member governments. Importantly, holding the Presidency Europeanizes the incumbent to a considerable degree.

Summary points

- The Council is organized along functional lines.
- The integration of environmental concerns into all Council formations is important but difficult to achieve.
- The Council usually strives for consensus despite the fact that qualified majority voting is applicable for most environmental issues.
- The six-monthly rotating Presidency together with the Commission and the European External Action Service represent the EU externally. Trio Presidencies have been set up to achieve greater continuity.
- For the international climate negotiations issue leaders and lead negotiators were created which allow for continuity beyond the six-monthly rotating EU Presidencies

The Environment Council

The inaugural meeting of the Environment Council took place in 1973. In the first four years of its existence only every second Presidency staged an Environment Council meeting. However, since 1977, all Presidencies have organized at least one Environment Council meeting. Since 1989, all Presidencies have held two Environment Council meetings with the exception of the 2009 Swedish Presidency which staged three (Table 5.2). This shows that all

member states take the role seriously.

The steady increase in the number of Environment Council meetings per Presidency was necessary because the Council had to adopt a growing number of environmental laws, although recently there has been a dip in the legislative output of the Environment Council (Wurzel, Liefferink and Di Lullo, 2019: 257-8). The growth of Environment Council meetings also reflects the rise in the political salience of environmental issues on the EU's agenda. It is not only the environment ministers whose Council meetings increased over time. The number of Coreper meetings dealing with environmental dossiers and Environment Council Working Groups has also grown significantly.

Over the years, the Environment Council has matured a lot. It used to be a relatively obscure junior Council formation, but now it carries significant political weight, although it cannot possibly match the General Affairs Council and the Economic and Financial Affairs Council. The EU's ambition to act as a leader in international environmental politics in general, and international climate change politics in particular (Wurzel, Lifferink and Di Lullo 2019), has also increased the political standing of the Environment Council.

The number of Environmental Council meetings has risen from one between 1973–1982, two between 1982–1989 and to a minimum of three since 1989 (Wurzel, Liefferink and Di Lullo, 2019: 255). It provides evidence for the Environmental Council's growing workload and importance. Since the 1980s, most Presidencies have organised also one informal Environmental Council meeting. Such informal meetings cannot agree legislation, have no formal agenda and are aimed at encouraging the frank exchange of views between Ministers (Wurzel 1996; Council of the European Union, 2015). They are used for the pooling of ideas and the freest possible exchange of views on general topics (Wurzel, 1996). Informal Council meetings normally take place in the country of the holder of Presidency which tries to create an informal and relaxed atmosphere to allow ministers to get to know each other so that they

can talk freely about new initiatives and also major stumbling blocks that might have occurred in formal meetings (Wurzel, 1996). In 1988, the number of informal Council per Presidency was restricted to seven for budgetary reasons but also to stop too much decision making from moving away from Brussels (Wurzel, 1996). However, in practice, the limit is often exceeded although additional informal meetings now have to be paid for by the holder of the Presidency.

With the introduction of the OLP informal trilogues have taken place between the Commission, Council and EP with the aim of speeding up decision-making. The agreements reached are informal and have to be formally approved by the institutions involved. Wurzel, Liefferink and Di Lullo (2019: 255) have pointed out that

[i]n trilogues the Environment Council has no formal role because the Council negotiation team is led by Presidency officials while the Council's mandate is agreed at Coreper level. The 2017 Estonian Presidency was the first in many years to organise only one Environment Council meeting as informal trilogues dealt with many of its dossiers.

Successfully conducted trilogues may lead to a reduction in the number of Environmental Council meetings if they reach first reading agreements and thus make redundant second readings of EU legislative proposals.

The environment ministers have been involved in Joint Council meetings. Joint Councils were championed in particular by UK which domestically put a lot of emphasis on joined-up policy making in the 1990s (Jordan *et al.*, 2008). They flourished in the early 1990s when 30 Joint Councils were organized across all Council formations (Wurzel, 1996: 275). Theoretically, they tried to break down sectoral barriers, but they 'are difficult to orchestrate, tend to produce general policy statements rather than specific environmental measures and often slow down decision-making' (Wurzel, 1996: 275). In an EU made up of 27 (and, prior

to Brexit, temporarily 28) member states, they have ceased to be a viable option for EU decision making because of the large number of ministers who would have to be involved. Since the early 2000s, no formal joint Councils have taken place.

While the Environment Council shares legislative powers with the EP, it is the single most important actor shaping the EU's external environmental policy. However, on environmental issues with a high level of political salience (such as climate change since the 2000s), the Environment Council receives political guidelines and sometimes even detailed instructions from the European Council. As Oberthür and Dupont, 2017: 67) have argued '[e]xternally, the conclusions of the European Council may give signals on the political commitment and leadership of the EU to international partners'.

Summary points

- The first Environment Council meeting took place in 1973.
- The steady increase in the number of meetings over the years reflects its greater workload and increased political standing.
- The Environment Council is the most important actor shaping external EU environmental policy.
- On international climate change issues the European Council has recently taken on a more important role.

The European Council

There is wide agreement that the European Council's role has increased significantly in recent years (e.g. Pueter, 2014, 2015; Lewis 2019). This is partly the result of major crisis such the financial crises, refugee crisis and the Brexit crisis in which the heads of state and government took a leading role (Burns and Tobin, 2016). For Lewis (2019: 161) 'no other

EU body can match the political authority of the European Council'

Initially the member governments' top political leaders met only on an informal and ad hoc basis. Since the 1970s, their meetings have become gradually more institutionalized. It was, however, only the 2009 Lisbon Treaty which made it a formal EU institution. Importantly, the Lisbon Treaty created an elected President for the European Council (while, as was shown above, maintaining the rotating Presidency for the Council) and a High Representative of the Union for Foreign Affairs as well as the EEAS. These new posts have complicated the EU's representation in international environmental negotiations.

Prior to the 1990s, the heads of state and government only occasionally dealt with environmental issues. For example, the Paris Summit in October 1972 initiated common environmental policy by instructing the Commission to come up with an Environmental Action Programme. This took place only a few months after the UN Stockholm conference on the human environment at which member states had failed miserably to present a common EU position.

Since the 1990s, environmental issues have been taken more seriously by the European Council (Oberthür and Dupont, 2017). However, the European Council initially failed to make the protection of the environment one of the core aims of the 2000 Lisbon Strategy which aimed to make the EU the most competitive knowledge-based economy by 2020. It was the 2001 Swedish Presidency which raised the profile of sustainable development at the Gothenburg European Council meeting. Overall the European Council has provided relatively little leadership on international environmental policy issues, with the exception of climate change (Jordan *et al.*, 2010; Oberthür and Dupont, 2017; Wurzel, Liefferink and Di Lullo, 2019). Since about 2007, the European Council has become very active in EU and international climate policy, with peaks in 2007-2009 and 2014-2015 because of the preparations for the 2009 Copenhagen and 2015 Paris climate conferences respectively

(Dupont and Oberthür 2017).

A good example of the European Council's increased role in environmental policy and its close cooperation with the Council is provided by the adoption process of the climate change and energy package which positioned the EU as a leader in international climate change politics (Jordan *et al.*, 2010; Oberthür and Dupont, 2017; Wurzel, Connelly and Liefferink, 2017) (see Box 5.5).

Box 5.5 The European Council's role in the adoption of the climate and energy package

In March 2007, the European Council agreed the climate and energy package, the technical details of which had been negotiated by the Environment Council in close cooperation with the energy and finance ministers. The climate change and energy package proposed a unilateral 20 per cent reduction target for carbon dioxide emissions by 2020 (compared to 1990 levels) and a conditional 30 per cent reduction target, subject to other developed countries undertaking equivalent actions. However, arduous negotiations on the 'effort sharing agreement', which translated the collective 20 per cent EU reduction target into specific national reduction goals for the 27 member states, almost led to the unravelling of the entire package. The firm commitment by all member states under the effort sharing agreement were necessary to give credibility to the EU's leadership ambitions in international climate change politics. A European Council under the 2009 Swedish Presidency adopted a financial assistance package to support climate adaptation measures in developing countries in order to improve the chances for a global agreement on combatting climate change. The European Council was therefore instrumental in positioning the EU as a leader in international climate change politics.

The European Council cannot adopt EU laws although it may launch new initiatives or try

to break the political deadlock in particular Council formations. For example, the European Council which had to find a compromise solution between the richer ‘old’ Western European member states and the poorer ‘new’ Central and Eastern European member states (Wurzel, Liefferink and Di Lullo 2019: 253). On the other hand, European Council meetings can also dampen the enthusiasm of environmental ministers or even block certain initiatives altogether. A good example was the European Council meeting in Edinburgh in 1992, which issued a detailed declaration on the correct interpretation of the principle of subsidiarity. This led to the publication of an Anglo-Franco hit list of laws to be scrapped although none of them was later ditched.

Box 5.6 The European Council’s role in the EU’s proposals for the Paris conference

For the 2015 Paris climate conference, all Parties had to submit their Intended Nationally Determined Contributions (INDCs) – voluntary national emission reduction plans – in 2014. Because these plans contained elements which affected several EU policy areas and the level of their ambition pitted the richer ‘old’ Western European member states with the poorer ‘new’ Central and Eastern European States, the European Council produced a detailed plan with a 2030 time horizon to be presented in Paris. The European Council’s plan contained elements which later formed the basis for a legislative proposal by the Commission that holds the formal right to initiate EU legislation which it usually guards jealously. However, accepting elements of the European Council’s plan enabled the Commission to submit formal proposal of which it could be confident that the Council would accept them as the European Council had already reached agreement on the headline targets and basic principles (Wurzel, Liefferink and Di Lullo 2019: 253). Such detailed ‘instructions’ by the European Council for other EU institutions are however rare.

Summary points

- The European Council issues guidelines and political instructions to the Council.
- The European Council only occasionally dealt with environmental issues prior to the 1990s.
- Since the 1990s the European Council has taken a more proactive role in international climate change issues.
- Very occasionally the European Council produces detailed instructions for especially the Council.
- Unlike the Council, which meets in separate formations, the European Council can agree cross-sectoral package deals.

Member states: leaders, pioneers, laggards and followers

In environmental policy, member states can be roughly categorized as leaders, pioneers, followers and laggards. *Leader states* demand the adoption of ambitious environmental measures at the EU level (and often also the international level). Leaders can be further divided further into *constructive pushers*, which adopt unilaterally progressive environmental measures on the domestic level in the hope that this will attract followers, and *conditional pusher states* which will adopt ambitious domestic environmental measures only if other states will undertake similar measures (Liefferink and Wurzel 2017; Wurzel, Liefferink and Torney, 2019). A leader state ‘has the explicit aim of leading others, and, if necessary, to push others into a follower position’ (Liefferink and Wurzel 2017: 953). Pioneers on the other hand adopt ambitious environmental measures on the domestic level without intentionally wanting to attract followers. Other (member) states may nevertheless emulate pioneers. Germany is often depicted as an environmental leader state which for

competitiveness reasons will frequently adopt the role of a conditional pusher. Denmark, on the other hand, has frequently acted as an environmental pioneer insisting on the EU Treaty's 'environmental guarantee' which allows member states to adopt nationally more ambitious measures under certain circumstances. .

Laggards drag their feet and may try to use the national veto to prevent the adoption of ambitious EU environmental policy measures. The reasons why member states act as environmental laggards are multi-faceted and include low domestic political salience of environmental issues and overriding concerns about the negative potential impact of EU policy measures on their domestic economies.

The Central and Eastern European member states as well as the Southern European member states (Greece, Portugal and Spain) and Ireland are often labelled laggard states. However, the domestic environmental problems of these member states differ from those of the more highly industrialized Northern European member states who tend to set the agenda for EU environmental policy (Weale *et al.*, 2000). They often have weaker domestic environmental administrative capacities which makes EU agenda setting (see Chapter 11) and the implementation of EU environmental policy difficult (see Chapter 14). The Southern and Central and Eastern European member states typically have weaker domestic environmental groups and Green Parties and more pressing economic problems than the more affluent Northern European states.

Followers often do not hold a strong national preference in environmental policy. They can be swayed (by environmental leaders or laggards) through side payments (e.g. increased EU structural funding), package deals or simply by developing the best arguments in Environment Council and/or European Council negotiations (Wurzel, 2008).

There is relatively wide agreement that the group of environmental leader states initially consisted of a green trio, made up of Denmark, Germany and the Netherlands, that gradually

expanded to a green sextet when Austria, Finland and Sweden joined in 1995 (Andersen and Liefferink, 1997; Wurzel, 2008). Although the green sextet still holds a blocking minority (under qualified majority voting), its influence has diminished since 2004 because most of the new Central and Eastern European member states often give a higher priority to economic development (Wurzel, Liefferink and Di Lullo, 2019). Moreover, some of the leader states (including Austria, Germany and the Netherlands) have exhibited a more mixed environmental record thus rendering questionable their environmental leader status on particular environmental issues. However, one needs to keep in mind that all environmental leaders have their blind spots (e.g. Germany still has a significant number of coal-fired power stations).

Importantly, these classifications may vary over time or even from one issue to the next. For much of the 1970s and 1980s, the UK, which joined the EU in 1973 and left it in 2020, was widely seen as an environmental laggard of even the ‘dirty man of Europe’ (Weale et al., 2000). However, between the 1990s and 2020, the UK has acted as a leader in EU and international climate change politics (Rayner and Jordan, 2017). The UK’s Brexit means that the EU has lost one of its climate leaders which could weaken both its domestic and international climate policy (Wurzel, Connelly and Liefferink, 2017; Wurzel, 2018; Burns et al., 2019) It is however unlikely that the UK’s departure from the EU will pave the way for radically different environmental policy preferences in the Council or European Council (Wurzel, 2018; Burns et al. 2019). The emerging differences between the richer ‘old’ Western European and the poorer ‘new’ Eastern and Central European states especially on climate change issues is more likely to become an important feature in the 2020s. In the past there was an unwritten rule that semi-permanent coalitions between either environmental leaders/pioneers or environmental laggards should be avoided because they make it more difficult to come to agreements (Liefferink and Anderson, 1998; Liefferink and Wurzel,

2017). However, this may be about to change with, for example, the Visegrad countries frequently agreeing common positions before Environmental Council meetings of European Council meetings that deal with ‘high politics’ environmental issues (Wurzel, Liefferink and Di Lullo, 2019).

Summary points

- Denmark, Germany and the Netherlands as well as Austria, Finland and Sweden have traditionally been portrayed as environmental leader states.
- The environmental priorities of the less prosperous Southern and Eastern European states often differ from the more affluent Northern European states and consequently they tend to behave as laggards.
- Member states’ tendency to behave as leader, pioneer, laggard or follower may vary over time or even from issue to issue.
- Semi-permanent alliances between environmental leaders/pioneers or laggards have been taboo in the past. However, more recently the Visegrad countries have tried to coordinate their positions on costly climate change policies prior to important Council and European Council meetings.

Conclusion

The Council and European Council are central actors in EU environmental policy making. These two actors constitute both EU institutions *and* negotiating forums for member governments. The European Council issues the political guidelines (and very occasionally also detailed ‘instructions’) while the Council negotiates and adopts EU laws. The environmental leader/pioneer– laggard dimension goes a long way towards explaining the

agreements and stalemates within the Environment Council. However, member states' classification as environmental leaders or laggards may vary over time or even from issue to issue.

It is the role of the rotating Presidency to facilitate compromise solutions within the Council which normally strives to take decisions by consensus even if qualified majority voting is applicable. Over the years the Environment Council has matured into a significant Council formation. Attempts to achieve better integration of environmental requirements into other Council formations have, however, not been very successful (see Chapter 13). Prior to the 1990s, the European Council only occasionally dealt with environmental issues although it gave the starting signal for a common environmental policy at its summit in Paris in 1972. Since the 2000s the European Council has developed a greater role in shaping the EU's climate change policy in particular.

Key questions

- 1 How are decisions arrived at in the Environment Council?
- 2 Has the European Council become an important actor for EU environmental policy? If so, why?
- 3 What role does the presidency play in EU environmental policy making?
- 4 How important are Coreper and the working groups for the Environmental Council?
- 5 Why has the integration of environmental concerns into Council formations other than the Environmental Council been very challenging?
- 4 How easy is it to identify environmental leader, pioneers, laggard and follower states?

Guide to further reading

- Most EU introductory text books (e.g. Cini and Pérez-Solórzano Borragán, 2019; Bache

et al., 2015; Nugent, 2017;) include chapters on the Council and the European Council. Hayes-Renshaw and Wallace (2006) and Puetter (2014) offer excellent accounts of the Council and European Council.

- Oberthür and Dupont (2017) provide an outstanding analysis of the role which the Environment Council and European Council play in EU climate change politics.
- Wurzel, Liefferink and Di Lullo (2018) analyse the changing environmental leadership dynamics between the European Council, Council and member states.
- First-rate assessments of environmental leader/pioneer states can be found in Andersen and Liefferink (1997), Liefferink and Andersen (1998) and Liefferink and Wurzel (2019).

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Notes

¹ Denmark, Finland, Iceland, Norway and Sweden as well as the three autonomous areas, the Faroe Islands, Greenland and the Åland Islands are members of the Nordic Council.

² The Franco-German alliance, which in the past has been a major driving force for deeper European integration, does not play an important role in environmental policy. In fact, France and Germany often adopt different views on environmental issues.