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Managing institutional transformation in the European Union: The changing role of the Council Secretariat

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Managing institutional transformation in the European Union

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Thomas Christiansen, Sophie Vanhoonacker
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Managing institutional transformation in the European Union: The changing role of the Council Secretariat

After coming into force in 2009, the Lisbon Treaty required the creation of new institutions and procedures. This article analyses the response by the General Secretariat of the Council to two key innovations which generated both opportunities as well as risks in terms of its institutional role: the establishment of full-time, fixed-term presidents for the European Council and the Foreign Affairs Council. 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. It argues that in both cases the GSC was successful in realizing its preferences even though in the case of the HR/VP, this was more challenging.

Gérer la transformation institutionnelle dans l'Union européenne : L'évolution du rôle du Secrétariat du Conseil

Après son entrée en vigueur en 2009, le traité de Lisbonne a exigé la création de nouvelles institutions et procédures. Cet article analyse la réponse du Secrétariat général du Conseil à deux innovations clés qui ont créé à la fois des opportunités et des risques quant à son rôle institutionnel : la mise en place de présidents à temps plein et à durée déterminée pour le Conseil européen et le Conseil des affaires étrangères. L'article examine d'abord les préférences institutionnelles du SGC quant à son rôle d'accompagnement de ces deux nouveaux acteurs et identifie successivement les stratégies et les ressources qui ont été mobilisées. La recherche fait valoir que dans les deux cas, le SGC a réussi à concrétiser ses préférences, même si dans le cas du HR/VP, cela a été plus difficile.

Managing institutional transformation in the European Union
The changing role of the Council Secretariat

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Introduction

The past decade has witnessed profound institutional transformations in the EU (European Union). After coming into force in 2009, the Lisbon Treaty required the creation of new institutions and the implementation of new procedures over an extended period. During the same time, the EU has had to confront a series of crises – Eurozone, migration, Covid pandemic – which have added further complexity to the Union's institutional structure. In terms of academic analysis, there has been much attention to the way in which this has affected the role and the internal workings of the European Commission (Rhinard, 2019; Bauer and Becker, 2014; da Conceição-Heldt, 2016) and of the European Council (Dinan, 2013; Wessels, 2016). With regard to the latter, one of the main consequences of these developments has been the manner in which the EUCO (European Council) has strengthened its pivotal role in EU governance (Puetter, 2014; Foret and Rittelmeyer, 2014; Bunse and Klein, 2014; Van Middelaar, 2019). 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 crucial issues. In this process, the newly created position of a full-time 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 (Dinan *et al.*, 2017; Smeets and Beach, 2023).

Over the same period, another key development arising from Lisbon Treaty reforms has been the creation of the EEAS (European External Action Service)

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 High Representative of the Union for Foreign Policy/Vice-President of the Commission (HR/VP), the postholder now also chairs the Foreign Affairs Council (FAC). The creation of this 'triple-hatted' HR/VP has been an important institutional innovation, occurring at a time when the EU also has had to face the fundamental transformation towards a multipolar world.

These developments pose important questions for our understanding not only of the internal workings of the European Union, but of the dynamics inherent in international institutions more generally: how do institutional actors adopt and respond to structural reforms and systemic shocks? How much scope is there for agents – civil servants and holders of political office at the EU level – to influence the trajectory of institutional changes that originate externally? This article assesses the impact of the newly created positions of fixed-term chairs for EUCO and FAC on the role and position of the General Secretariat of the Council (GSC). Pre-Lisbon, the GSC used to play an important role in supporting the European Council, the Council, the rotating Presidency and the High Representative in their day-to-day work. It is therefore interesting to explore the preferences and strategies that Secretariat officials developed in response to these new developments and how they tried to secure a continuing role.

The article starts with the hypothesis that the institution, and the officials serving in it, are not merely passive recipients of change imposed from the outside. They also possess a degree of actorness – a willingness and capacity to actively influence the outcome of these changes – themselves. More specifically in this particular context, and in line with observations of the dynamics of institutional change elsewhere (Beach, 2004; Bauer and Ege, 2016; Kreuder-Sonnen, 2019; Schütte, 2023), 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 core functions and prerogatives of the institution come under pressure.

While there has been much scholarly analysis of the political implications of the post-Lisbon reforms (Dinan, 2013; Fernandez-Passarin, 2014; Amadio Viceré, 2018; Vanhoonacker and Pomorska, 2016), less attention has been paid to the administrative dimension of these changes (for exceptions, see Foret and Rittelmeyer, 2014; Gilloz, 2021 and 2023; Juncos and Pomorska, 2023).

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This leaves a substantial 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 important questions about the role of the GSC: the former radically changed its role in assisting the rotating Presidency to prepare European Council meetings (Gilloz, 2023), and the latter removed from the GSC the units that had until then coordinated the EU's CFSP (Common Foreign and Security Policy).

This article addresses this gap by providing a detailed analysis of how these changes have affected the GSC and how the institution and its senior policymakers have reacted to these. In doing so, it contributes to the growing literature that recognizes the significance of EU administrative governance (Hofmann and Türk, 2006; Bauer and Trondal, 2015), and beyond that the role of secretariats that support the work of international and regional organisations (Dijkstra, 2017; Ege, 2020; Knill *et al.*, 2019; Schütte, 2023). 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. In addition, their permanent presence, European identity, institutional memory, epistemic power and potential for self-interested actorness also add an element of supranationalism to the intergovernmental logic of their formal set-up.

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 of 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.

1 There has been much writing about the GSC in the early 2000s (Christiansen, 2002a; Mangenot, 2003; Christiansen and Vanhoonacker, 2008; Dijkstra, 2008; Juncos and Pomorska, 2010), but relatively little after 2010 (*i.e.* post-Lisbon) (Mangenot, 2012 and 2018; Gilloz, 2021 and 2023).

This article proceeds by briefly recounting the historical evolution and functional responsibilities of the GSC and then develops the analytical frame that is applied to the analysis of developments during the period between 2010 and 2023. The empirical analysis is structured along the lines of the GSC's response to two major areas of institutional transformation: first, the creation of the role of President of the European Council, the fundamental change that this has implied to the role of the rotating Presidency and the new dynamics that emerged in the European Council. Second, the article turns to the setting up of the EEAS, the transfer of the responsibilities for the conduct of EU diplomatic affairs from the GSC to this new body, and the creation of the post of HR/VP.

The research underpinning this paper has relied on a number of sources, including document research and a series of semi-structured interviews with senior officials from the Council General Secretariat and the EEAS (for an overview, see appendix). These sources have provided, under conditions of anonymity and agreement not to quote the interviewees directly, insights from a variety of perspectives, permitting the reconstruction of decision-making processes, institutional responses and internal dynamics concerning the role of the GSC. In the concluding section the article will address the questions raised above, and make more far-reaching statements on the relative influence of EU-level actors, structural changes and external shocks in shaping the institutional evolution of the EU.

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 3120 staff members, of which only 334 are working as policy advisors in one of the substantive areas of expertise.[2] Based in the Justus Lipsius building in Brussels, the GSC is organized in Directorates-General and services. It is led by a SG (Secretary-General), a political appointee that usually has the background of a high-level diplomat or senior government advisor. In the period under investigation here, in the first decade after the entry into force of the Lisbon Treaty, three different SGs have held the position: Pierre de Boissieu (2009-11), former Permanent Representative of France to the EU who succeeded Javier Solana after the creation

2 Situation on 31/08/2022 based on data kindly provided by the GSC.

of the HR/VP position in the Lisbon Treaty; Uwe Corsepius (2011-15), former high-level official at the German chancellery; and Jeppe Tranholm-Mikkelsen (2015-April 2022), former Permanent Representative of Denmark to the EU.

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. This was the formative period during which the new treaty provisions had to be implemented and the new institutional arrangements were given their shape.

The historical trajectory of the GSC has been the subject of prior academic research (see e.g. Mangenot, 2018, 2010, 2003; Christiansen and Vanhoonacker, 2008; Gilloz, 2021; Kassim and Connolly, 2024). 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. In the early years, the Secretariat's role was largely limited to providing legal advice to the institution and dealing with administrative and logistical tasks such as facilitating meeting venues, arranging interpretation and translation, convening meetings, sending out invitations, preparing agendas and drafting minutes. From 1975 onwards, the GSC also became responsible for the administrative support for meetings of Heads of State and Government in the European Council.

From the 1970s and 1980s onwards, in the context of successive enlargements and the gradual expansion of policy competences, the functions of the Secretariat further broadened. For example, it was tasked with supporting the negotiations of treaty revision in the context of several IGCs (Intergovernmental Conferences) 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 also emerged as an influential provider of expert opinion.

Crucially, the GSC acquired the role of supporting and advising the holders of the rotating Presidency which has a central role both in the context of the EU's constitutional politics (Tallberg, 2006) and in the regular process of legislative decision-making (Tallberg, 2004; Schout and Vanhoonacker, 2006). Most notably within the institutional context of the Council, involving not just ministerial meetings but also and in particular the levels of COREPER[3] and of the many working groups working underneath it, the role of the

3 Committee of Permanent Representatives.

Presidency has become critical to the management of EU decision-making – not purely in terms of its formal role, but also due to the importance of informal arrangements (Kleine, 2013).

However, with a greater number of member states – and hence individual states and decision-makers being less frequently in the chair – and a rising complexity of both the Brussels machinery and the subject matters up for decision, Presidencies became ever more dependent on the guiding role of officials from the Council Secretariat. As a matter of fact, its procedural know-how, its legal expertise and its bird's-eye view of dossiers across successive Presidencies have placed the GSC in a critical position to support (European) Council chairs in their broker role. With the rotating Presidency changing hands every six months, the GSC has been an important factor in ensuring the continuity of the policy-making process. 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 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 (General Secretariat of the Council, s.d.) which is indispensable if the Secretariat wants to maintain the trust of all member states and of the rotating Council Presidency.

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 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 (Bauer and Ege, 2016; Manulak, 2017). Generally viewed as agents of member states acting as principals that set the parameters for their activity, international secretariats are generally not assumed to have significant powers to shape this

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environment (Winslow, 1970). 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. Apart from notable exceptions (Bhattacharya, 1976; Biermann and Siebenhüner, 2013; Dijkstra, 2017) secretariats are often conceived as the objects, not subjects, of policy-making or institutional politics.

The EU's Council Secretariat can be seen in the same vein – in contrast to actual EU institutions such as the European Commission, with the Council Secretariat there is no expectation of any capacity to act independently 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 begin with the premise 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. We also assume that especially in cases when the core mission and tasks of the secretariat are being threatened, different behavioural logics may apply and top-level civil servants may be more inclined to engage in political conduct aimed at safeguarding their institution and prerogatives (Beach, 2004; Bauer and Ege, 2016; Kreuder-Sonnen, 2019; Schütte, 2023).

While structure and agency can be regarded as being mutually constitutive (Thelen and Steinmo, 1992; Barnett and Finnemore, 2004), 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 (Héritier, 2007) – our approach in the present case is to consider three dimensions of a secretariat's response to the structural change derived from treaty revision:

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

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. 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, it will be important to discuss below the scope of such a research.

The formal legal structure within which the Secretariat operates is defined by the TFEU (Treaty on the Functioning of the EU) and by the RoPs (Rules of Procedure) of the Council and the European Council (Art. 13 and Art. 23, Council of the European Union, 2016). The TFEU stipulates that the GSC will support the European Council (Art. 235, par. 4) and the Council (Art. 240, par. 2) and that it is up to the Council to appoint the Secretary-General, decide on the Secretariat's organisation and adopt the rules of procedure. The rules of procedure of the European Council and the Council define its role 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 (General Secretariat, s.d.).[4]

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 not mean that the Secretariat has no influence on the proceedings. Over the years it has forged a well-developed institutional identity with the 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' (GSC Mission statement, s.d.). 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 Council and the European

4 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 as of September 2024 the content has not changed.

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Council. As a consequence, this means that - especially when it comes to the direction of European integration and institutional matters - the Secretariat has also developed 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 article assesses the effects that the institutional structures of the newly created positions of permanent chairs for EUCO and FAC have had on the GSC and identifies the preferences and strategies that Secretariat officials developed in response to these. As mentioned above, 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 evaluated; second, the strategies developed by the administration's leadership, and the resources utilised to achieve these, are being highlighted; and third, the extent to which these strategies fulfilled their aims and why they were or weren't successful is being explained.

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 to or during the meetings, assistance in the coordination of the workflow or developing a sense of the 'landing zone' for political compromises. The 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.

While with the creation of a semi-permanent President of the European Council the Lisbon Treaty did not directly affect the operation of the Council as such, it fundamentally transformed the operation of the European Council – and hence also affected deeply the role of the GSC in this regard, where it had previously also supported the Head of State or Government acting as EUCO President. The departure, at this level, from the principle of rotation raises the prospect of a new permanent centre of political power supported by its own cabinet of political advisors 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 offered the potential for the GSC to maintain its pivotal position or even to enhance it. The creation of the position of a semi-permanent PEC who could no longer rest on his own national administration and was reliant upon the support from the 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. 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. 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 has a national constituency to consider (#8).

The stakes arising from the creation of the post of PEC were therefore considerable for the GSC. 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 a 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.

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Preferences, Resources and Strategies

On the basis of the above assessment, it was critical that the GSC and its Secretary-General 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 their services in the same manner in which Presidencies had done previously. This meant devoting significant resources to the building up of this relationship and generally making the hierarchy of the GSC available to the PEC.

Given the unique nature of the position, each postholder brings 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 the relationship between PEC and GSC (Westlake and Gilloz, 2024). 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 those between the Commission President and the PEC (Fernandez-Passarin, 2014), and this also worked in favour of the cooperative relationship between his staff and the GSC (#1; #8).

The relevance of personality could also be seen on the 'other side', namely in the leadership of the GSC which was headed at the time by Pierre de Boissieu – a veteran French diplomat who had an extensive network across the Brussels institutions and – as former French Permanent Representative also within COREPER and in the member states. He was widely regarded as a strong advocate of European integration (albeit under the primacy of the Council), a conceptual thinker and smooth operator. He had been involved in the highest levels of EU decision-making for a considerable period and knew how to interact with politicians. Indeed, de Boissieu had been involved, behind the scenes, in the process of identifying Van Rompuy as PEC, something that helped to build rapport between them once the new system became operational. The two also shared a 'French' approach to public administration characterised by strong *cabinets*, and had somewhat conservative political views (#13). Under de Boissieu's leadership the GSC 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 on the basis not only of professionalism and mutual trust, but also of 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 be 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 a bridge builder between EUCO and the different Council formations (#2). It certainly also helped that the relationship between Frans van Daele, the first chef de cabinet of Van Rompuy, and Secretary-General Pierre de Boissieu, both former Permanent Representatives, was very good (#9). In addition, the Secretary-General wanted the newly created PEC position to be a success and was very supportive.

On the basis of this early experience of good cooperation between Van Rompuy and de Boissieu, his *cabinet* and the GSC staff developed a collegial relationship that was also helped by physical proximity (offices of some senior GSC staff 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 necessitated 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 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

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the work of the PEC. In protocol terms this involved a recognition that the chef de cabinet, in the Belgian perspective, is regarded as a kind of 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. Still, also under the Tusk Presidency, the relations between the cabinet and the GSC remained very close. This was further facilitated by the fact that Tusk's deputy chef de cabinet was a high-level Secretariat official with tremendous Council experience (#9). Charles Michel continued also on this track by engaging at least two career GSC officials in his cabinet (#9) and for the first time in the Secretariat's history, he proposed to nominate Thérèse Blanchet, the Director-General of Legal Service, rather than an appointee from outside, as Secretary-General (#11). Michel's ambitions in the area of European foreign policy have led to an increased demand for substantive input from the Secretariat, and to the setting up of ART (Analysis and Research Team) providing the PEC with analyses of medium- and long-term challenges. This unit is part of the services of the SG (#11, #12), and thus provides a degree of autonomy from the dependence that the PEC and the GSC otherwise have on the information communicated by the EEAS and the European Commission. These developments, albeit minor, illustrate the long shadow thrown by the Lisbon Treaty – the institutional changes resulting from the new arrangements were not a moment, but a long-term process of implementation, adaptation and experimentation (#13).

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 sidelined in the European Council. Apart from removing the opportunities for national leaders to share the spotlight for political effect and considerably reducing their leeway to structure the agenda by prioritising certain issues over others or by barring certain topics (Tallberg, 2003), this also threatened to interrupt the previously seamless integration between Council and European Council. Yet, also in this regard, Van Rompuy sought to build bridges, maintaining good contact with his counterparts from the various member states holding the rotating Presidency, and establishing the practice of inviting them to report on the progress of major dossiers in the Council. It also helped that his cabinet was composed of experienced staff from various national capitals which had the trust of their respective governments.

An important context to these institutional adaptations is the fact that the first decade after the Lisbon Treaty has been a period of almost uninterrupted crises, 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 (Hooghe and Marks, 2008), 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 the business of EUCO has also become more politicised, and deliberations more confrontational (Cloos and Vimont, 2021), this has not meant that the GSC has lost relevance in the process. Arguably, in the context of greater contestation about EUCO decision-making, it has become even *more* important for leaders to rely on a sound basis to produce convincing arguments. In this regard, the opportunity for 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 remaining 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 Presidency has continued, indeed even been expanded, in the new context of the PEC. At the same time, it is clear that the traditional political leadership and brokerage role of the rotating Presidency have been reduced leading to a different dynamic (Schout and Vanhoonacker, 2006). The astute leadership of the GSC succeeded in avoiding major internal conflicts about the expected prerogatives of the new PEC. Once the frame of the new way of working had been established under the Van Rompuy Presidency, each new post-holder further built upon it and fostered new relationships that promised even greater influence on the outcome of the negotiations. Therefore, with regard to the PEC, the agency of both the post-holders and their staff, and the senior officials in the GSC, allowed the institution to realise the benefits of this relationship. Indeed, contrary to what negative expectations identified as a potential threat to the institution earlier, in the manner in which the new arrangements have been implemented, the GSC has arguably become actually more influential than it was before. Even if there are indeniably differences in style between Van Rompuy, Tusk and Michel, all three of them share a heavy reliance on the support from the GSC. The fact that Michel broke with the tradition of nominating an external person as new SG, and opted for an internal high-level civil servant, is another illustration of how the position of the GSC has been consolidated.

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Unlike previous national leaders, who when holding the Presidency could rely on – in many cases sizeable – national resources for support in their role, the PEC only has a small personal staff of advisers at his or her disposal – which makes the GSC crucial in executing this role successfully. At the same time, the newly established separation between the European Council (chaired by the PEC) and the various configurations of the Council (chaired by the rotating Presidency) created the need for a novel kind of coordination across levels that previously was provided by the relevant national administration leading both levels (see also Mangenot, 2018). Especially with respect to legislative dossiers, there was now urgent demand to manage the smooth transfer of files from working groups to COREPER, to ministerial Councils, to – where necessary – the European Council. The GSC was uniquely able to take up this function, and as a consequence became actually more essential to the decision-making process than it had been prior to the Lisbon Treaty (#12) – a development such that at least in certain areas of traditional legislative decision-making the process has become more dependent on centralised steering from Brussels, in contrast to the wider narrative about the rise of (new) intergovernmental politics in the context of the polycrisis.

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, 2018; Vanhoonacker and Pomorska, 2016). This new institutional development also had important implications for the GSC. While prior to Lisbon, the High Representative for CFSP, who combined the function with that of Secretary-General of the SGC, was merely assisting the rotating Presidency and the Council in the area of foreign policy, the post-Lisbon High Representative of the Union for Foreign Affairs and Security Policy operated autonomously, supported by the European External Action Service (Council, 2010). It more concretely implied that the functions of High Representative and SG of the Council Secretariat would no longer coincide as was the case under HR Solana (1999-2009). 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 from the Secretariat to the EEAS (Council Decision, 2010).

For the GSC, the new development created both opportunities and risks. Overall, the promotion of the HR from 'assistant' (1999-2009) to the Council and the rotating Presidency to president of the FAC and Vice-President of the European Commission was seen as a positive development. It was considered as the 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 entailed 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 creation of a separate institution focused specifically on foreign affairs and security represented certain risks. In the first instance, the setting up of the EEAS implied the 'loss' of significant numbers of staff, given that it had been determined that the EEAS' workforce would be made up of equal parts of Commission officials, Council Secretariat staff and Member States diplomats. In total, 411 staff members were moved to the EEAS, with half of them being policy officials.[5] This is quite a substantial amount, representing up to about 38% of its previous policy staff. In addition, there was concern that 'outsourcing' political external relations would make coordination across a range of policies more difficult, and the linkages between internal and external policies, more challenging.

These concerns are compounded by the growing trend in the EEAS to rely on seconded diplomats from the member states rather than on European civil servants. By 2024, the share of seconded national officials in the EEAS had risen from the one-third that had been foreseen in the Lisbon Treaty to an estimated two-thirds (#15) – a development which implies that in the making of EU foreign policy the *European* perspective traditionally adopted by Council and Commission officials is being marginalised in favour of parochial member state interests.

As for the formal, administrative relationship between GSC and EEAS, the Council Decision on the organization and the functioning of the EEAS explicitly states that when supporting the HR/VP in her capacity as chair of the FAC,

5 Based on figures kindly provided by the GSC.

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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 fully supported the move of a large chunk of its foreign policy expertise to the EEAS (#3; #4; #13). It however wanted to preserve its original supporting role for external policies that remained under the rotating presidency such as trade, development enlargement which continued to be led by the rotating Presidencies (#13). In addition, it took the position that in terms of logistics and administrative support, 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. The GSC argued that for reasons of coherence, it was 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 for reserving rooms, arranging interpretation, sending out the 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. Here also the Secretariat still saw a role for itself. Firstly, it pointed to its indispensable role as bridge builder with the external policies such as trade and development which continued to be chaired by the rotating Presidency (Vanhoonacker *et al.*, 2011). 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, #13, #14).

The HR/VP Catherine Ashton and her staff saw the division of tasks differently (#13). In their eyes, the FAC with its own permanent chair and foreign policy administration was different from the other Council formations and therefore needed a large degree of independence. Ashton defended the position that she was in charge of a ministry of her own and wanted to be served by her own staff, not by those of the GSC (#13). This insistence on autonomy was revealed in a variety of ways. The HR/VP, for instance, initially refused to contribute to the Council's 18-month programme 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 at 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 18-month Council 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. Initially, the latter often did not attend or contributed minimally. The result was that the first 18-month Council 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 of its key assets: its strong embeddedness in the Council system and its role as guardian of the overall coherence of

6 See: <http://www.cy2012.eu/index.php/en/file/ZvIy6XtZoD_GpdeP_+CepQ==/>.

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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 in helping the upcoming members of the trio presidency with the drafting process and the integration of the different contributions into a coherent document. Here it undoubtedly helped that COREPER was on the same line. An autonomous FAC, operating according to its own rules, would have considerably weakened the position of the member states in foreign policy-making and was therefore not in their interest at all (#5).

The divergence of views on the autonomy of the FAC was also reflected in the discussions on its own legal service. For the secretariat, for reasons of consistency and external representation, it was important that there would only be one Council Legal Service giving legal advice to all Council formations. Here also the GSC largely realised its preferences. While the EEAS created a small unit to give legal advice 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 also the preferences of the GSC were in line with those of the member states. The latter wanted to keep the service limited in size and therefore had allocated relatively restricted budgetary means to it.

While the GSC seems to have been quite successful in safeguarding a single Council regime, its traditional role as advisor to the Presidency has clearly changed as the HR/VP developed a fully fledged service of her own which – in addition to possessing the substantive expertise – is also well prepared in terms of procedural and process expertise, traditional assets of the GSC (Juncos and Pomorska, 2023). Still the GSC, whose staff continues to serve as note taker at all meetings chaired by the EEAS, has one sizeable advantage in that it also maintains a good overview of developments in areas such as trade and development policy, and therefore is able to work towards the consistency across the different areas of EU external action. As there is also increasingly an important external dimension to most internal EU policies, the GSC's bird's eye view is an major asset it can bring to the process.

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 thereby 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. Its successful handling of this sensitive matter was unquestionably also facilitated by the fact that the interests of the Secretariat and the Council fully coincided. The views of Secretary-General de Boissieu, a former French career diplomat, were not only those of the GSC but also those of the member states who were afraid that a FAC run by different procedures would negatively affect their decision-making prerogatives (#5).

After a rather difficult transition period, working arrangements between the GSC and the EEAS eventually settled and relations improved. It also helped that Ashton's successor, Federica Mogherini, took a more open-minded attitude towards the secretariat and emphasised the added value of its role (#13). By the time Josep Borrell took over as HR/VP (2019-2024), both players had developed a well-established way of working, with a clear division of tasks. At the same time, the leading role played by Commission President von der Leyen with regard to the EU's response to the war against Ukraine, as well as President Charles Michel's active foreign affairs role and the expansion of Council Secretariat's DG for External Relations have not gone unnoticed in the EEAS (#14). While it is to be welcomed that in times of geopolitical turbulence relations with other parts of the world receive attention at the highest political level, this also raises concerns about duplication, institutional competition and the future division of tasks in an era in which the EU's security and defence posture has come under much greater scrutiny.

Conclusion

The Lisbon reforms – the establishment of semi-permanent chairs for both EUCO and FAC – and the consequences of a decade of non-stop crisis management have had major implications for the EU governance structure. This article has looked at the specific context of the GSC which has so far received relatively limited attention, be it public or academic. Our analysis has demonstrated that despite considerable structural constraints, there are significant

opportunities for agency by GSC officials to influence outcomes. While they are generally obliged and committed to impartiality, our research has shown that senior officials in the GSC are able to formulate institutional preferences and develop strategies to realise these in those situations where the prerogatives of the (European) Council or the secretariat's own position within the EU's governance structure are at stake.

Observing the reactions to the establishment of both the PEC and the EEAS makes clear that the top echelons of the GSC have not been passive bystanders when it came to the implementation and interpretation of key treaty changes which would directly impact upon their own roles. On the contrary, high-level GSC officials were well aware of both the risks and the opportunities generated by the emergence of new centres of political power and took a pro-active approach, albeit in a measured way that avoided confrontation. By engaging with the 'newcomers' and developing appropriate strategies, they succeeded to some extent in shaping an institutional arrangement in the interest of the (European) Council and the GSC.

In the course of this research, it has become evident that 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. They have an excellent vantage point of the minutiae of the (European) Council machinery and are therefore well-placed to anticipate the implications of any changes to these arrangements. On this basis, key officials in the GSC engaged proactively during processes of treaty change implementation and crisis management, and were also able to persuade others to move in their preferred direction. Choices were framed and a discourse developed in line with the GSC's core mission, namely to ensure the smooth operation of the Council and European Council and their contribution to the overall functioning of the EU. In this regard, it was noticeable how the GSC's well-established and highly respected legal service would underpin preferred ways of proceeding through authoritative legal arguments (#5) – a finding that is in line not only with previous studies on the Council Secretariat, but also with the wider literature on the role of knowledge and expertise as a source of political power in the European Union (Radaelli, 1995; Blom and Vanhoonacker, 2014).

With respect to the developments around the European Council, the GSC and its Secretary-General were ideally placed to exert influence on the evolving role of the new President due to the physical proximity to, and close contact

with, the post-holder. The President's relatively small cabinet actually had their offices on the same corridor as key officials from the GSC. From the get-go there was close interaction between PEC and GSC staff, and the support offered by the GSC was welcomed by the PEC 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, with respect to the changing arrangements in the area of foreign and security policy, the situation was more challenging as it concerned the creation of a new service, 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 140 'delegations' around the world) was not in an obvious need for the services of the GSC. Yet even in this regard, with the GSC's role as process manager being affected substantially, it nevertheless managed to protect its logistical and administrative 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, 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 preparation of EUCO meetings and the drafting of their 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 from seeking to influence the implementation of the Lisbon reforms in significant ways (Beach, 2004). This is testament to the logic that when areas where the institutional prerogatives of the GSC and the institutions it serves are at stake, its representatives will develop strategies that (within limits) impact on the outcome of the reforms.

Beyond the GSC itself, this research also proves 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 reveals itself 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 the effect of, protracted negotiations that are generated *after* new treaty articles became law. Other, well-known examples of this aspect of EU constitutional politics include the emergence of the *Spitzenkandidaten*

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system following the Lisbon Treaty changes regarding the election of the President of the European Commission, or the lengthy and as yet unfinished adaption of legislative implementation based on the new system of delegated and implementing acts.

And beyond the experience of the EU, these findings concerning the changing role of the GSC in the context of treaty reform and crisis management point to important messages for the study of political institutions: the somewhat hidden capacity for 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 an important bearing on the outcome of such changes. While recognising that the role of the GSC as the secretariat of the Council – which is essentially a legislative body – and of the EUCO which sets out EU strategic direction is fundamentally different from those of other secretariats of traditional international organisations which usually fulfil only routine administrative and logistical tasks, the findings presented in this paper also speak to the broader literature on the role and agency of international secretariats that have limited formal competencies (Mathiason, 2007; Jinnah, 2014; Manulak, 2017; Knill *et al.*, 2019; Debre and Dijkstra, 2021).

Our research also unveils a factor that is often overlooked in institutional analyses, namely the role of personality and the difference that can make in adapting to change. The background, skills and personal attitudes of individual post-holders have had a significant impact on the manner in which the GSC adapted to the Lisbon treaty reform and the response to the crises. This is most obvious at the political level where politicians of different national cultures and with diverse political views had distinct approaches to their office. The difference between Baroness Ashton, being more concerned with internal matters, and Federica Mogherini, prone to launch high-profile initiatives, has already been widely commented on (Koops and Tercovich, 2020). In a less transparent fashion, the cultural and personal characteristics that Herman Van Rompuy and Donald Tusk brought to the PEC job had a significant influence on the way in which the institutional arrangement evolved, which in turn made a difference to the functioning of the GSC in this context. However, we have also seen how personality matters at the administrative level, and in particular how different SGs over the past decade would shape the relationship between the GSC, the PEC, and the EEAS. On the basis of this finding,

this points to a more general relevance of personal factors in institutional analysis that ought to be the focus of future research.

In this vein, the findings here also add stimulating theoretical insights into the wider debate about the relationship between agency and structure. It demonstrates that even from an institutionalist perspective – which generally tends to follow a structural logic in explaining the effects of legal change – we can observe the difference that individual actors can make to the outcome of such reforms. Rather than giving explanatory primacy to either patterns of agency or structural change, our research emphasises the importance of understanding the interplay between both.

In conclusion, the particular experience of the post-Lisbon GSC thus 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 to realise their preferred outcomes.

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APPENDIX

Appendix 1 – Interviews

No.	Function of the Interviewee	Date	Format
# 1	Former member of the *Cabinet*, 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 *Cabinet* 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 *Cabinet*, PEC Herman Van Rompuy	14/01/2022	Zoom
#9	Former Director, GSC	24/08/22	Zoom
#10	Senior official, Directorate-General Organisational Services and Development (double interview)	21/09/22	Zoom
#11	Senior official, Office of the Secretary-General, GSC	21/10/22	In person
#12	Senior official, Directorate-General JAI, GSC	21/10/22	In person
#13	Former Director General, GSC	26/10/22	Zoom
#14	Senior official, EEAS	3/11/2022	Zoom
#15	Senior official, EEAS	13/02/2024	In person

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