



Policy Brief

“The EU Spanish Presidency: Between hope and reality”

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European Movement in Albania (EMA) is a think tank devoted to improving the quality of the debate on the European Integration process. It is a forum for exchange of views on political, legal, economic and social challenges facing Albania in its path toward European Integration. By analyzing different aspects of European Integration process, EMA therefore aims to promote new ideas for improving this process.

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1. The Spanish position during the lead of the European Union Presidency

Since the first of January 2010, Spain leads the EU. This is the fourth time that Spain holds the steering wheel of the EU machinery. The fourth Spanish Presidency, after those held respectively in 1989, 1995, 2002 represents a challenge itself if we take into consideration the fact that it is held at a time coinciding with the creation of the new institutions foreseen from the Lisbon Treaty. Spain differs from other EU Member States, especially big ones, as it has always found it difficult to reconcile its status as number one recipient of European aid with its position as a large state with global interests¹.

The Spanish Presidency has a complex agenda, which includes a series of issues inherited from the Swedish Presidency such as addressing the economic crisis, the issue of global warming as well as climate change. From this perspective, the Spanish Presidency will play a facilitating role in the EU transition to a new stage of strategic planning of European policies. On the other side, the EU should be considered lucky to be lead in this moment by Spain, a country which disposes of a qualified administration experienced in the management of European policies. The statement of the Prime Minister Zapatero that the Spanish EU Presidency will be a political project and not merely the difficult administrative task of organizing a heavily schedule, proves most of all Spain's will and vision to reassert its role in the European area.

2. The priorities of the Spanish EU Presidency

The leitmotiv of the Spanish Presidency, "Innovating Europe" constitutes the foundations on which originate the main axes of the European lead, which are articulated as follows:

¹ See, "A project for Europe. Reflections and proposals for the Spanish Presidency of the Council of the European Union", December 2009:
http://www.cidob.org/en/publicaciones/libros/monografias/un_proyecto_para_europa_reflexiones_y_propuestas_para_la_presidencia_espanola_del_consejo_de_la_union_europea

2.1 The well-functioning of the institutions based on the Lisbon Treaty

The entry into force of the Lisbon Treaty, after a decade of agony since the ratification of the Treaty of Nice, increases potentially the efficiency, transparency and legitimacy of the EU. The treaty does not enlarge substantially the competencies of the EU, but it increases the democratic coefficient in decision-making through the enforcement of the voices of the European Parliament and of national parliaments. The new institutional architecture with a triangular basis with The President of the European Commission (Barroso), The President of the European Council (Van Rompuy) and the High Representative for Foreign and Security Policy (Ashton) aims primarily to ensure a more centralized governance of the EU.

In the attempt to ensure more coherence in the policy-making process, the Lisbon Treaty has established the position of the President of the European Council with a two-year and a half mandate, who will promote cohesion and effectiveness of the work of the EU. The new system of presidencies foreseen for the European Council, the Foreign Affairs Council, the General Affairs Council and other formats specialised on sector-based issues are expected to facilitate a more clear division of tasks among EU institutions. The Spanish Presidency will be required to play a decisive role in this transitory phase if the institutions created from the Lisbon Treaty are to work in concordance with the purpose of their creation.

The European Council, for instance, or the summit of the heads of EU member states headed by President Van Rompuy is created as a separate institution, with the objective of setting policies and priorities of the EU. Whereas, the Council on Foreign Affairs, which is lead by the High Representative for Foreign and Security Policy Ashton, will operate separately from the General Affairs Council which continues to be headed by Spain, the member state holding the rotating presidency. Taken into account that the General Affairs Council precedes the summit of heads of states, the Spanish Presidency has the opportunity to exert its influence particularly on the later. Most importantly, the Spanish Presidency has the opportunity become an interlocutor between the European Parliament and the European Council.

The Lisbon Treaty creates for the first time the European External Action Service, which is headed from the High Representative for Foreign and Security Policy who represents the EU with third countries and international organisations. The representation of the

EU and the collaboration with diplomatic and consular missions of EU member states, creating the image of a “global diplomat” that will represent the EU as a whole² as well as the promotion of stability, security and democracy are some of the daily commitments of the high Representative for Foreign and Security Policy.

The European External Action Service is expected to be shaped during the Spanish Presidency, within April 2010. This service will consist of high ranking officials, the General Secretariat of the Council and of the Commission, as well as of diplomats of EU member state national diplomatic services. The service will be founded on two approaches: intergovernmental approach and community approach. Despite the fact that these two approaches of foreign and security policy operate within the same organisational structure, they are submitted to different decision-making procedures.

The Lisbon Treaty does not shed light on a crucial element such as the identification of the purposes of foreign policy, thing that might cause confusion in the very building of capacities of the European External Action Service.

Nevertheless, the representation of EU in foreign relations falls also under the authority of the President of the Council and the President of the European Commission. Almost in all issues touching upon foreign relations, collaboration, interactions and positive synergies between the above-mentioned institutions, together with the European Parliament and the Spanish Presidency are necessary, in order for the “functional deadlocks” and the overlapping of duties not to gain territory toward the objectives that are to be achieved through the creation of new institutions.

The position that the Treaty of Lisbon attributes to foreign policy is functional to one of the priorities of the Spanish Presidency: the promotion of Europe as a global actor. The motto of the Spanish Presidency “a stronger, more efficient and open EU” defines clearly the strategic vision and the philosophy of Spanish foreign policy.

2.2 Overcoming the financial crisis

In the context of the global economic crisis, increase of unemployment and poverty and negative trade balance, the Spanish Presidency has established as a priority for the EU,

² Shih, “Europe’s foreign service: from design to delivery”, European Policy Center, 25.11.2009: <http://www.epc.eu>

undertaking revitalising financial policies. Drafting a new strategy on economic growth and employment, “Europe 2020”, after the failure of the “Lisbon Strategy 2000”, which aimed to transform the EU in the most competitive area in the globe, will serve as a useful tool of coordination to structure a new growth model needed from the European economy. The new strategy “Europe 2020” will configure the European economic model based on three pillars: economic sustainability, social sustainability and environmental sustainability. The new economic model that is expected to be created needs to be accompanied by a better regulation of the European financial system. In this context, the Spanish Presidency will focus on the ratification of the supervision financial framework, ratification of regulatory reforms, identification of a common European answer to crisis management and the start of implementation of the priorities of the European Economic Recovery Plan.

2.3 A citizen's Europe

A “citizen's Europe” is the keyword of the EU as far as the respect of fundamental rights and freedoms are concerned. The Lisbon Treaty incorporates through a reference provision the Charter of Fundamental Rights making it legally binding. In addition, it provides to the EU the mandate to adhere to the European Convention on Human Rights of the Council of Europe, following the recommendation of the European Court of Human Rights in its Opinion 2/94. Referring to what is foreseen in the Lisbon Treaty, the Spanish Presidency will encourage the process of adhesion of the EU to the European Convention on Human Rights, which on its side, has shaped through the years the most sophisticated human rights protection mechanism in the European area.

The legislative initiative coming from 1 million community citizens, foreseen for the first time from the Lisbon Treaty aims to serve the purpose of further democratisation of the EU, through the exercise of one of the forms of direct democracy. At the same time, it aims to bring the European Union closer to the citizens, therefore resembling to a constitutional democracy, where a certain number of electors have the right of the legislative initiative. In order to create this instrument, the Spanish Presidency is committed to encourage EU institutions (the European Commission, the Council and the European Parliament) to establish as soon as possible the conditions and procedures to be followed for the legislative initiative of 1 million community citizens to be put in place.

Because of the galloping economic and social developments, an important part of the Spanish agenda is focused on policies relevant to the field of asylum and immigration. The encouragement to the creation of common asylum and immigration policies, the development of a global approach to this phenomenon and moreover, the development of a European Pact on Migration and Asylum, are some of the concrete steps that are expected to be undertaken during the Spanish EU Presidency.

3. The Western Balkans in the Spanish agenda of the EU

Despite having a positive approach towards the countries of the Western Balkans, the European perspective of this region remains a peripheral part of the program of this presidency. However, during the Spanish Presidency a common summit between the ministers of foreign affairs of EU Member States and those of the countries of the Western Balkans will be held in Sarajevo. This meeting comes 10 years after the summit of Zagreb, which marked the region's transition from the phase of bloody interethnic conflicts to the preparation phase for the start of the negotiations for the Stabilisation and Association Agreements. The Summit of Sarajevo could serve as a starting point for the transition of the Western Balkan's countries from the SAA network to the start of the preparation for the EU accession process.

3.1 Candidate States

Croatia

Spain is optimistic on the continuation of accession talks with Croatia and on their intensification during this 6-month period, although the 7 chapters of the *acquis* yet to be opened for negotiations are considered from the Spanish Presidency itself as the most difficult, amongst which we could mention justice and home affairs, environment, competition. The acceleration of the accession process of Croatia in the EU is in Spain's interest as this adherence would prove that the enlargement process can be revitalized with the entry into force of the Lisbon Treaty. At the same time, it is expected to give new impetus to the ambition of other countries of the Western Balkans to adhere to the EU, offering at the same time a success story to be followed.

Macedonia

Macedonia's road to the EU is meeting difficulties because of the name dispute with Greece. Following the opposition of Greece, since last December, the decision to open accession negotiations is postponed. The new European Enlargement and Neighbourhood Policy Commissioner, Štefan Füle, affirmed that he was pleased to learn about the clear consensus of the European Parliament and the Commission on the start of negotiations that was highlighted in the plenary session of the European Parliament on 10 February 2010.

The European Parliament called on the EU Member states to take a positive decision on Macedonia in the summit of March 2010. However, the Spanish Presidency believes that the resolution of the name dispute with Greece is a precondition for the starting of accession negotiations together with the establishment of a timeline. Meanwhile, Macedonia must make proof of stronger commitment in fighting corruption, proper law implementation and respect of minority rights.

3.2 Countries undergoing the process of becoming candidate states

Albania

The most important stages of Albania's path toward the EU during the Spanish Presidency refer to answering to and filing the questionnaire of the EU, the visa liberalisation process and the meetings of joint SAA institutions such as the Stabilisation and Association Council and the Stabilisation and Association Committee.

The answers provided from the Albanian authorities will serve as a basis for the European Commission to prepare an opinion on Albania's application to become an EU member. The opinion of the European Commission will be presented to the Council of Ministers of the EU, which will take a decision. While the filling and filing of the answers to the questionnaire is expected to happen within the spring of this year, the process of evaluation of the opinion of the Commission and the decision of the Council will take place beyond the mandate of the Spanish Presidency.

Depending on the fulfilment of the benchmarks embedded in the Visa Liberalisation Roadmap, the European Commission could undertake the legislative initiative to move Albania in the white Schengen list during the Spanish Presidency.

On the 10th of May 2010, the Stabilisation and Association Council will meet. Its works will be prepared from the Stabilisation and Association Committee, which will be held on the 11th of March 2010. These meetings are viewed as decisive for the further development of relations between Albania and the EU. The Resolution of the Parliamentary Assembly of the Council of Europe³ stresses the political deadlock that has encapsulated Albanian politics asking the government to allow parliamentary inquiry on the elections of the 28th of June 2009 and the opposition to return to the parliament. Hence, the “grade” with which the EU will assess the Albania’s progress during the Spanish Presidency will be influenced from the political climate in the country and the ability of the political elite to resolve with democratic instruments the crisis of position-opposition relationship⁴.

Serbia

During the Spanish Presidency, the Interim Agreement (the part of the Stabilisation and Association Agreement related to trade) between Serbia and the European Community entered into force. In the last period of the Swedish Presidency, Serbian citizens benefited from the lifting of the visa regime with the Schengen area. Furthermore, Serbia tabled the application for EU membership few days after the conclusion of the visa liberalisation process. If we take into account the importance that Madrid attaches to the relationship with Belgrade, this move is considered strategically suitable. It is likely that within mandate of the Spanish Presidency, the Council of Ministers of the EU will ask to the European Commission to present its Opinion on Serbia’s membership application.

Montenegro

If compared to Albania and Serbia, Montenegro is ahead in the process of EU membership application. Since the 9th of December 2009, Montenegro filed the answers to the questionnaire to the European Commission services. Meanwhile the Opinion of the Commission is expected to be presented to the Council during the year 2010.

³ See Resolution Nr. 1709 and Resolution Nr. 1902 of the Parliamentary Assembly of the Council of Europe, 28.1.2010.

⁴ See interview with the Spanish Ambassador to Tirana, Z. Manuel Montobio, given to DW, 25.1.2010

3.3 Other countries

Bosnia and Herzegovina

The ratification process of the Stabilisation and Association Agreement with Bosnia and Herzegovina is not concluded yet. There is no clear articulation of the country's timeframe of EU candidacy progress. However, the best news that is expected for Bosnian citizens is the conclusion of the visa liberalisation process, which would give them the opportunity to travel freely in the Schengen area. But even in this case, the process is conditional to the level of meeting the benchmarks embedded in the Visa Liberalisation Roadmap. The forthcoming parliamentary elections that are due in autumn are seen as an important test for the democratic maturity and the European future of Bosnia and Herzegovina.

Kosovo

Five EU member states, amongst which Spain, have not recognised Kosovo as an independent state hitherto. For this reason, Kosovo has not started yet negotiations with EU on the Stabilisation and Association Agreement. As far as trade exchanges are concerned, the EU is Kosovo's main partner, having with it a preferential regime that expires at the end of 2010. The entry into force of the SAAs with the other countries of the Western Balkans in the absence of the conclusion of such agreement with Kosovo could lead to the deterioration of Kosovo's trade position. However, the Spanish Presidency has made it clear that it will maintain a neutral position, without conditioning the visa liberalisation process for Kosovo's citizens by the status of Kosovo. The European Commission has proposed a structured approach developed through the drafting of a strategy indentifying the benchmarks to be fulfilled from Kosovo in order to benefit from the visa liberalisation process⁵.

⁵ See the Communication from the Commission to the European Parliament and the Council, Brussels, 14.10.2009, COM (2009) 5343.

4. Future perspective

The year 2010 is an important year in EU's history. It will be noted in the chronology of European history as the year of reform of the European Union, after one decade of efforts that culminated with the entry into force of the Lisbon Treaty. The transition period during the Spanish Presidency will be followed in the coming years by the period of consolidation of the institutions created from the Lisbon Treaty. The Spanish Presidency will play a crucial role in this transformation process, coordinating the work with newborn institutions and providing the start of a new era for the EU after constitutional and institutional clashes: that of economic growth, development of democracy and further stimulation of the enlargement process.