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PRACTICAL ASPECTS OF THE EU PRESIDENCIES: THE LATVIAN PRESIDENCY AND ITS DIGITAL PRIORITY

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1. Introduction

Presiding the Council of the European Union gives a unique opportunity for every member state to be at the center of the EU decision-making process and to steer this process on behalf of other member states. Nevertheless, both in general reviews and academic literature, views on the power and influence of the presidencies of the Council vary. These views broadly range from the often-quoted “responsibility without power” (Dewost 1984, p. 31) to “responsibility with power” (Thomson 2008, p. 611), where the latter illustrates the tendency in recent and growing literature to emphasize the potential power and influence of the presidencies. This paper argues in favour of the potential of the presidencies.

The power and influence of any presidency depends on different factors. This paper outlines some of those factors with the primary aim of assisting the employees of future presidencies, in particular the chairs of the legislative Council working parties. It is based on observations and lessons learned by the author in preparing and conducting the Latvian Presidency of the Council. During the Latvian Presidency, the author chaired the Council Working Party on Telecommunications and Information Society, covering telecommunications and internet governance issues (the most noticeable file was the so-called “Telecommunications Single Market” regulation proposal [European Commission 2013], covering the abolishment of retail mobile roaming surcharges and the establishment of open internet rules in the EU). Compared to other analyses of presidencies of the Council, this paper puts more emphasis on the practical aspects.

The paper proceeds with outlining some of the preconditions for exerting the influence of the presidencies, including both factors that are under control of the presidencies and factors beyond their control, to steer the legislative processes. It is followed by characterization of the different interests and approaches of EU institutions—the General Secretariat of the Council (hereafter “the General Secretariat”), the European Commission (hereafter “the Commission”), and the European Parliament (hereafter “the Parliament”)—and their implications for the presidencies. Then the paper covers factors that need to be taken into account in cooperation with other member states, lobbyist organizations, and the mass media. The last chapter of the paper outlines one of the highlights of the digital priority of the Latvian Presidency—the examination of the “Telecommunications Single Market” proposal. Finally, the concluding remarks provide a summary of points that could guide future presidencies towards success.

2. Preconditions for exerting influence

Given the role of the “honest and neutral broker” (the Council of the European Union 2015a) and only six months available, it has been often asked what a presidency can achieve during its term. One of the debates has focused on the size of the member states and its implications about the effectiveness of their presidencies. In this respect, being small and having relatively fewer resources than other member states should not be considered as a limitation, but rather an opportunity to mobilize and use the available resources more effectively than other member states would do. Therefore, in practice size of the member states alone falls short of being a universal and credible explanatory factor. Many external factors beyond control of the

presidencies, but no less important are internal factors, like the amount of political attention given to the presidency, the quality of the public administration, and the preparation and implementation of the tasks of the presidency. Some of the latter factors are further examined in the following parts of this paper.

Regarding the possibility of achieving ambitious goals on concrete issues, much depends on the format and the formal role of the presidency, given that its role is not equal in all formations (for example, not all Council working parties are chaired by the presidency). If a working party is chaired by the presidency, much depends on the active files—both the legislative and non-legislative ones. In some cases there might be no active files at all, which on most occasions makes the role of the presidency rather limited but does not prevent it from proposing new documents at its own initiative, for example non-papers, declarations, conclusions, or organizing events. If there are active legislative files, much still depends on their content and level of maturity (the legislation stage), considering that six months is a rather short period to commence and conclude discussions. Therefore, the timing of the presidency is one of the most important factors. In the initial stages of the legislative processes, the examination of files is usually explanatory (by the Commission), exploratory (by the member states) and generally preparatory for the next and crucial stages—in particular the negotiations with the European Parliament in the co-decision procedure. On the contrary, in the final stages of the legislative processes the presidencies have a higher potential to exert influence, and are given the opportunity to directly influence and shape the end-result.

In case there are active legislative files, the presidency can decide if, to what extent and how it will work with a given file (even with a file that is at the final stage of examination), depending on its priorities and interests. For different reasons—other files are more outstanding, a lack of interest or lack of expertise in a file, limited resources or limited time available, etc.—the presidency can decide not only not to work with a concrete file but it can prioritize other files or provide less prominence to a particular file. In the latter case, the file can be put on the agenda with significant delays and less attention can be devoted to pushing the file forward. However, if the presidency decides to put aside or to give less attention to a sensitive file, significant pressure at a political level can be expected from the Commission, the Parliament and other member states.

If the presidency decides to work with a particular legislative file, much still depends on its approach. Especially important is what level of ambition is given to the file and how the ambition is implemented—in particular how much impetus at a technical and political level the presidency is capable of and ready to provide. With low attention and low resources devoted to a file, it is not likely that the file will move forward swiftly. Then it would primarily depend on efforts of the Commission and other member states to solve the unresolved issues and to come forth with possible compromise solutions. In other words, the presidency can do the minimum routine procedures, like the examination of the proposal at a modest pace, and it can avoid pushing forward the process with new approaches and new compromise proposals. On the other hand, the presidency can do more than the minimum. It can organize additional working party meetings, informal working party meetings, formal or informal ministerial meetings; it can produce new documents with new approaches and new compromise proposals; and it can work more intensively with the delegations, other institutions, lobbyists and the mass media. In this respect, the chapter describing the handling of the so-called “Telecommunications Single

Market” proposal can serve as an example on how the presidency can give extra impetus to a legislative file.

From a more practical point of view, the quality of the public administration in general and the team that runs the Council working party in particular is a significant factor that determines the fortune of a presidency and the outcome of concrete files. In this respect, a thorough understanding of the situation in Brussels is necessary. For previously non-Brussels-based employees, even though preparation in the capital is necessary, the most important part of the preparatory process is the practical experience gained beforehand in the respective working party. Therefore, it is not feasible to arrive in Brussels only shortly before the presidency. There are several reasons for that: the operational environment is different from any other—it is multinational and multicultural, it is composed of different institutions that have no equals elsewhere (see the next chapter on the interests and approaches of these institutions), and there are noteworthy written and non-written procedures, rules and norms of behaviour. Even though remote studying of the respective rules and procedures can give a satisfactory understanding of them, it will probably not be an adequate substitute for the experience of the practical application of them. Furthermore, many informal rules and norms of behavior, like how to organize, chair and steer working party meetings and other meetings, can only be experienced first-hand.

There also have been debates on the effectiveness of Brussels-based versus capital-based presidencies. From a practical point of view, if during the presidency the chair of a legislative working party with active files is not based in Brussels, or a significant part of the decision-making process is located in the capital, it can create notable challenges. For capital-based chairs (possibly with the exception of countries geographically adjacent to Brussels) it can be difficult to cover all the elements of an active presidency: Council working party meetings and the preparation of thereof, as well as regular meetings and calls with the presidency team, other member states, other institutions and stakeholders. On many occasions, meetings have to be called upon short notice, often numerous meetings per day are necessary, including holidays and weekends, and in many cases the earliest meeting ends before official working hours begin and the latest starts after official working hours end. Similarly, no less important is the center of the decision making process of the presidency. If most of the decisions are taken in the capital, when hours or even minutes are crucial, it can delay the consultation and decision making process to the extent that the decisions provided from the capital are obsolete. Furthermore, the presidency team in Brussels might not be able to properly engage with other parties involved, as without decision-making power it is difficult to provide the necessary answers to questions before the relevant instructions from the capital have been received. Nevertheless, for a Brussels-based presidency a carefully developed link with the capital is also of paramount importance. In this respect, the best link can be characterized by a clear understanding between the personnel in Brussels and in the capital, so that at least the main principles and the “red lines” are clear, and consultation is necessary only before the most significant decisions are taken.

With regards to the structure and organization of the working party team in Brussels, again a clear understanding of the responsibilities and ability to fulfil them is crucial. In strengthening the available resources, especially for smaller member states, the secondment of employees from the Commission or other member states is one of the ways to raise this capacity (secondments can be viewed with a certain degree of suspicion, given the possible interests of

the seconders; however, the Commission might be genuinely interested to raise the capacity of the presidency and other member states might seek an opportunity to train their employees in a challenging environment). As outlined in the following parts of this paper, direct assistance from other member states, the Commission, and other players can serve as an additional asset for the presidency team. In addition, given that almost no file is limited to the working party level only, a clear and effective link needs to be established and maintained during the presidency throughout the broader presidency team, especially with the ambassador (the permanent representative or the deputy permanent representative) and his or her team. Not only are the most decisive decisions taken above the level of the working party, and therefore other levels need to be well prepared, but the working party level is also regularly influenced by other levels. In particular, other member states and institutions, when not succeeding in their aims at the working party level, often try to influence the decisions of the working party through other channels.

Finally, the expression that one should have order at home before trying to impose order elsewhere is also applicable to the presidencies. Internal national issues—for example, historical institutional enmity patterns or discrepancies of opinions between or among institutions—should be resolved before the presidency, or at least put on hold for its duration. If unresolved, differences can be clearly visible at the EU level: for example, when the presidency speaks through different representatives in different voices on the same issue, or even when those representatives intentionally counteract each other. The same also goes for the number of national institutions that are involved in the working party. More than one institution on equal terms in one working party (and therefore possibly with responsibility over different files and the chairing of the working party by separate teams) can complicate the management of the working party and it can limit the overall results. Different national institutions might have different interests, capacities, internal institutional cultures and methods of operation. These factors, in turn, can complicate planning and running of the working party, especially if there is only one representative in charge on behalf of other member states.

3. Different EU institutions—different interests and approaches

The institutional arrangement of the EU is complicated per se. In practice, there are further complications that have to be taken into consideration by the presidencies as well. EU institutions not only have different internal cultures but, more importantly, different agendas and interests, and rarely is there a single agenda for all of them. Furthermore, it is important to note that EU institutions usually aim to gain control over the “mind” of the presidency in pursuit of their interests (that, however, certainly does not mean that those interests are not the interests of the Union). Seeking control over the actions of the presidency can range from modest efforts to persuade officials to follow a particular line (for example, to downplay or to prioritize a concrete file, or how to steer a file) to political pressure, usually coming from the Commission and the Parliament.

The General Secretariat is usually presented as the body that will support the presidency throughout its semester. In certain areas and cases, support from this body can reach or even exceed expectations, in particular when benefiting from its “institutional memory” and assistance in planning and conducting the examination of files. However, it has to be noted that

for each member state the presidency lasts six months, and for the General Secretariat as a permanent body each presidency is “just another presidency”. Therefore, in certain cases it might try to impose its own agenda, even one that is non-consistent with the priorities of the presidency (for example, by promoting to downplaying a concrete file or by trying to impose another strategy or tactic). Such situations can be explained not only by different institutional interests and preferences but also by other factors such as its limited capacity compared to other Union institutions and therefore its preference for a slower pace.

The Commission, often denoted as “the guardian of the Union treaties” and endowed with legislation initiative rights (and therefore trying to prioritize its proposals), obviously has a distinct agenda and *modus operandi*. Even though an expression often heard among representatives of the member states—“never trust the Commission”—cannot be generalized, it is also not completely ungrounded. To defend its interests and proposals, the Commission works with many different parties at the same time. In this respect, the presidencies are not exceptions, as the Commission tries to persuade them to follow the Commission’s agenda (and, for example, not the suggestions of the General Secretariat or other member states). However, where the interests of the presidency and the Commission coincide, the Commission can be a valuable asset for the presidency. The Commission can not only exert pressure on other member states, members of the European Parliament and other parties involved, it can also provide the presidency with its expertise and direct support with drafting and amending compromise proposals. This support, however, has to be evaluated with a necessary dose of critical thinking to ensure compliance with the interests of the presidency and the Council.

The Parliament as an institution does not resemble any other institution of the Union. The most similar institutions are the national parliaments, and therefore the power granted to the members of the Parliament (hereafter “the members”) through direct elections has visible implications on the operation of this institution. This fact has therefore benefited the Parliament through an assumption that it works for the citizens of the EU (Europeans), whereas the Council represents the interests of governments, which are not necessarily the same as those of the citizens. This also has to be taken into account by the presidencies, in particular during negotiations with the Parliament. Another important factor is that even though on some occasions members of the Parliament pursue interests that coincide with those of the governments of the respective member states, on many occasions the members have different perspectives and priorities than the governments. These can be based on their personal beliefs and the positions of the political groups they represent, and they can be based on a pan-European perspective, thus looking more towards a common European good than a national one. Therefore, presidencies should not presuppose that members representing the same country would also accept the positions of their presidency.

When establishing contacts with members, communication with the members themselves should not be the ultimate goal. On most occasions, the assistants of the members serve as “gates” to them (for example, e-mail boxes are usually operated by assistants). Sometimes the desired messages to the members can be more easily conveyed through their assistants as conversations with them are usually less political and therefore more practical and technical in nature. On many occasions, it can also be easier to establish contact with members of the Parliament elected from other member states than from the same country (colleagues from other member states can be helpful in engaging with their compatriots in the Parliament). Nevertheless, where the interests of the presidency and the compatriot members of the

Parliament coincide, especially if the member has an influential role in his or her political group and/or committee, the members can be very helpful in the implementation of the priorities of the presidency. But most importantly, in the case of ongoing trilogues with the Parliament, a close relationship with the rapporteur and preferably with the shadows of the files should be established and maintained throughout the negotiation process. If the aim of both parties—the presidency and the rapporteur—is the adoption of a legal act, then coordinated efforts (where the presidency gathers support in the Council and the rapporteur gathers support in the Parliament) towards a common compromise is the best model of cooperation.

4. Cooperating with the member states

As the presidency represents the Council and the member states composing it, cooperation with national representatives is of paramount importance. Therefore, prior to and during the presidency maximal engagement in a transparent and open manner is necessary. Even though for the future chairs of working parties the representatives from other member states are usually known beforehand, it can be advised to meet a representative of every member state right before the presidency, either bilaterally or in multilateral formats, to introduce the presidency team, to present the priorities and to inquire of their expectations, priorities and problems. Even though such an approach is time consuming, it can significantly ease the preparation and structuring of further work and it can lay the groundwork for effective cooperation with the various delegations throughout the six months of the presidency.

As individual communication with every single member state is time consuming, responsibilities for cooperation with the member states can be divided within the presidency team—for example, one half of the member states under the chair of the working party and the other half under the responsibility of the vice-chair. Closer interaction with other delegations is particularly necessary before proposing new compromise proposals and before significant events to explain the intentions and the contents of the documents, to test the draft texts, and to inquire about expected positions in order to better plan and steer the examination.

During the most intense periods, some delegations need to be met several times per week and in some cases have to be contacted several times per day. However, it can be difficult to retain a high level of engagement throughout the presidency, and therefore a prioritization of the member states is unavoidable. Prioritization is usually done based on simple criteria—priority is given to opinion leaders and the member states with the most votes in the Council (nevertheless, especially for smaller member states holding the rotating presidency, it is important to remember that after the presidency they as small nations might be treated in the same way by future presidencies). In addition, it is important to note that at the working party level arguments and technical points usually matter more, but at higher levels on most occasions the number of votes is the main decisive factor.

During the course of the presidency it can difficult to entirely remove oneself from the power of certain member states and influence of similarly thinking nations or regional partners (who might therefore have historically better-established contacts at a political level). Therefore, one of the hardest issues is to maintain the role of an honest and neutral broker and to retain a balanced approach towards all member states. Even if the presidency works to be as honest and neutral as it can, given that these factors are rather subjective, particularly during decisive

points the presidency can be accused of not being neutral and honest even though those allegations might not be founded. On other occasions, for the sake of moving a file forward, the presidency has to align itself with the majority of the Council, after which discontent from the representatives of other views is inevitable. However, positions and alliances in the Council are not always stable. In the search for compromise the direction of a proposal and therefore the approach of the presidency might change, and amity and enmity patterns among the member states can go along. Delegations that were initially friendly towards the presidency and its approach can even become hostile and can demonstrate their discontent in different ways and formats.

Looking at it from another perspective, not only do member states try to influence the presidency to act in the way they see most appropriate, but the presidency can also try to influence the positions of the member states. The presidency can try to persuade member states to support its compromise proposals both at technical and, when necessary, higher levels. The member states can also be valuable practical assets for the presidency—especially the ones with the best expertise (particularly when there is no sufficient internal expertise for the presidency itself). Other member states can assist in developing new approaches and new compromise texts and assist in defending them not only in the Council but also in the Parliament through its compatriot members of Parliament.

Another aspect to be noted is the different decision-making and cooperation levels with the member states. With each higher level—from the Permanent Representatives Committee (COREPER), to the ministerial level, to the European Council—the generalization of issues increases. Therefore, the possibility to reach a compromise can be higher, especially in the context of other files and bargaining between or among them. Thus, the right moment to move a level higher, especially from the working party level to the COREPER level, has to be identified properly—namely, when an issue is mature enough and possible agreement is in sight. At higher levels most smaller issues are usually neglected, but, at the same time, this level does not prevent some of the member states from bringing up even the smallest issues at a higher level (or at the ministerial level).

Finally, when the presidency has achieved a common position in the Council and has gained a mandate to commence negotiations with the Parliament, it is faced with the difficult task of representing the position outside the Council, where often decisions are not unanimous. If a file in the Council has been supported only by a slight majority, dissatisfied member states usually try to defend their interests through the Parliament or the mass media. That not only demonstrates fragmentation of the Council itself, but also complicates negotiations with the Parliament and the internal alignments in the Parliament. Furthermore, as usually good compromises are those that leave everybody equally dissatisfied, also the presidency might have to defend a position with which it is not satisfied—for example, when the Council position significantly differs from the presidency proposals or national preferences.

5. Role of the lobbyists and the mass media

Brussels has one of the highest presences of lobbyist organizations worldwide, and according to Corporate Europe Observatory (2011, p. 7) it is “the world’s second biggest centre of corporate lobbying power, after Washington DC”. Therefore, in sensitive areas the presidencies

usually enjoy a high amount of attention from them. Each of them has their own interests, but usually they form blocks or alignments of opinions, such as those representing industry and others representing civil society. Therefore, many lobbyists are linked—for example, they can coordinate their efforts because of similar interests and they can have overlapping membership (some members participate in more than one association, while other members engage in parallel individual lobbying activities). At the same time, different blocks of lobbyists have different interests, and so their narratives compete for the attention of the decision makers, the presidency among them. Lobbyist organizations usually start to engage the incoming presidencies a few months before the beginning of the presidency, but the peak of the requests for meetings and invitations to speak at events comes around one to two months before the presidency and again at the beginning of the presidency. Following that period, most of interactions with lobbyist organizations come around decisive events, like COREPER meetings, ministerial meetings and trilogues.

It is important to note that most of the lobbyists, as well as the mass media, are very well informed about the latest developments in their area of interest, including meeting agendas, the contents of the latest documents (including those that should not have been in their possession), and the positions of the member states and institutions. Often their knowledge of the situation transcends that of many member states and often they deliver opinions and arguments on outstanding issues even earlier than many member states and at a higher level of detail and quality than many member states are able to provide. The lobbyists can also be more knowledgeable about a particular topic than many member states, both in technical and legal terms (some of them probably have more human resources and other capacities than the smaller member states or the member states with less well-established public administrations).

Because of their knowledge and access to different parties involved, lobbyists can have visible impact on decision-makers. In some cases this impact rests on well-balanced and reasoned arguments, whereas in other cases it can be based on sympathies related to national or ideological affiliation (on some occasions it goes beyond identical argumentation and even identical proposals from the lobbyists and the representatives of the decision-makers can be seen). For the presidency, given an adequate level of critical thinking, position papers and arguments produced by the lobbyists can be helpful not only to understand certain technical or legal issues but also to develop new approaches and compromise texts. Thus, lobbyists can also be a useful asset for the presidency—not only to acquire information and advice that their supporting experts are not able to provide, but also to organize common lobbying efforts vis-à-vis other decision makers (in cases where the interests of the presidency and lobbyists coincide). Therefore, a cautious yet open approach and a willingness to meet the lobbyists is advised.

The mass media are possibly even more influential players in the EU decision-making process. Parties involved in the decision-making process tend to share information with them at their own initiative in order to influence public opinion and other decision makers—for example, by providing the mass media not only non-public documents but also summaries of working party meetings and other valuable information. Different mass media outlets can have different sources, as some institutions and member states might share their information with select mass media. This is not to undermine the fact that journalists themselves are active in acquiring information and that they often approach the presidency. Before and during the presidency, the most committed journalists seek to establish direct contact with the chairs and vice-chairs of the working parties, for example by during public events or simply calling the publicly available

telephone numbers. Similarly to the lobbyist organizations, most of the inquiries are centered on decisive events, like COREPER meetings, ministerial meetings and trilogues.

For the presidencies, it is also important to establish close cooperation in the public relations sphere between Brussels and the capital-based teams, as journalists can approach both the presidency team in Brussels and national institutions and politicians (not only the minister in charge, but also other related ministers). In this respect, a regular exchange of information and the preparation of lines-to-take before or after significant processes may be helpful for providing a single message at different levels and from different presidency sources. However, the bulk of technical questions are usually received by the presidency team in Brussels. Therefore, close cooperation with the presidency spokespersons is essential to be able to send the right messages in the public domain.

Similarly to the other players mentioned above, not only can the presidency be a useful source of information for the mass media, but the mass media can also serve as a valuable tool for the presidency, especially given that EU institutions and the member states are usually sensitive to the public opinion formed both by the national and international mass media (as some say, this is almost the only way to exert effective pressure on the Parliament). Furthermore, if the presidency does not speak with journalists, then others (the Commission, the Parliament, the member states, the lobbyists) will openly or anonymously speak with them. In this respect, it has to be taken into account that the Commission and the Parliament are usually better positioned to work with the mass media, and this can have implications on the public coverage of processes. For example, the Parliament usually has more public relations resources than the presidency and the General Secretariat combined (including not only the members of the Parliament themselves and their Brussels and capital-based assistants, but also the representatives of the political groups and structures of the Parliament, including its information offices in the member states). Therefore, to allow the narrative of the presidency to be noticed by the mass media, cautious openness and cooperation with journalists can be advised. As journalists usually use different sources of information, engagement with them should be considered an opportunity to present the opinions and arguments of the presidency. Therefore, well-balanced and reasoned viewpoints (that do not necessarily exclude sensational elements) will have a better chance to be heard and taken on board. Bilateral engagements (which can also be initiated by the presidency) as well as multilateral meetings (like informal briefings or debriefings before and after significant events) can be used as a way to explain the positions of the presidency on particular issues.

6. “Telecommunications Single Market” proposal as a practical example

The so-called “Telecommunications Single Market” regulation was published by the Commission on 11 September 2013 with a general objective to “...move towards a single market for electronic communications...” (European Commission 2013, p. 2), and was generally supported by the Parliament in its first reading position on 3 April 2014 (European Parliament 2014) (the main elements of the proposal were retained). However, the proposal was not well received by member states or industry. The preceding consultation process was questioned and challenged as insufficient (for example, the European Ombudsman was asked to examine “the lack of effective public consultation of stakeholders” underpinning the proposal [European Competitive

Telecommunications Association 2014]), but more importantly, the proposal was criticized per se. For example, the Hellenic Presidency on 26 May 2014 provided a critical report on progress achieved (Council of the European Union 2014a, p. 10). It underlined that discussions among member states at a technical level have demonstrated serious problems, noting the problematic aspects of some elements and challenging the necessity of others. The following Italian Presidency tried to reach an agreement among member states. However, it did not receive a mandate to start negotiations with the Parliament during its presidency. Furthermore, at the end of the Italian Presidency discussions focused on only two elements of the proposal, roaming and open internet (Council of the European Union 2014b, p. 3), leaving aside other issues (management of the radio spectrum, the rights of end-users, etc.) that had been a part of the ambitious initial package.

Given the controversies surrounding the file, for Latvia as the incoming presidency it was a difficult choice on whether to proceed with this file, even though "Digital Europe" was one of the three overarching presidency priorities alongside "Competitive Europe" and "Engaged Europe" (Latvian Presidency of the Council of the European Union 2015a). Back in November 2014 the work program of the incoming presidency ambiguously stated that it "...will, depending on the state of play and respecting the interests of different stakeholders, give due consideration to the proposal..." (Council of the European Union 2014c, p. 2). However, it was decided to seek "an overall compromise" (Latvian Presidency of the Council of the European Union 2015a), and so intensive work began, starting with a dedicated presidency roadmap. The roadmap, among other things, outlined a completely new approach to reducing mobile roaming surcharges ("roam like at home 'plus'") (Council of the European Union 2015b p. 3). It was generally supported in an informal ministerial dinner on 21 January 2015 that was hosted by the Commission and the Latvian Presidency (Latvian Presidency of the Council of the European Union 2015b), paving the way for an examination of the new approach at a technical level. Following several compromise texts proposed by the presidency, on 4 March 2015 a mandate to start negotiations with the Parliament was received from the member states.

Even though this was the first time an agreement among the member states was reached on the issue, the proposal by the presidency as supported by the member states was received negatively elsewhere. For example, the president of one of the political groups of the Parliament declared it "a scandal" and suggested that the "Member States should hang their heads in shame" (Verhofstadt 2015), the vice-president of the Commission said the roaming proposal of the Council was "a joke" (Ansip 2015), a media outlet called it "fake roaming like at home" (Europolitics 2015), a digital rights association described the open internet text as "entirely destructive, loophole-ridden" (European Digital Rights 2015, p. 2) (a dedicated campaign portal "Save the Internet" was also relaunched), and some media associated the text with the risk of a "'two-speed' internet" (The Financial Times 2015, Politico 2015). Negative comments, mostly from members of the Parliament and the Commission and digital rights groups, in conjunction with public attention accompanied the examination and search for compromise during the entire presidency.

As noted by the Centre for European Policy Studies (2015, p. 2), "[t]here was widespread pessimism for a deal to be achieved during Latvia's term", primarily due to the different positions of co-legislators and the limited time available. No agreement on the proposal in due time could lead to a quick withdrawal to pave the way for other proposals, and the discussions could stretch on for months. Furthermore, if no agreement were to be put in place then it would seriously

question the perspective of the Digital Single Market Strategy for Europe published by the Commission on 6 May 2015 and the implementation of the digital single market in Europe, as such market would hardly be imaginable without the abolishment of mobile roaming surcharges in the Union.

Altogether, four informal political trilogues supported by 15 technical trilogues were necessary to reach a political agreement in the fourth and final 12-hour long trilogue, which finished in the early hours of the last day of the Latvian Presidency, 30 June 2015. As a result of the formal adoption of the proposal, from 15 June 2017 retail mobile roaming surcharges will be abolished across the Union, subject to a fair use policy, and from 30 April 2016 roaming surcharges will be significantly reduced and the first open internet rules for the Union will enter into force. The latter will "...safeguard equal and non-discriminatory treatment of traffic in the provision of internet access services..." (Council of the European Union 2015c, p. 22).

Even though with regard to this file during the Latvian Presidency an equally decisive role was played by the Parliament and significant intermediation was provided by the Commission, without a determined approach of the Latvian Presidency agreement in the Council would not have been reached and the process would not have entered the trilogue phase. Also, in the negotiating process it was crucial to have both engagement with the Parliament as well as management of support in the Council itself, as for each of the trilogues a revised mandate (compromise proposal) by the presidency was elaborated and almost each time an agreement was reached in difficult negotiations. On the less visible side of the Council, apart from four mandates for the negotiations and their respective COREPER meetings, two informal ministerial meetings, 22 Council working party meetings with almost the same number of documents proposed by the presidency, in addition to hundreds of meetings and other engagements with member states, institutions and other players were necessary to reach a political agreement with the Parliament.

7. Concluding remarks

During the course of the Latvian Presidency and the examination of the "Telecommunications Single Market" proposal, at least three well known expressions proved to be applicable. First, that it's better not know how laws are made, second, that the best compromise is the one that makes all parties equally dissatisfied, and third, that nothing is impossible. The first one can be attributed to the legislation process at the EU level—not only can the final outcome of a proposal significantly differ from the initially intended one, but long debated and widely agreed points can also be deleted or replaced and new points can be inserted even just a few minutes before the end of the process (and not necessarily in a transparent manner). With regards to the second, dissatisfaction is relative. At certain points, all parties become visibly dissatisfied with the compromise. Despite that, often more steps towards further dissatisfaction need to be taken to reach a deal, and therefore it is hard to determine the right moment of equal dissatisfaction. Finally, everything is possible, including more than achieving agreement on a controversial file in a limited period. The positions of the players involved can also change dramatically—for example, in the beginning of the negotiations a representative can argue that a point is not only illogical but also technically impracticable, and in the end the same representative can argue that the same point is technically possible and is even desirable.

To sum up, the following presidency-dependent points could guide future presidencies towards success:

- dedicated planning and the implementation of clearly determined priorities from the first day of the presidency (and the preceding months) until the very last day of the presidency;
- working parties run by small and dedicated Brussels-based teams that can operate independently (both from national institutions, based on previously agreed principles, and from Union institutions) and that at the same time are well connected with the hierarchy of the Permanent Representation and the capital (both at a technical and a political level);
- the use of all available resources—not only internal expertise and human resources but also the resources of other member states (or at least close engagement with them), the General Secretariat, the Commission, and active engagement with other players, especially the Parliament, lobbyists and the mass media (however, it is important not to over rely on external advice);
- the use of all available tools, including but not limited to convening additional formal and informal meetings both at a technical and political level, the continuous elaboration of new approaches and compromise texts, and efforts to influence public opinion.

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