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## Spain's European policy: development and priorities

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Raquel García & Ignacio Molina (coords.)  
October 2023



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# Elcano Policy Paper

## Spain's European policy: development and priorities

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## Introduction

This work, published during the fifth Spanish Presidency of the Council of the European Union, looks beyond the six-month period of the Spanish presidency itself to analyse from a broad perspective Spain's participation in the process of European integration, a central pillar of its foreign affairs activity and indeed of the country's national project. This policy paper has three purposes. It starts with a study of the historical, constitutional and political bases that frame the design, drafting and coordination of Spain's European policy. The core of the paper consists of an analysis of how European policy is developed, an activity involving the different key institutional actors of the Spanish political system (the prime minister, the general state administration, the Spanish Parliament and the Autonomous Communities), with the coordinating role of the Secretary of State for the European Union (SEUE) and Spain's Permanent Representation to the European Union (REPER). . In the final section, the policy paper presents the main priorities that guide – or should guide – Spanish action in order to achieve the desired substantive outcomes in each major geographical or public policy area where EU membership is relevant.

One of the main threads running through the text is the Europeanism that has characterized Spain's participation in the European project, one that has been shared by political parties, government elites and Spanish society as a whole. From 1986 to the present day, the defence of the national position has been combined with a favourable orientation towards further integration, although this has not prevented conflicts arising on many occasions. This paper does not restrict itself to a merely descriptive approach, but also offers explanation – analysing the factors that determine reality – ; and prescriptions: identifying weaknesses and making recommendations for improvement.

At the same time, although it starts from a Spanish perspective, it keeps the European framework in and will be of interest to any reader concerned with the functioning of the EU and its interrelation with the Member States. Throughout the paper, there are comparative references to other cases, and general aspects of the European institutional and decision-making framework are examined. Attention is also paid to Spain's alliances with its partners and the extent to which the conduct of nationals of the Member States is important for a better understanding of the inner workings of the European Commission and the European Parliament.

The publication is organised into three different sections. The first part the foundations of the relationship between Spain and the EU since Spain's accession almost 40 years ago. In chapter 1, Charles Powell briefly explores the historical meaning of this relationship and its evolution, in order to identify its main characteristics and highlight the most conspicuous continuities and ruptures that have occurred during this time. Chapter 2, authored by Raquel García Llorente, analyses the origin of the Europeanism that has characterized the European policy of Spain's political parties, as well as of governments of different ideological persuasions. In chapter 3, José Pablo Martínez studies the favourable nature of Spanish public opinion towards the integration process, although these attitudes have fluctuated

and suffer from a lack of knowledge about the EU. Chapter 4, by Ignacio Molina, brings the first section to a close and considers the institutional framework of Spain's membership of the EU, paying attention both to the constitutional clause which makes this possible (Article 93) and to one of the defining features of the Spanish state model: the territorial organization into Autonomous Communities.

The second section of the paper analyses different dimensions of the development and coordination of Spain's European policy, and is written by Raquel García Llorente and Ignacio Molina. Its first chapter examines Spain's participation in the European Council through the prime minister, whether acting individually in defence of a national position or through alliances with other Member States, taking into account the wide margin of action that the figure of the prime minister has in the Spanish political system. The second and third chapters of this section analyse the coordination of European affairs within the government and the state administration, distinguishing between two levels: domestically (where the SEUE plays the leading role) and in Brussels (which revolves around the REPER). The fourth chapter addresses whether the presence of Spaniards in European institutions forms part of an ecosystem of national influence. This second section of the policy paper closes with a final chapter on the role of the Spanish parliament, which is one of the parliaments of Member States with the least involvement in national position-setting.

The third and final section addresses the substantive priorities of Spain's European policy from the perspective of the Elcano Royal Institute's ten research axes and has been prepared by the entire research team. This follows the order in which these axes are organised within the Institute: (i) globalization, development and governance; (ii) challenges to peace and international security; (iii) democracy, rights and citizenship; (iv) climate and energy transition; (v) economic transformations and technology; (vi) the future of Europe; (vii) Latin America, a global actor; (viii) the rise of China, the USA and the new world order; (ix) challenges and opportunities in the neighbourhood; and (x) influence and image of Spain.

Although the two coordinators of the work are responsible for its limitations and errors, it is a collective effort, which has benefited from contributions from the entire research team at the Elcano Royal Institute. It has also benefited from the information provided in various interviews with stakeholders and has received the support of the 'Hablamos de Europa' programme of the Secretary of State for the European Union.

*Raquel García Llorente and Ignacio Molina*



## The foundations of the relationship between Spain and the European Union

### 1 Spain in Europe, Europe in Spain: a historical perspective

Charles Powell

#### *1.1. Ideas about Europe in democratic Spain*

Franco's Spain was systematically excluded from the European integration process which began in the 1950s, mainly due to the authoritarian nature of its political system, and this veto was made explicit following the membership application submitted in 1962 and the conclusion of the Congress of Munich ". As a result, the Franco regime had to settle for a Preferential Agreement, signed in 1970, with generally positive consequences for the Spanish economy, but which established the limits to this relationship for as long as the dictatorship lasted. This explains to a large extent why the objective that dominated the debate on the relationship with European institutions in the 1970s was to bring Spain into line with the rest of Europe politically by means of an ambitious democratization process. Moreover, given the widely shared perception that there was a clear cause-effect relationship between the establishment of a democratic political system and membership of the European Community (EC), only recognition by the latter could afford full legitimization to the former. Although the EC, as a political entity, suffered from significant democratic deficits at the time (for example, direct election of MEPs only dates back to 1979), no one ever questioned Brussels' authority to issue certificates of good democratic conduct, which curiously enjoyed greater credibility than anything that could be granted bilaterally by the leading European powers. In sum, during the political transition that followed Franco's death, Spaniards managed to be accepted as fully-fledged Europeans to the extent that they were able to develop democratic institutions and habits, as a result of which, the processes of democratization and Europeanization came to be seen as two sides of the same coin. This foundational pairing had important consequences for Spain's political culture, and explains to a large extent the pro-European unanimity so characteristic of Spanish society in the 1970s and 1980s, which to a large extent has survived to the present day.

Europe's legitimating force was due, above all, to the fact that, during Franco's dictatorship, the EC (together with the Council of Europe) was the only supranational (and external) actor to take the democratic conditionality clause to its logical conclusion. It is striking, however, that this situation was not replicated in Greece or Portugal, the other southern states that, along with Spain, were part of the 'third wave of democratization' described by Samuel Huntington. This was probably because Spain's exclusion from western Europe had been longer and more far-reaching than these countries: both Portugal and Greece had participated in the North Atlantic Treaty Organization (NATO) (since 1949 and 1952, respectively) and Portugal had also rubbed shoulders with some of the continent's consolidated democracies within the European Free Trade Association (EFTA) since 1960.

On the other hand, the accommodating attitude of some European powers towards the Greek military dictatorship established in 1967 seems to have undermined the prestige of EU institutions in the eyes of the Greek population, weakening the identification in Greece between the EC and the democratic principles it claimed to embody. This would explain why – in contrast with the situation in Spain – Greece and Portugal's applications for EC membership were not unanimously supported either by their parliaments or public opinion.

With respect to this political dimension of the relationship between Spain and Europe, it is often forgotten that, strictly speaking, the processes of democratization and Europeanization were not simultaneous, but consecutive. No reliable author extends the duration of Spain's democratic transition beyond 1982 – and most consider it to have ended several years earlier, with the proclamation of the Constitution in 1978 or the approval of the Statutes of Autonomy of Catalonia and the Basque Country in 1979. The process of democratic consolidation is a slightly different matter, but the majority also consider it to have ended in the mid-1980s, prior to (or at the same time as) Spain's accession to the EC on 1 January 1986. We raise this question to stress that, despite the rhetoric of the time, the relationship between democratization and Europeanization was not as mechanical as it might seem. This is suggested, for example, by the impact of the attempted coup d'état in February 1981: for some, it demonstrated that Spain was not ready to join the EC, while others interpreted it as evidence of the need for the country to do so as soon as possible. In any case, there is no doubt that the desire to join the EC as quickly as possible forced the Spanish authorities to promote reforms of all kinds, which contributed significantly to the democratization of the state and the economic system inherited from the previous regime. In this sense, it is possible that, for practical purposes, the expectation of EC membership was almost as important for Spain's democratization as accession itself. In any case, the pro-European consensus, which emerged in parallel to the constitutional consensus of 1978, seems to have acted as a kind of guarantee of democratic irreversibility.

Together with the aspiration to democratize Spain through its incorporation into Europe, the political discourse of the 1970s and 1980s also prominently featured the idea, present in Spanish thought since Joaquín Costa, of Europeanization understood as modernization: in other words, as a means of overcoming longstanding backwardness. If anything, the novelty here would lie in the fact that this modernization was no longer defined so much in terms of economic, technological or scientific development (although this was also true) but above all in terms of social welfare, understood as a tangible consequence of the above. Thus, just as it was not necessary to reveal the meaning of liberal democracy to the Spanish, because the surrounding nations had been enjoying it since the end of the Second World War, so it was not difficult for them to define the parameters of a social market economy and an incipient welfare state similar to those which already existed on the other side of the Pyrenees.

Despite the above, the democratization-modernization-Europeanization triangle that dominated Spanish political discourse for many years after Franco's death entailed more ambiguities than is usually recognized. At times, Europeanization, understood as a spur or lever for modernization, could prove incompatible with true democratization. Spain's ambassador to the EC, Raimundo Bassols (1977-1982), came to recognize this (perhaps

unwittingly) when, in 1977, he summed up the reasons justifying the application for accession in a text that served as a crib in his high-level conversations: 'The European Community, in recent years, has adopted modern and effective legislation in economic and social aspects. Spain, on the other hand, is struggling with a tangle of old legislative structures, some of them obsolete, defended by sectors of society that benefit from this legal and *de facto* situation. Modernization is necessary and this will require confronting certain pressure groups. It is difficult to take the decision to change legislation in a new democracy, for fear of the electoral repercussions this might have. Accession shows us the way to progress, without any political cost in the internal electoral struggle, since legislative transformation and modernization are imposed on us from outside, from the Community itself, by the very fact of joining it. Accession implies acceptance of the *acquis communautaire*. Moreover, in these times, there are very few doubts, either among political parties or among citizens, as to the advisability of joining Europe. It is very easy to explain that our legislative transformation is the logical consequence of accepting a European option that, almost unanimously, the Spanish people are calling for, and thus to avoid the political cost that legal transformations could entail in elections.' Few statements from a Spanish political actor capture as clearly as this one the instrumental nature of the pro-Europeanism displayed by the Spanish political class in the 1970s and the undoubtedly 'Monnetian' spirit (with its scant concern for democratic principles) in which any hint of contradiction between the modernizing task and the ongoing process of Europeanization was addressed.

As this text also illustrates, the approach to the EC after the submission of the application for accession in 1977 was strongly influenced by Ortega y Gasset's vision of Spain as a problem and Europe as the solution. On a strictly political level, this was particularly evident in relation to the very internal configuration of the Spanish state, as the Spanish constitutional process coincided with the rise – somewhat ephemeral, as would later be seen – of the project of the Europe of the Regions (or of the stateless nations, seen from the point of view of Spain's peripheral nationalisms). Although it was more implicit than explicit, there is no doubt that, during Spain's transition to democracy, the idea that a Spain that was integrated into Europe would be more attractive (or at least more acceptable) to those who had traditionally rebelled most against their confinement in an economically backward, politically centralist Spain with little weight in the European continent gained weight. Moreover, from the perspective of Catalan and Basque nationalism, above all, it was hoped that the central government's simultaneous ceding of powers 'downwards' (to the regions or Autonomous Communities) and 'upwards' (to Brussels) would significantly reduce the weight and presence of the state in the territory as a whole. This explains why, during the 1970s and 1980s, there were those who thought that a combination of 'more Europe' and 'less Spain' would help to solve or, at least, 'cope with' the Spanish national problem that had so occupied (and preoccupied) Spanish thinkers. Over the years, however, this prognosis was to be at least partially disproved as a complex system of multi-level governance was institutionalized, which, paradoxically, allowed the Madrid government to 're-centralize' some competences.

It is also worth mentioning the European project as an instrument for finally overcoming a certain collective inferiority complex, nurtured over many decades, and which cannot be attributed exclusively to the sense of rejection that had built up during the Franco era.

Although the Civil War and the dictatorial regime to which it gave rise undoubtedly helped to foster doubts and misgivings about the European nature of Spain and Spaniards, these misgivings had far deeper roots. This was reflected by the fact that King Juan Carlos felt the need to use his proclamation speech in November 1975 to remind his listeners at home and abroad that 'Europe must count on Spain' and that 'we Spaniards are Europeans'. At the same time, there is no doubt that a large part of the population at the time attributed the duration, intensity and extent of Spain's international isolation to Francoism, which is why the achievement of a more dignified international status – and, above all, full incorporation into Europe – was linked to the development of the democratization process. Hence, a prominent political leader was able to state bluntly in the 1980s that the combination of the transition to democracy and EC membership had allowed Spaniards to 'reconcile themselves with their passport'.

The fact that many citizens were able to embrace their Spanish identity with greater normality (and even satisfaction and pride) thanks to full integration into Europe is far from being a widespread phenomenon. Indeed, this places Spain in a minority position, but one shared by Germany and Italy, for example, whose commitment to the European integration project was always closely linked to the desire to overcome the deep wounds inflicted by the Second World War. By contrast, the Spanish experience differs markedly from that of Greece and Portugal, whose political identity and social self-perception were determined less by internal factors (such as the nature and longevity of their systems of government) than by external phenomena (such as the conflict with neighbouring Turkey, in the Greek case, or the loss of its colonial possessions, in the Portuguese). The contrast is even greater if one compares Spain with the states that joined the EU in the 2004 and 2007 enlargements, countries which had lived under the Soviet yoke since the end of the Second World War, and which wished above all to enjoy the sovereignty and independence they had regained after the fall of the Berlin Wall and the break-up of the USSR.

These very different historical trajectories partly explain the attitude of the different European populations to ceding and sharing sovereignty (and therefore also competences) and their 'philosophical' stance towards the process of European integration. During Franco's dictatorship, Spain enjoyed full sovereignty, but also experienced considerable isolation, and this rendered it somewhat irrelevant on the international stage. Partly for this reason, it was not difficult to convince a large majority of the population that, far from being detrimental, the possibility of pooling its sovereignty with that of other states would only increase Spain's presence and influence in Europe. In other words, for most Spaniards, European construction has always obeyed a positive-sum logic and not a zero-sum logic. In general, this attitude has had favourable consequences for Spain's performance and relevance within European institutions, but it is possible that it has also had some unintended consequences. It could be argued, for example, that the generally uncritical support for the European project that has always prevailed among Spanish elites and society as a whole has generated a somewhat passive and undemanding attitude, especially with regard to the democratic quality, efficiency and transparency of supranational institutions. By extension, this passivity has perhaps engendered – at least among the governing elites – a certain complacency and lack of ambition in shaping the EU's major policies, as a result of which Spain is sometimes seen as a policy taker rather than a policy maker, as a somewhat passive subject of the decision-making process in Brussels.

In recent times, this phenomenon has possibly been aggravated by the worrying deterioration in Spanish citizens' confidence in key institutions, such as the parliament and political parties, which has in turn generated a surplus of confidence in European institutions. In fact, in Spain, as in most of the Member States that democratized at the end of the 20th century, citizens generally express greater confidence in European institutions than in their own. While this does not necessarily reflect a good knowledge of the workings of the EU, it has at least one positive aspect, insofar as the legitimacy that Spaniards attach to the European political sphere to some extent compensates for the lack of legitimacy suffered by national institutions.

### *1.2. Spain in Europe: change and continuity*

As José María Jover once observed, the persistence of some of the notions about Europe that have shaped the historical consciousness of Spaniards for centuries is surprising. First, as has been the case since the late 19th century, when Spaniards think of Europe they still refer mainly to the half-dozen states that make up what was once known as western Europe. Integration into the EU has led to yet greater awareness of those geographically proximate states that were already part of Spain's historical consciousness, without fostering a greater breadth of vision. Second, not only has the concept of Spain as a frontier between developed Europe and the south not disappeared since 1986, but it has instead become more important as the economic gap between the Iberian peninsula and North Africa has widened; although Spain is now clearly on the prosperous side of the border, it continues to be marked by its peripheral location.

As might be expected, the nature of Spain's participation in the process of European construction has been profoundly affected by the major changes that the EC/EU has undergone since its accession in 1986. The most visible of these since that date has undoubtedly been the successive enlargements that have resulted in the incorporation of 15 new Member States: Austria, Finland and Sweden (1995); Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland and Slovakia (2004); Bulgaria and Romania (2007); and Croatia (2013). To this should be added, of course, *Brexit* (2020), which profoundly changed the power relations within the EU. What we wish to underline here is that the EC that Spain joined in 1986 was a community of western European democracies (with the sole exception of Greece, which had joined in 1981), and that since then the EU's political centre of gravity has been shifting northwards and eastwards, leaving Spain in an increasingly peripheral position.

Even before these enlargements, some authors had already explained the structural challenge facing Spain in terms of a somewhat peculiar, if not dysfunctional, European identity: Spain was neither large and prosperous (like Germany, France, the UK and Italy), nor small and prosperous (like the Benelux states), nor small and relatively backward (like Greece and Portugal). It was presumed that this anomalous status (as a large and relatively backward state) would constitute a structural difficulty in leading alliances or coalitions with other Member States, something which would explain, among other things, the obstacles that have often made close cooperation with states like Italy or Portugal within the EU unfeasible, despite sharing obvious affinities of all kinds with those countries.

This analysis may be excessively deterministic and it could be argued that Spain has been able to build, or at least actively participate in, broad coalitions of a very diverse nature over the years, which have allowed it to defend its specific interests very successfully. Even so, this approach at least has the virtue of emphasizing the importance of the geographical size and level of economic development of Member States when assessing their relative weight within the EU. This in turn prompts us to reflect on a crucial dimension of European integration, namely the dominance of Germany and France. For historical reasons of various kinds, including the need to compensate Spain for Hitler's support for Franco during the Spanish Civil War, which contributed to the defeat of the Second Republic and subsequently saw Nazi Germany benefit from the Spanish dictator's benevolence (and even complicity) during the Second World War, Germany was undoubtedly the European state that most decisively supported Spain's accession to the EC in the years 1977 to 1986. By contrast, mainly due to fears about the strength of some of its agricultural products, the size of its fishing fleet, the potential mobility of its labour force and the relative poverty of some of its regions, Spain's application for EC membership was met with concern, if not outright animosity, in France. Subsequently, both states benefited significantly from Spain's accession in the economic sphere, and France was able to take advantage of it to demand in return certain internal reforms – especially in terms of financing the Common Agricultural Policy (CAP), of which it was (and still is) the main beneficiary – that were to be extremely beneficial in the medium and long term.

Not only has the pre-eminence of Germany and France not diminished since 1986; it can be argued that it has become even more accentuated after the UK's exit from the EU in 2020. For this very reason, I have been arguing for years that Spain's negotiating stance in the face of any major EU initiative by the Member States can be reduced to a very simple and predictable formula: 'everything with Germany, nothing against France'. This obviously gives rise to the idea (possibly too simplistic, but no less useful) that Spain and Germany essentially share a common vision of the future of the process of European construction, while France, due to its own political and cultural traditions, embodies a certain European exceptionality. Hence, in general, Madrid has always sought to support major German initiatives, while avoiding, as far as possible, the risk of antagonising France.

The exception that confirms this rule was the stance adopted by José María Aznar following the impact of the terrorist attacks in the USA on 11 September 2001, and the reading that some then made of their consequences for the 'unipolar moment' that the international order was supposedly going through at the time and for transatlantic relations as a whole. To the surprise of many, the Spanish leader not only did not share the position of Berlin and Paris on the US Administration's response to the terrorist attacks by taking military action in Afghanistan and then Iraq, but also sought to co-lead an unprecedented transatlantic alliance with the United Kingdom, Italy and the central and eastern European countries that were to join the EU in 2004. Aznar acted in this way because he saw these developments as offering Spain a unique opportunity to free itself from an alleged Franco-German tutelage that he considered incompatible with Spain's legitimate ambitions to play a more prominent role in Europe and to try to reposition Spain on the international stage by forging a privileged link with Washington similar to that already enjoyed by the UK.

The terrorist attacks of 11 March 2004 in Madrid and, above all, the subsequent change of government, put an abrupt end to this unexpected (and ultimately short-lived) turn in Spanish foreign policy, so we will never know what consequences it might have had for Spain's role in the EU had it been consolidated. Nevertheless, this turn – which provoked a division and polarization in Spanish public opinion on foreign policy that was perhaps only surpassed by the debate that arose around Spain's membership of NATO in the early 1980s – revealed the existence of something deeper and more structural than the disagreements caused by the heterodox stance of a particular political leader. We are referring to the tension (both conceptual and political) that has always existed between a markedly pro-European (and perhaps also necessarily Eurocentric) vision of the place that Spain should occupy in the international order and one which, without in any way denying the centrality of the European project, argues – for a wide range of historical, economic and cultural reasons – that Spain should have a place in the international order that is greater than (and different to) the international prominence of other EU Member States of smaller size and weight, and this may on occasions require Spain to act outside of European institutions, although without coming into collision with them. This is, of course, a tension that is also experienced in other EU Member States, notably France, and has also been present in Italian foreign policy for decades.

Discussion of this issue immediately raises the fear that pursuing the second option would inevitably lead to a weakening of Spain's commitment to the European project, precisely at a political and economic juncture in which our membership seems more decisive than ever. And it cannot be ignored that the response to this question would affect almost all dimensions of Spanish foreign policy: in particular, relations with the USA and NATO, but also with Latin America. In any case, it is possible that the development of the international order will force us to open this debate, even if the current domestic context is not exactly propitious. In light of Russia's aggression against Ukraine, one might ask, for example, whether the EU's quest for greater 'strategic autonomy' in the defence and security sphere will not end up conflicting with NATO's priorities, given the inevitable pre-eminence of the USA within that organization. Similarly, it could be argued that the initiatives advocated by the Ibero-American Community of Nations, promoted by Spain since the early 1990s as part of a broader effort to redefine its relationship with Latin America, are not always compatible with a policy towards the region that is increasingly channelled through European institutions, mainly due to the political, economic and normative resources that only they can provide. Given the EU's relatively limited presence in Africa, if this continent turns out to be as important as many predict, it is also worth asking whether Spain, like other European states, should not do much more to strengthen its presence in the region bilaterally.

The latter leads us to make a final reflection on the growing tendency of the Spanish authorities to view the numerous external problems they face through an almost exclusively Europeanize prism, which leads them to look to the EU for the answer to everything. Obviously, seen from Spain, the great challenges of our time, such as the fight against climate change, the growing rivalry between the USA and China or the response to Russian irredentism, can only have a European response. But there are also a multitude of problems – such as relations with Morocco and Algeria or the dispute over Gibraltar – which, while they have necessarily have an EU dimension, also require national action. In other words, as

with so many other aspects of European policy, real strategic autonomy (or responsibility) begins at home, in each EU Member State.

All of the above would seem to suggest that, while EU membership has helped both Spaniards and our partners to become fully reconciled with Spain's European identity, the achievement of this objective appears to reaffirm the need to further explore the extra-European dimensions of Spanish identity, be they American, African or even Asian. If this orientation is followed, Spain's long 'return to Europe' over the last half-century could be a journey with a somewhat different destination to the one initially envisaged.



## The foundations of the relationship between Spain and the European Union

### 2 Spanish political parties: from 'More Europe' to the politicization of the European project

Raquel García Llorente

This chapter aims to ascertain the solidity of the pro-European consensus throughout Spain's membership of the European project, and whether this has been politicized, especially in light of the growing internal political fragmentation and the potential dynamics of political change affecting other Member States and the EU itself.

#### *2.1. The foundations of a strong shared pro-European sentiment*

There are few European countries where the link between national and European identity is so close that membership of the European project is considered irreversible. Today, there is a shared perception of the importance of EU membership for Spain and the positive effect of this in terms of democratization, economic and social modernization, internationalization and participation in globalization.

This perception has deep historical roots, beginning in the 17th century, when Spain began to lose its position as a great power in Europe, continuing in the 19th century with the constant changes of regime, and peaking in 1898 with Spain's loss of her last colonies in Cuba and the Philippines, bringing the empire to an end. Throughout this period, the idea of Spain as a fragile, unstable nation, in constant crisis and backward in comparison with a Europe in constant progress became established. Writers and political leaders depicted Europe as an ideal of modernization and socio-economic development to which to aspire. It is worth noting that between 1870 and 1960, per capita income in Spain was 70 per cent lower than in the most advanced European countries, and in 1974 the percentage of GDP spent on education was a third lower than in other neighbouring states. In this context, throughout the 20th century, all ideological families saw Europeanizing Spain as a synonym for progress and modernization.

Franco's dictatorship ended up reinforcing the feeling that Spain was an anomaly in comparison with other countries. The opposition adopted a pro-European discourse, using Europe as an example of progress and democracy in contrast to the regime. For its part, especially from the 1960s onwards, the regime itself referred to Europeanism as a tool for modernization and economic improvement.

In this context, one of the main points of consensus among political leaders and the general public during the transition to democracy was Spain's accession to the EC. In fact, Article 93 of Spain's 1978 Constitution already contemplated the possibility of ceding competences

to an international organization. Joining the EC meant putting an end to a long period of isolation from Europe's centre of gravity and distance from the most advanced and modern European countries.

A direct relationship was established between consolidating democracy in Spain and membership of the EC. In addition, membership of the EC was seen as a way of advancing towards economic and social modernization. If in 1975 Spanish exports and imports represented 27 per cent of GDP, in 1995 they reached 61 per cent, a level comparable to that of other advanced economies. In the first four years following accession, average GDP growth was 4.8 per cent, almost two points above the EC average, while in the period between 1992 and 2017 the Spanish economy experienced total growth of 53 per cent.<sup>1</sup> In 2006, 20 years after joining the EC, Spain had reached the European average income; it had gone from being a recipient to a net provider of foreign investment; it had ceased to be able to compete on the basis of low wages and was now itself facing such competition from its new partners; and it had gone from being a traditional emigrant country to a recipient of immigration.

Finally, joining the EC meant overcoming a collective inferiority complex and improving the international image of Spain, which, after the Second World War, had been excluded from the democratic West, which saw Spain as a bygone anachronism.<sup>2</sup>

In short, Spanish Europeanism has characteristics that differentiate it from other Member States, and is particularly strong among elites and the population. In Spain, EU membership is not associated with an erosion of national sovereignty or identity, but rather serves to reinforce them. Along these lines, debates about the EU's democratic deficit, dominant in the UK and Scandinavian countries, have not gained traction in Spain. Moreover, for the reasons outlined above, EU membership would provide democratic legitimacy.

## *2.2. La política europea española en Gobiernos de distinto signo político*

Spain's European policy can be defined as the sum of the policies that contribute to defining Spain's role and priorities within the EU. Beyond the solid pro-European sentiment described above, Spain's European actions must adapt to the changing national and international context. It is therefore necessary to consider how different Spanish governments have understood and implemented this firm pro-European vocation and, with it, what Spain's participation in the European integration project means or should mean. In this respect, Molina<sup>3</sup> distinguishes three phases in the relationship between Spain and the EU.

The first stage, which began in 1986, was characterized by Spain's Europeanization. The government of Felipe González's Spanish Socialist Workers' Party (PSOE) had made accession

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1 Arregui, Javier (2020), 'Europeanization of Political Structures and Public Policies', *The Oxford Handbook of Spanish Politics*, Oxford University Press, pp. 132-150.

2 Powell, Charles (2014), *The Long Road to Europe: Spain and the European Community, 1975-1986*, Working Paper, Elcano Royal Institute.

3 Molina, Ignacio (2013), *Una nueva política europea después de tocar fondo*, *Política Exterior*, no. 152, pp. 84-96.

to the EC its foreign and even domestic policy priority. Therefore, when this was achieved, the main objective of European policy was to bring Spain closer to the European centre of gravity, especially France and Germany, and, at the same time, to show an image of a virtuous, efficient and responsible pupil, capable of assimilating the different European policies and not lagging behind in the integration process. As a result, Spain managed to exert influence on issues such as cohesion funds, European citizenship, external action in the Mediterranean and Latin America, or the status of large country granted in terms of the number of votes with the Treaty of Nice, under the government of José María Aznar.

The arrival in power of the People's Party (PP) in 1996 did not initially alter the course of Europeanization. European policy focused on accession to Economic and Monetary Union (EMU), the fight against terrorism, and the liberalization and flexibilization of the labour market and certain economic sectors. However, from 2000 onwards, a decade of 'de-Europeanization' began, marked firstly by rapprochement with the USA in foreign policy, expressed in the intervention in Iraq in 2003, which distanced Spain from the Franco-German axis, together with a more sceptical attitude towards European policy, reflected in the blocking of the draft Constitutional Treaty.

The PSOE's return to power in 2004 under José Luis Rodríguez Zapatero saw a desire to reverse this distancing from the heart of Europe and to rebuilt alliances with France and Germany. This was reflected in firm support for a Constitutional Treaty that never got off the ground, which cooled the prime minister's pro-European enthusiasm. His scant interest thereafter in the European Councils, his refusal to recognize Kosovo and his priority for the Alliance of Civilisations are examples of this 'de-Europeanizing' dynamic, which, above all, had an economic dimension.

After joining the euro, PP and PSOE governments alike relaxed their focus on economic performance and productivity-enhancing reforms, which had been a priority since Spain joined the EC in 1986.<sup>4</sup> Allusions to the Lisbon Agenda of structural reforms and competitiveness were rhetorical, and in practice the economic model was reoriented towards growth that was low in added value. The bursting of the real estate bubble and the debt crisis that followed resulted in a loss of prestige and credibility for Spain in the eyes of European institutions and partners.

This initiated a third phase of sudden 're-Europeanization' from 2010 onwards, when Spain was forced to accept a line set by the EU, based on austerity and budgetary discipline, and without the capacity to shape European decisions. While Zapatero's government began to implement these measures, including the modification of Article 135 of the Constitution, Rajoy's new government was forced to intensify its policies of public spending cuts and structural reforms as set out by the EU.

In a context of reduced influence, the government's objective was to demonstrate that it was a trustworthy partner and that it respected macroeconomic stability commitments. Again, the strategy of behaving as the EU's good pupil was not seen as a humiliation but

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4 Moreno Juste, Antonio (2023), 'El PSOE en el poder: Rodríguez Zapatero y Europa', *España en Europa. Percepciones e introspecciones*, Tecnos, pp. 89-115.

as a way to increase lost influence. Gradually, as the data reflected the consolidation of the recovery, the government began to adopt a more proactive attitude, advocating the need to sustain the process of European integration, although other domestic issues, such as political instability and the conflict with Catalonia, affected Spain's image in the EU.

The PSOE's return to power under Pedro Sánchez took place in a more favourable context, especially with the formation of the coalition government in 2020, bringing to an end a period of political uncertainty. Both the domestic scenario, with the overcoming of the economic crisis and political instability, and the European scenario, with the consummation of *Brexit* and the consolidation of the new governance established by the Lisbon Treaty, offered the new government the opportunity to regain lost influence.<sup>5</sup> The commitment to European leadership was evident from the outset, with ministerial portfolios given to figures who had previously held important positions in European institutions, such as Josep Borrell, former president of the European Parliament, and Nadia Calviño, formerly Director General for Budget of the European Commission.

Although the pandemic and the war in Ukraine have created a far more complex situation than expected, the government's European policy has been characterized by a vocation for leadership. Spain's European policy has been distinguished by a more proactive and ambitious pro-European stance than that taken by Zapatero or Rajoy, as shown by the pioneering proposal to establish a recovery fund at the beginning of the pandemic or the leadership on the issue of open strategic autonomy. This attitude has been combined with a pragmatic position in defence of national interests, as evidenced by collaboration with non-traditional partners, such as the Netherlands, or the firm commitment to the Iberian exception in the wake of the energy crisis caused by the war in Ukraine.

### *2.3. More Europe': the guiding thread of Spain's European policy*

Despite the changes in European policy under different governments, Spain's role and position in the EU has been one of the main sources of consensus among political parties, as opposed to the confrontational dynamics that characterize national politics.

As noted above, from the beginning of Spain's transition to democracy, joining the EC was conceived as a desirable goal: for the left, Europeanizing Spain meant the arrival of democracy, freedom and the welfare state. For the right, it meant guaranteeing a market economy and alignment with western partners. Even if the motives for accession were different, being part of the EC was still a shared goal.

Proof of this is that Spain's accession negotiations were initiated by the Union of the Democratic Centre (UCD) in 1979 and concluded by the PSOE in 1985. Likewise, of the three new southern European democracies that joined the EC in the 1980s, Spain was the only one in which the Accession Treaty was ratified without a single dissenting vote. In contrast to the Portuguese and Greek communists, who saw the EC as an instrument

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<sup>5</sup> García Llorente, Raquel and Ignacio Molina (2021), *La influencia de España en la UE pospandemia*, Política Exterior, no. 204, pp. 32-39.

of capitalist market creation, or the right-wingers in those countries, who distrusted the values of European liberalism and the threats to national sovereignty, in Spain, both the Communist Party and the conservatives of the Popular Alliance endorsed the Accession Treaty.

Since then, all the Treaties have been approved by a large majority in the Spanish Parliament: the Maastricht Treaty was ratified by 96.62 per cent of deputies, the Amsterdam Treaty by 95.03 per cent, the Nice Treaty by 87.64 per cent and the Lisbon Treaty by 97.57 per cent. Support for the Treaty establishing the European Stability Mechanism and the Treaty on Stability, Coordination and Governance is particularly striking: they were ratified by 300 votes in favour and no more than 20 votes against, in a context of economic crisis in which Spain had had to implement tough structural reforms in line with European demands.

A common feature of governments of different stripes is the way they have taken ownership of measures and decisions that had been set out by European institutions, no matter how painful they were for the Spanish economy and society. With accession to the EC during the PSOE government, Spain had to assume policies with very negative effects in the short term, such as industrial reconversion, the removal of tariff barriers, and opening up Spanish agriculture. This commitment was maintained in the following years to ensure that Spain was one of the first countries to form part of the EMU. In the same way, first the PSOE government under Zapatero and then the PP government under Rajoy had to take tough adjustment measures to deal with an economic crisis, which weakened Spain within the EU and led to the period of greatest social discontent towards European integration since accession.

However, Prime Minister Rajoy shied away from playing the role of victim or adopting Eurosceptic positions, and instead sought to portray Spain's recovery as a success story. Indeed, in the context of the extreme crisis in Greece, he described Spain as an example to follow and called the decision of the Greek government of Tsipras to submit the European adjustment to a referendum 'nonsense'.

The only time Rajoy expressed his disagreement with the other partners was at the European Council in June 2012, when he and the Italian president of the Council of Ministers threatened to veto the conclusions if they did not include measures such as the creation of a European fund for youth employment, the integration of banking systems and the obligation for the European Stability Mechanism to intervene automatically to help countries with excessive imbalances. However, this should not be understood as a manifestation of Euroscepticism, but rather as the result of the conviction that it was necessary to deepen European integration.<sup>6</sup>

The fact is that advancing European integration has been a guiding thread of the different governments. In theory, Aznar preferred a more intergovernmental approach,<sup>7</sup> but the

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6 Betti, Andrea and José María Marco (2023), 'Lidiando con la crisis: la política europea de Mariano Rajoy', *España en Europa. Percepciones e introspecciones*, Tecnos, pp. 117-147.

7 Powell, Charles (2003), *Un balance de la presidencia española de la Unión Europea de 2002 (1)*, *Revista de Estudios Políticos* (Nueva Época), no. 119, pp. 535-561.

truth is that José María Aznar's PP governments made EMU integration a primary objective of their European policy, even though this represented an unprecedented delegation of competences, , thereby continuing the priority given by the previous PSOE government to keeping Spain among the leading countries in advancing towards economic convergence and integration within the EU. In fact, it is noteworthy that the slogan chosen by Aznar's government for the Spanish Presidency of the EU Council in 2002 was 'More Europe', a slogan that had been launched by the last PSOE government of González.

In this context, it is interesting to note the continuity of priorities: emphasis on Latin America and the Mediterranean, modernization of the productive system, and justice and home affairs – (one of González's achievements in the Maastricht Treaty was the concept of European citizenship, while Aznar focused on aspects such as migration or terrorism).

There has also been continuity the defence of certain national interests and concerns. One constant has been the desire to move beyond Spain's peripheral position. This was a priority during the González government with the fall of the Berlin Wall and the end of the Cold War, and continued with the successive enlargements to the East that took place during subsequent governments of different political persuasions. Alongside this, just as the González government fought to maintain Spain's large state and blocking minority position in the 1994 Ioannina compromise, the Aznar government opposed the change that the European Constitution would introduce to the voting system established by the Treaty of Nice, which gave Spain almost the same votes as Germany, France, Italy and the United Kingdom. Similarly, it is worth highlighting how Aznar's government strongly defended Spain's positions on the distribution of cohesion funds during the Berlin Summit in 1999, cohesion policy being one of the main achievements of the previous González government during the European Council in Edinburgh in 1992.

### *2.4. Politicization and Dissent*

Proof of the pro-European consensus in Spanish political parties is that, unlike in other Member States, during the decades following Spain's transition to democracy, no Eurosceptic movements appeared in Spain. More generally, nationalist and regionalist parties have also maintained positions in favour of integration.<sup>8</sup>

However, there has always been a degree of politicization with respect European policy. For example, in the 1990s, the combination of the economic crisis at the beginning of the decade and the tough criteria that had to be met to join EMU led certain political forces such as the United Left (IU) to criticise an integration model that was favourable to the market economy. At the same time, the PP, while sharing the PSOE government's objective of moving towards adopting the single currency, accused it of a lack of determination in defending Spanish interests during the negotiations.

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<sup>8</sup> Molina, Ignacio (2020), 'Spain in the EU: Preferences, Policy Process, and Influence in Brussels', *The Oxford Handbook of Spanish Politics*, Oxford University Press, pp. 683-698.

This consolidation of politicization could be seen around the draft European Constitution in the early 2000s. Several left-wing political forces (including ERC, IU and BNG), representing 18 seats in the Spanish parliament at the time, called for a 'No' vote in the referendum on the European Constitution. Twenty-eight per cent of Spaniards shared IU's view that the Constitution reflected the Europe of capital. Meanwhile, among PP voters, only 48 per cent considered that the European Constitution was good for Spain. In this context, there was a stagnation of pro-European enthusiasm in public opinion: in the referendum for the ratification of the constitutional project, the turnout was barely 41 per cent, the lowest in a referendum since the beginning of democracy. Despite this, almost 77 per cent of Spaniards voted 'Yes' in the referendum. Likewise, if parliamentary ratification were extrapolated from the positions of the respective political parties, 332 deputies would have voted in favour, representing more than 94 per cent of the deputies.<sup>9</sup>

On the other hand, there has been greater disenchantment towards the EU on the part of the Autonomous Communities, especially those with a more nationalist sentiment. Over the years it has become clear that, together with the absence of provisions in the Constitution regarding the participation of Spain's regions in European politics, European integration has not translated into greater regional participation and greater weakening of the state, but rather into a strengthening of the latter.

But perhaps the most important challenge to this supposedly irreversible pro-European sentiment came in the wake of the 2008 crisis. The economic adjustment policies promoted by the European institutions, which entailed reform of Article 135 of the Spanish Constitution, fuelled discontent and the emergence of movements that did not identify so clearly with the European integration project. This disaffection was also reflected in public opinion: whereas in 2007, at the beginning of the crisis, 65 per cent of Spaniards trusted the EU, in 2013 only 17 per cent of the Spanish population did so.

In any case, the main political cost was not suffered by European institutions, but by the two-party system that had prevailed since the transition. From 2015 onwards, a more fragmented situation began to develop, with the growth of political forces critical of the measures adopted to tackle the crisis. This forced Rajoy's government to engage with this politicization, developing a political strategy in which the EU served as a narrative and political myth of national identification with which to legitimize its decisions. At the same time, the parties that emerged after 2015 also rejected an anti-European discourse. While it is true that, particularly in the wake of the measures adopted to tackle the economic and financial crisis, some forces (particularly United Left-Podemos) adopted a critical tone towards the EU, they did this not as a form of Euroscepticism, but in defence of an alternative model of European integration. Ciudadanos (the centrist Citizens party) always made its pro-European vocation one of its hallmarks and, in fact, its electoral programme for the 2015 election<sup>10</sup> advocated moving towards a new European Constitution that formalizes the EU's political union. Similarly, Podemos, despite taking a more critical stance towards the EU, advocated

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9 Torrealblanca, José Ignacio (2005), *El referéndum sobre la Constitución Europea en España: una doble decepción*, Real Instituto Elcano.

10 Ciudadanos (2015), *El nuevo proyecto común para España. Programa electoral. Elecciones generales 2015*. Available at: [Contingut esportiu del Programa electoral de Ciudadanos \(gencat.cat\)](http://Contingut.esportiu.delProgramaElectoral.deCiudadanos(gencat.cat)).

in its 2015 programme<sup>11</sup> for deepening the Common Security and Defence Policy in the interests of greater strategic autonomy.

### *2.5. The future of European politics in a more fragmented and polarised landscape*

As noted above, in Spain the 2008 crisis led to the birth of new political movements and platforms. The effects of this were seen in the 2015 general election, in which the two big parties – PP and PSOE – went from holding more than 80 per cent of the seats to 60 per cent. In those elections, two new parties – Podemos and Ciudadanos – took 109 seats, or 31 per cent. In the successive general elections of 2019, this scenario was consolidated, with the PP and the PSOE failing to exceed a combined threshold of 60 per cent of seats. However, in the elections that took place in 2023, the downward trend of the major parties seems to have been reversed: first in the regional and municipal elections, and then in the general election, the two major parties recovered votes, while the formations that emerged strongly in 2015 suffered significant losses : Ciudadanos has disappeared from Congress while Podemos found itself obliged to join a new platform with other parties to avoid a major loss of seats. For its part, the far-right Vox also lost a significant degree of parliamentary representation compared to the 2019 general elections.

Despite this, the fragmentation of the political scene does seem to have been consolidated. After the 2019 elections, the first coalition government since the democratic transition in Spain was formed. Since then, the political landscape has continued to move towards a logic of blocs, in which it seems likely to be difficult for either the PP or the PSOE to achieve the large majorities of past decades, forcing them to reach agreement with other political formations. The complexity of this scenario has been observed in municipal and regional elections, in which formations that did not receive the most votes have sometimes managed to win power. For the first time, the 2023 general election offers the possibility that the party with the second-largest number of votes will be able to form a government based on agreements with other parties.

This political landscape has gone hand in hand with a further politicization of the integration project. This has resulted in conflict in national debate increasingly spilling over into European institutions, something which has been particularly striking in the case of the European Parliament. Previously, national interests had taken precedence over partisan confrontation, but Spanish parties are now transferring elements of internal political debate, such as the renewal of the judiciary in the context of the rule of law, into the European arena. Likewise, issues of a European nature, such as recovery funds, are used for partisan purposes, whether within European institutions or in the national debate itself. This playing out of internal confrontations in Brussels is potentially dangerous, as it carries a reputational cost for the country: for example, on issues such as the rule of law, it is the democratic quality of the country as a whole that is called into question, not the performance of a particular political actor.

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<sup>11</sup> Podemos (2015), *Queremos, sabemos, podemos. Un programa para cambiar nuestro país. Elecciones generales 20 de diciembre de 2015*. Available at: [Programa-electoral-Podemos-20D-2015.pdf \(lasprovincias.es\)](#).



At the same time, the election programmes for the 2023 general election show a striking politicization of EU issues compared to previous contests. To start with, European issues have become more prominent. A representative case is the PP: in its programme for the November 2019 election<sup>12</sup> the proposals regarding the European project were summarized in two points with general and superficial positions. However, in the 2023 programme<sup>13</sup> a much stronger EU leadership ambition can be seen, with concrete proposals on the EU and in favour of strengthening Spain's leading role in the European debate. For its part, the left-wing grouping Sumar,<sup>14</sup> a platform that includes Podemos, devotes significant space to European issues in its programme. By contrast, in Podemos' programme for the November 2019 elections<sup>15</sup> there was no specific section for European policy and, except for a specific point dedicated to the CAP, the rest of the mentions of the EU were used as reference points for domestic issues. In this sense, the PSOE's programmes<sup>16</sup> are much more consistent in with regard to its position of pro-European leadership.

Taken overall, the programmes of the PSOE, PP and Sumar share a defence of a more united, autonomous and effective EU, and are committed to common European policies on issues such as migration, taxation and energy. In contrast, Vox's programme represents a clear break with the pro-European consensus, building a political narrative around the EU that rejects the current European political model. It is, to date, the only political formation in Spain that has represented such a clear Eurosceptic position. In its 2019 electoral programme,<sup>17</sup> Vox only included a brief section on the EU, in which it advocated a new treaty that would prioritize borders and national sovereignty, and increase Spain's weight in decision-making. However, the 2023 programme<sup>18</sup> was much more ambitious in these terms, rejecting any federalist tendency in the EU and defending the need for unanimity and the primacy of national sovereignty over EU law.

This model is not unique to Vox but is, rather, a vision of what the EU should be that is shared by formations in other Member States, some of which have become part of their respective national governments, either leading them (as in Italy, Poland and Hungary) or in support of or in coalition with traditional conservatives (Sweden and Finland). In short, this politicization of the European project is a phenomenon that cuts across the Member States and is felt at the heart of Europe.

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12 Partido Popular (2019), *Programa electoral 2019. Por todo lo que nos une*. Available at: [pp\\_programa\\_electoral\\_2019.pdf](#).

13 Partido Popular (2023), *Programa electoral. Un proyecto al servicio de un gran país. 365 medidas*. Available at: [AF LIBRO PROGRAMA\\_23J\\_FINAL\\_CORR\\_5J.indb \(pp.es\)](#).

14 Sumar (2023), *Un programa para ti. Elecciones Generales 23 de julio 2023*. Available at: [Un-Programa-para-ti.pdf \(movimientosumar.es\)](#).

15 Podemos (2019), *Programa de Podemos. Las razones siguen intactas*. Available at: [Podemos\\_programa\\_general\\_10N.pdf](#).

16 Partido Socialista Obrero Español (2019), *Programa electoral PSOE. Elecciones generales 2019*. Available at: [PSOE-programa-electoral-elecciones-generales-28-de-abril-de-2019.pdf](#).

Partido Socialista Obrero Español (2023), *Adelante. Electoral programme. Elecciones generales. 23 July 2023*. Available in: [PROGRAMA ELECTORAL GENERALES GENERALES 23 \(psoe.es\)](#).

17 Vox (2019), *100 medidas para la España Viva*. Available at: [las-100-medidas-de-vox-41913604.pdf \(libertaddigital.com\)](#).

18 Vox (2023), *Un programa para lo que importa*. Available at: [Programa Electoral de VOX - VOX \(voxespana.es\)](#).

## 2.6. *The politicization of the European project in a scenario of political change*

In 2000, when the far-right Eurosceptic Freedom Party of Austria (FPÖ) entered the Austrian government, several Member States imposed diplomatic sanctions on Austria, as it called into question the community of values shared by Europe. This consensus seems to have broken down.

Recently, the European People's Party (EPP) has been aligning with the Eurosceptics represented in the European Conservatives and Reformists group (ECR), whether in concrete legislative proposals, such as the Nature Restoration Law, or for structural agreements, as reflected in EPP leader Manfred Weber's rapprochement with ECR leader and Italian prime minister Giorgia Meloni, a move backed by the leader of Spain's PP, Núñez Feijóo.

On the eve of the European institutional cycle starting in 2024, this shift is significant. Next year's European Parliament elections could not only result in an increase in representation in the European Parliament by Eurosceptic groups. The incorporation of these forces into national governments, transferred to the European stage, could mean a profound change in the balance of power in the European Council. In this scenario, the grand coalition between Christian democrat, socialist, liberal and sometimes green parties that has governed European politics in recent decades could no longer be taken for granted, and there might instead be agreements with the Eurosceptic ECR group. This could affect not only the distribution of high-level institutional posts and portfolios in the future Commission, but also could call into question the consensus on policies such as the Green Deal, support for Ukraine and relations with the major powers such as the USA, Russia and China. The EU has been subject to politicization before, but this would legitimize the politicization of the European project in more structural terms.

Bickerton<sup>19</sup> argues that the integration project has so far rested on an idea of depoliticization, favouring technocratic justifications in decision-making. However, as Bouza and Oleart have shown,<sup>20</sup> the multiple crises have put an end to the period of consensus around the EU, giving rise to a structural politicization of the European project. This politicization, in which there is greater interconnection between national and European politics, seems to favour the emergence of Eurosceptic movements. Moreover, in a context of increasing internal delegitimization of state democracies, politicizing the EU exposes its institutions to a similar process. However, positive conclusions can also be drawn from this growing politicization. First, it allows for the emergence of new pro-European movements and it brings the European project to the centre of national debate, affecting collaboration between domestic political forces, as seen in electoral processes in France and Germany. But, above all, it shows that the EU is beginning to become part of political life, ceasing to be an alien and distant entity. This can be translated into a rapprochement of citizens with the European project and, with it, could resolve the debate about Europe's democratic deficit, which derives not from its institutional design but from the lack of political debate.

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19 Bickerton, Christopher J. (2012), *European Integration. From Nation-States to Member States*, Oxford University Press.

20 Bouzá García, Luis and Álvaro Oleart (2021), 'La 'intergubernamentalidad' neoliberal y la politización de la UE: la transformación de los campos políticos nacionales y los nuevos europeísmos', *Revista Española de Investigaciones Sociológicas*, no. 183, pp. 3-20.

## The foundations of the relationship between Spain and the European Union

### 3 Spanish public opinion and the integration process

José Pablo Martínez

#### *3.1. Some historical perspective*

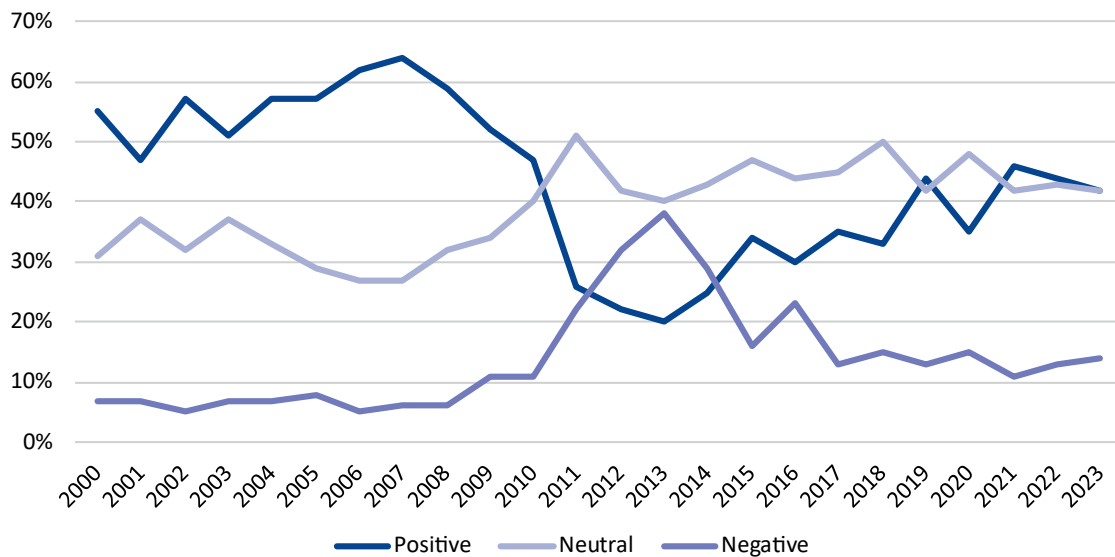
It could be said that Spain's pro-European tradition can be traced back to long before the start of negotiations for accession to the EC. Building closer ties to Europe and everything it represented in terms of modernity and progress was something many Spaniards had aspired to during Franco's dictatorship, so that, in a way, joining the EC was the logical culmination of the process of the transition to democracy. Thus, at the beginning of the 1980s, around 50 per cent of Spaniards considered membership to be positive, a percentage that, once Spain's incorporation had been achieved and in the wake of the strong economic performance of a country which was preparing to host the Olympic Games in Barcelona and the Universal Exhibition in Seville, would gradually rise to almost 80 per cent in 1990 (78 per cent in favour, and 3 per cent opposed). However, from 1990 onwards, this 'honeymoon' would begin to wane, and a first episode of erosion of Spanish pro-European sentiment would begin, the lowest point being in 1994, in the midst of the peseta crisis, when support fell to 44 per cent, while those disaffected with Spain's membership rose to 22 per cent; however, from then on, support for EU membership would stabilize again at over 50 per cent (in 1999, 55 per cent support compared to 4 per cent rejection).<sup>21</sup>

In the 21st century, three clearly distinct periods in terms of Spanish sentiment towards the EU can be identified (Figure 1). In the first, which lasted until 2010, attitudes towards the EU became increasingly positive, in parallel with good growth figures, peaking in 2007 with 64 per cent of Spaniards perceiving the EU positively (compared to 6 per cent with a negative view). But following the international financial crisis, the bursting of the Spanish real estate bubble and the introduction of austerity policies, the Spanish-European idyll came to an abrupt end, as had happened in the previous crisis of the mid-1990s. Thus, between 2009 and 2011, the proportion of voters with a positive view of the EU halved while those with a negative view doubled, so that in the three subsequent years, in a historically unprecedented development, negative perceptions came to exceed positive ones.

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<sup>21</sup> Eurobarometer 51.

**Figure 1. Image of the European Union as perceived by Spaniards, 2000-2023 (% of total)**



Source: Spring Eurobarometers of each year, with the exception of 2011 (autumn), 2020 and 2022 (summer)

It is enough to review some data from 2013, in the midst of the bank bailout and with the unemployment rate hovering around 27 per cent, to understand how deep the European reputational crisis became in Spain: 77 per cent of Spaniards felt that their voice was not taken into account by the EU, 59 per cent were dissatisfied with the functioning of democracy at the European level, 37 per cent advocated leaving the euro, and 23 per cent directly stated that the EU was a waste of money. This was combined with a level of distrust towards the various European institutions of around 70 per cent (Figure 2) and a level of pessimism about the future of the EU of 52 per cent.<sup>22</sup> In this context, it is not surprising that up to 85 per cent of Spaniards thought they were stuck in the debt crisis and that Europe was doing little to help them get out of it.<sup>23</sup>

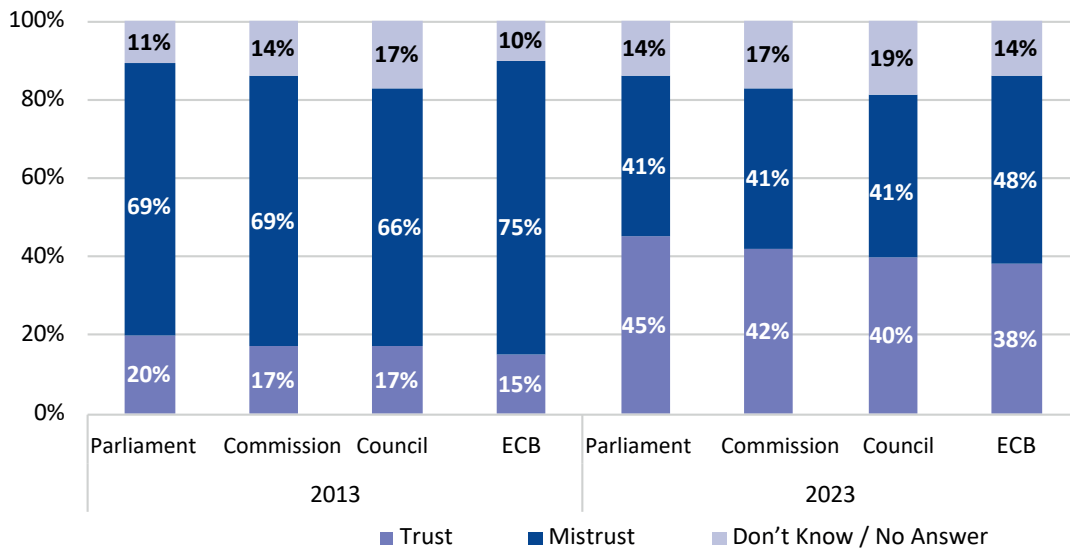
But from 2015, after overcoming the worst of the crisis, the image of the EU in Spain entered a third phase and began a slow but steady improvement that seems to have stabilized at a level that is not as high as in the past, but is reasonably solid. In this respect, as a sign of the positive evolution over the last decade, it should be noted that in 2023 the percentage of Spaniards who believe that their voice is not taken into account by the EU has fallen to 58 per cent, that of those dissatisfied with European democracy has fallen to 36 per cent (although among right-wing voters it remains at 44 per cent), those in favour of leaving the euro are now only 11 per cent, a figure practically identical to those who currently consider the EU to be a waste of money, who account for 10 per cent. And, while distrust

<sup>22</sup> Eurobarometer 79.

<sup>23</sup> Barometer of the Elcano Royal Institute (BRIE) 33.

of supranational institutions has fallen below 50 per cent in all cases – and according to the 43rd wave of the Barometer of the Elcano Royal Institute (BRIE), is lower than that aroused by national institutions such as the Spanish Government or the Congress of Deputies – those pessimistic about the future of the EU represent only 26 per cent, a percentage that drops to 17 per cent among the so-called ‘Generation Z’ (those born after 1997).<sup>24</sup>

**Figure 2. Spaniards’ trust in European institutions, 2013/2023 (% of total)**



Source: Eurobarometers 79 and 99

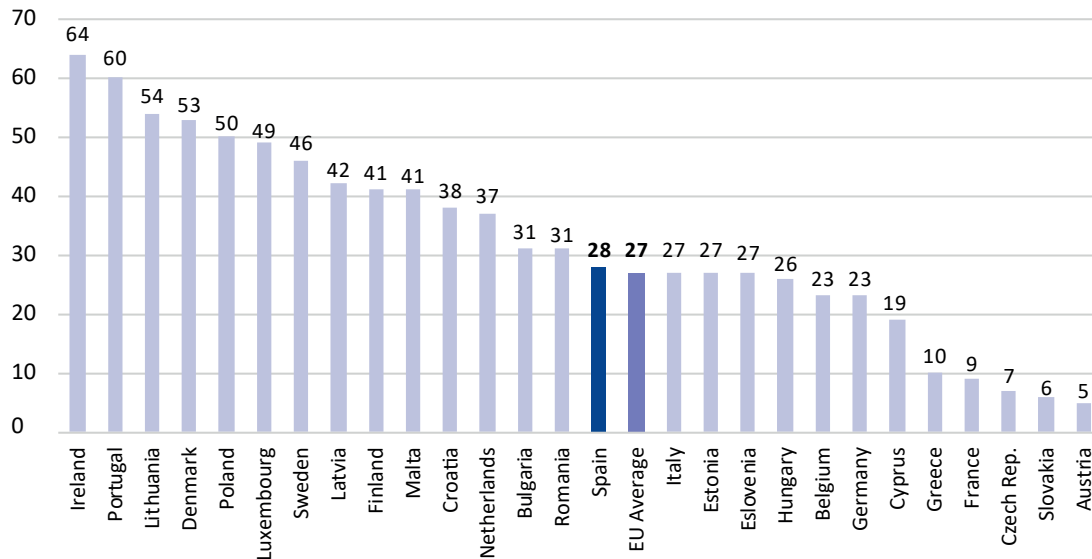
### 3.2. Current assessment

As has just been noted, the image of the EU in Spain has improved significantly in recent years, and Spaniards are very much in the middle as regards their attitudes to the EU, when compared to citizens of other EU-27 Member States. For example, taking as a reference the difference between positive and negative views (Figure 3), the figure for Spain is 28 percentage points (33 percentage points among 15 to 24 year olds), one above the European average. This is well below the 64 percentage points and 60 percentage points of Ireland and Portugal, whose affection for the European project has undergone a dazzling recovery after falling to a similar level to that of Spain in the past decade, but it is far higher than the 9 percentage points and 5 percentage points of France and Austria. In this respect, where Spain has traditionally stood out in comparison with other countries, even in the hardest years of the crisis, is the large number of people who are neutral in their view of the EU: in 2023 this group accounted for 42 per cent of the total, a figure that is only lower than that of the Cypriots (43 per cent).<sup>25</sup>

<sup>24</sup> Eurobarometer 99.

<sup>25</sup> Eurobarometer 99.

**Figure 3. Perceived image of the European Union in the Member States, 2023  
(Percentage point difference between percentages with a positive and negative image)**



Source: Eurobarometer 99

This moderately positive perception is consistent with a figure of 7.4 out of 10 with regard to a feeling of belonging to Europe, slightly lower than the equivalent figure of 7.7 out of 10 for the feeling of belonging to Spain, although rather more homogeneous in its distribution by Spanish region, with a lower level among voters identifying as left-wing, whose pro-European sentiment was 6.7 out of 10 (it should be noted that this group also recorded a figure of 6.5 out of 10 with regard to the feeling of belonging to Spain).<sup>26</sup> This positive view is also in line with the overwhelming majority opinion in all sociodemographic and political strata of considering Spain's membership of the EU to be beneficial (91 per cent in 2021, 42 points higher than in 2014), as well as with the enormous importance attached to it in Spain's international relations.<sup>27</sup> In relation to the latter, up to 68 per cent of Spaniards consider that the EU should be the priority area of Spanish foreign action, compared to 13 per cent and 6 per cent who defend the USA and Latin America, respectively, as priorities.

If we look more deeply into the causes of the moderately pro-European phase which Spain is currently experiencing, we can identify the specific reasons why it is considered beneficial to be part of the EU (Figure 4). Among these, freedom of movement within the EU, either to live and work (60 per cent) or to travel (59 per cent), clearly stands out.<sup>28</sup> And although

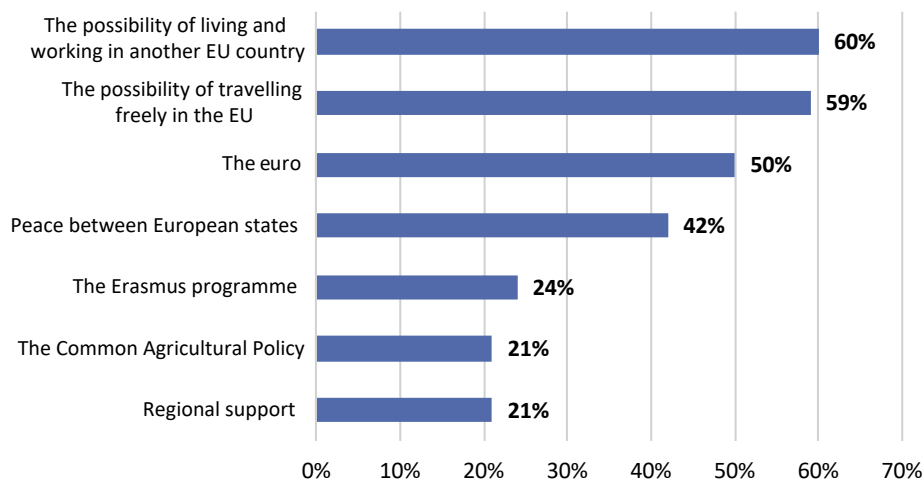
<sup>26</sup> BRIE 40.

<sup>27</sup> BRIE 42.

<sup>28</sup> BRIE 40.

support for ‘peace between states’ is seen as one of the main achievements of the EU (42 per cent), it does not reach the level of other countries such as Germany and France, whose citizens, influenced by the conflicts of the 20th century, point to this as the main benefit of the European project.

**Figure 4. Key achievements of the European Union, 2018 (% of total, multiple answers possible)**



Source: Elcano Royal Institute Barometer 40

At the same time, although in the latest polls opposition to EU integration is very much in the minority, it is also worth distinguishing the specific causes of this disaffection, among which those of an economic nature stand out: either the circulation of the single currency or the damage caused by integration to the Spanish economy.

With regard to the positive decisions taken by the EU in recent times, although the majority of the population (42 per cent) is unable to name any of these, among those who do, the most important responses relate to support for Ukraine after Russia’s invasion (17 per cent, with 23 per cent among those over 45), economic and health measures in the face of the pandemic (9 per cent and 7 per cent respectively) and the ‘Iberian exception’ established for the price of gas (5 per cent).<sup>29</sup>

29 BRIE 43.

### 3.3. Knowledge of the EU

Although, as we have just shown, pro-European sentiment in Spain today is within reasonably satisfactory parameters, this does not imply a similar level of interest in European institutions, but rather the opposite. In this respect, up to 41 per cent of Spaniards acknowledge not knowing how the EU works, a figure that is 6 percentage points higher than the European average and only lower than that of the French and the Maltese (46 per cent and 42 per cent, respectively). And while it is true that at least four out of every five Spaniards have heard of the main European bodies, when asked to specify their knowledge, the accuracy rate falls considerably. For example, 40 per cent of Spaniards either do not know that MEPs are directly elected by European citizens or believe that they are not, while 41 per cent of Spaniards do not know whether Switzerland is part of the EU or believe that it is (3 percentage points and 16 percentage points higher than the European average, respectively).<sup>30</sup>

Along the same lines, only 28 per cent of Spaniards correctly identify Ursula von der Leyen as the President of the European Commission, a ratio that drops significantly in the case of women and people who have only completed compulsory education (18 per cent and 20 per cent) and plummets to half (14 per cent) among young people aged 18 to 29. Only 28 per cent correctly define the European Council as the regular meeting of the governments of the Member States, with a very low rate of knowledge among young people, women and people with less formal education (16 per cent, 21 per cent and 22 per cent, respectively). Spain's tenure of the rotating Presidency of the Council of the EU during the second half of 2023 is known by just over half of the population (56 per cent), a figure that falls among young people, with only 28 per cent claiming to be aware of this fact.<sup>31</sup>

Finally, it is worth highlighting three pieces of information that confirm the limited knowledge of EU policies and processes in Spain. Firstly, only one in four Spaniards say they know about the *Next Generation EU* funds, approved in response to the economic devastation caused by the pandemic, despite the potential impact they could have on economic recovery, and most of them do not know the specific policies to which these funds will be allocated. An even lower percentage (23 per cent) are aware of the CAP, one of the European initiatives which, together with the Cohesion Funds, has been most important in Spain since its integration.<sup>32</sup> And a mere 7 per cent of Spaniards are aware of the EU's bid to involve European citizens in the debate on their future, the so-called Conference for the Future of Europe.<sup>33</sup>

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30 Eurobarometer 99.

31 BRIE 43.

32 BRIE 42.

33 BRIE 40.



### *3.4. Vision of the future of the EU*

We have already seen that, after a period of reputational crisis coinciding with a difficult economic situation which lasted for several years, pro-European sentiment in Spain in 2023 is once again in good (if not excellent) health. But what do Spaniards think about the future of the European project? What do they think the next steps should be for the EU as a whole and for Spain as a Member State?

In a continuation of the current mood, 69 per cent of Spanish citizens are optimistic about the future of the EU, 6 percentage points higher than the European average and, more strikingly, 11 and 21 percentage points above the optimism of the Germans and the French, respectively. It should also be noted that among Generation Z members, positive forecasts about the EU's development over the next few years are significantly higher, shared by 81 per cent.<sup>34</sup>

Related to this question, when respondents are asked to be more specific about the EU's future influence, 47 per cent expect it to remain largely unchanged, while 40 per cent go further and predict that it will become more influential in Member States. By contrast, 13 per cent of Spaniards predict that the EU will eventually disappear.<sup>35</sup> And while these forecasts seem to make the possibility of a weakening of the EU unlikely, they fall short of Spaniards' wishes, with 77 per cent supporting more decision-making at the European level, some 20 percentage points higher than the European average and lower only than the wishes of the Cypriots (84 per cent).<sup>36</sup>

In the short term, 29 per cent of Spaniards consider that the biggest challenge facing the EU is the war in Ukraine, followed by inflation and social inequality (Figure 5). In this way, events over the last year have pushed climate change down to fourth place, and concern about health systems, now that the pandemic is over, has fallen to fifth place.

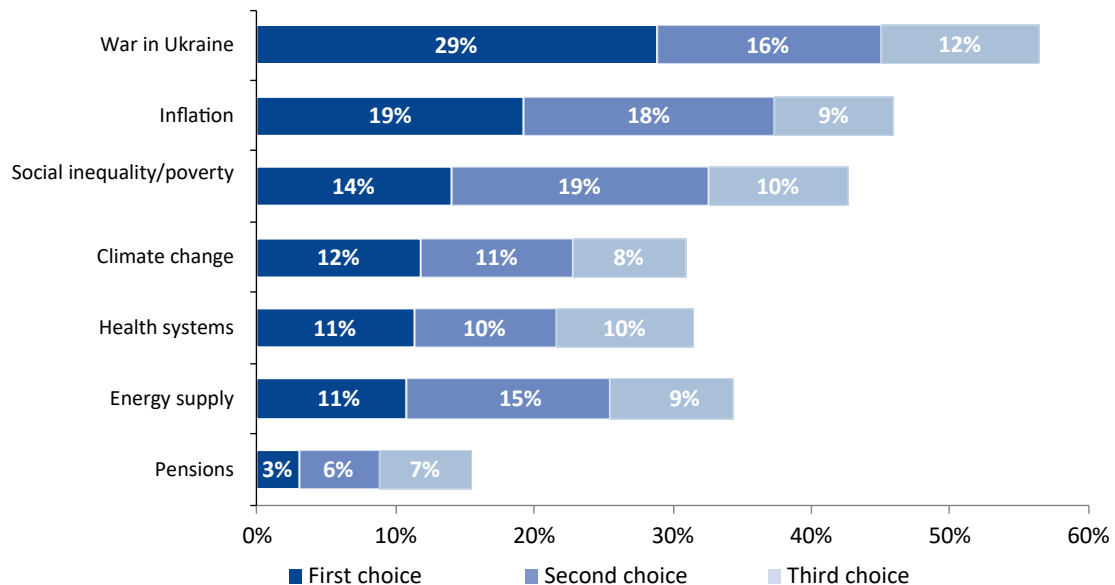
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34 Eurobarometer 99.

35 BRIE 43

36 Eurobarometer 99.

**Figure 5. Main challenges for the European Union, 2023 (% of total, by order of choice)**

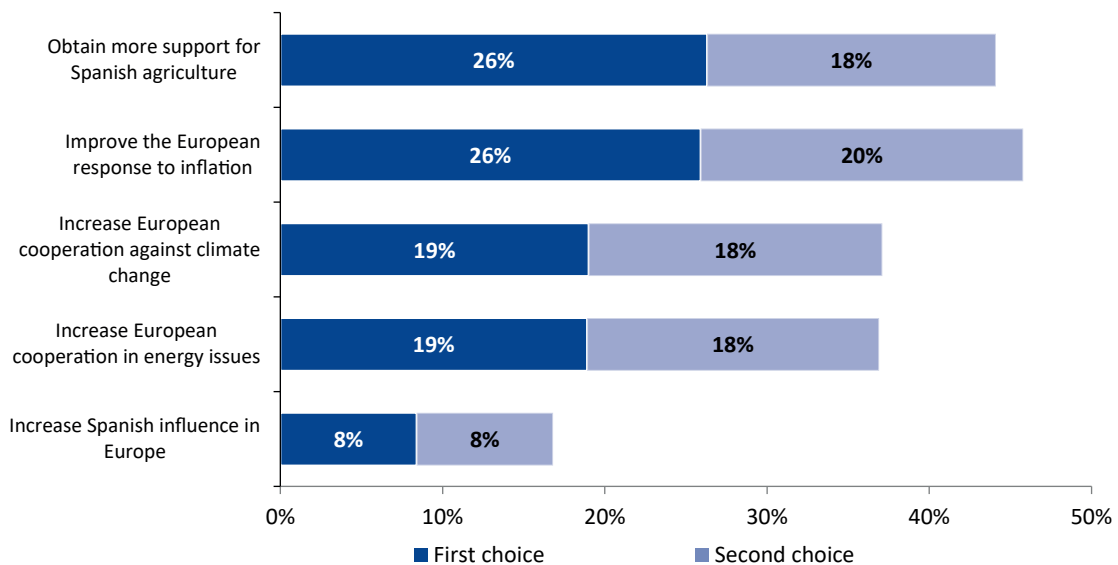


Source: Elcano Royal Institute Barometer 43

However, it is also worth noting the important role of age in prioritizing such challenges, as among the 18-44 age group, inflation rather than war is the main problem in Europe (25 per cent vs. 18 per cent), reflecting their greater vulnerability to price rises as they are at a time of life when they are more exposed to such price rises, in the form of rents, mortgages, childrearing costs etc.

In fact, together with obtaining more aid for domestic agriculture, inflation is the main objective that respondents believe Spain should pursue during the 2023 Presidency (Figure 6), confirming concern about the cost of living in general and prices of food products in particular. However, it is worth noting that for 31 per cent of left-leaning voters, Spain's priority objective during its six months of European leadership should be neither of the above, but rather to increase collaboration within the EU against climate change.

**Figure 6. Spain’s main objectives during its Presidency of the Council of the EU, 2023 (% of total, by order of election)**



Source: Elcano Royal Institute Barometer 43

In turn, when asked who should be Spain’s main ally to defend its interests within the EU, in 2020 (latest available data) respondents pointed to France followed by Germany.<sup>37</sup> Thanks to their status as continental powers, both countries have historically stood out as favourites among Spaniards when it comes to forging alliances in EU negotiations, although they alternate for first position depending on the political and economic context: in times of prosperity it is usually Germany, but in times of crisis or uncertainty (such as the beginning of the pandemic) it is usually France that takes the lead, as it is perceived as being closer to the interests of the continental south.

In the longer term, 76 per cent of Spaniards believe that the EU has sufficient capacity to defend its economic interests in a globalized economy, 7 percentage points above the European average and 27 percentage points more than in France, the only Member State where the positive view does not reach 50 per cent.<sup>38</sup> However, this response does not imply that Spaniards are unaware of the risks that globalization may entail in terms of strategic autonomy. Thus, when asked about the area in which the EU should prioritize such autonomy with respect to other regions of the world, 56 per cent opt for energy, in a clear reflection of concern about the increase in the price of fossil fuels following the sanctions imposed on Russia for its invasion of Ukraine. And the memory of the pandemic is still very fresh, with 23 per cent of citizens choosing health autonomy as their first option, although among women and those with only compulsory education this percentage rises to

37 BRIE 41.

38 Eurobarometer 99.

32 per cent and 41 per cent respectively. Eighteen per cent of respondents selected digital autonomy. Finally, at the other extreme, and despite the fact that a war is taking place in the European neighbourhood, only 3 per cent choose to prioritize military autonomy.

### *Conclusions*

From this analysis of the image that Spanish citizens have of the EU, four main conclusions can be highlighted:

- Spaniards have traditionally been notably pro-European, although this sentiment has been strongly conditioned by the country's economic situation, and in times of crisis part of the blame has been transferred to European institutions.
- Today, since the economic situation has stabilized, pro-European sentiment in Spain is slightly above the average for EU Member States, halfway between its neighbours Portugal and France (the former very pro-European, the latter much less so).
- However, this sympathy of Spaniards for the European project should not be confused with a high level of interest in it. Thus, the degree of knowledge of the reality of the EU is very limited in comparison with other Member States, and the low level of knowledge shown by the youngest members of the population is particularly worrying.
- Spaniards project their current optimism into the future and believe that the EU will remain at least as strong as it is today. However, they are aware of the important challenges it faces, with the war in Ukraine standing out in the short term and energy autonomy in the longer term.

## The foundations of the relationship between Spain and the European Union

### 4 The institutional bases of Spanish membership of the European Union

Ignacio Molina

This section aims to analyse the institutional framework of Spain's membership of the EU in its broadest sense: specifically, how the Spanish Constitution enshrines participation in a supranational integration process that entails conferring on an external (though not alien) authority the right to exercise competences derived from sovereignty. Furthermore, after setting out the characteristics and shortcomings of Article 93, one of the defining features of the post-1978 model of the Spanish state is addressed: the territorial organization into Autonomous Communities.

#### *4.1. European integration and national sovereignty*

In contrast to classic intergovernmental organizations, the EU has much broader competences and direct regulatory capacity over companies and citizens, although it does not enjoy sovereignty, which remains in the hands of its Member States. The latter not only attribute to the EU a set of functions to it through the treaties, but – without prejudice to the existence of the EU's own institutional framework – they continue to be the main protagonists of procedures to develop and implement European policies. As Luuk van Middelaar argues,<sup>39</sup> the circle of Member States exercising the European function forms the indispensable intermediate sphere between the strictly national and the supranational level that best explains the peculiar nature of the EU and its law. And as theorists of the intergovernmental approach, such as Alan Milward or Christopher Bickerton,<sup>40</sup> often emphasize, the elaboration of Europe-wide laws is a fundamental instrument for states seeking to preserve room for manoeuvre in the face of the demands of globalized interdependence and the internal complexity of their national societies. These are the basic building blocks on which the integration process rests, although it is true that we can no longer speak of nation states in the classical sense and, where the EU exercises the competences attributed to it, it is more accurate to think of a post-Westphalian mode of organizing power: the Member States.<sup>41</sup>

The best known and distinctive categories of EU law – such as, for example, primacy or direct effect – are noteworthy because they effectively connect EU institutions with the 27 Member States on the basis of two main features: the willingness of states to consider the laws adopted in the European legislative process as part of their own legal systems; and

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39 van Middelaar, Luuk (2013), *El paso hacia Europa*, Galaxia Gutenberg (original version 2009).

40 Alan Milward (1992), *The European Rescue of the Nation-State*, Routledge.

41 Bickerton, Christopher (2012), *European Integration. From Nation-States to Member States*, Oxford University Press.

the fact that these states ultimately control the procedure and establish the limits on the possible content of these laws. Any understanding of the EU requires a good understanding of how states interact with the supranational level. They do so intensively in the ordinary functioning of the EU, as states are actors (especially in the European Council and the Council of Ministers) in the process that approves policy decisions, budgetary spending and rules. And they do so, of course, in the constituent moments in which the Treaties are drawn up, where they are the sovereign signatories and, therefore, determine the powers of the EU in the different policy areas where it has competences attributed to it.

There are simplified or aggravated modes of Treaty reform (including, where appropriate, the prior work of a Convention involving representatives elected by citizens), but the central element in each new grant of powers to the EU is the convening of an Intergovernmental Conference. Here, plenipotentiary representatives of the governments of the Member States negotiate the reform by consensus, and the resulting text must then be unanimously ratified by national parliaments (although since the 1980s new actors and institutions have been incorporated at the national level: high courts that analyse the compatibility of the new Treaty with the national constitution, heads of state who in some cases can slow down the ratification process, or the need, on occasion, for electorates to directly endorse the reform). In the case of Spain, each of the reforms of the original law in which it has participated (Single European Act, Maastricht, Amsterdam, Nice and Lisbon Treaties, and the various enlargements) has been led by the national government, and there have been no obstacles to ratification, which has received overwhelming support in the Spanish parliament. The only referendum was that held in 2005, which endorsed the Constitutional Treaty of 2004. On that occasion, too, there was a relatively prominent participation of the Constitutional Court, which had also ruled in 1992 on the compatibility of the Treaty on European Union with the constitutional provisions on the right to stand in elections.

#### *4.2. The constitutional clauses enabling membership of the European Union*

Given that Member States attribute to the EU the exercise of competences deriving from sovereignty, individual national constitutions provide a clause enabling this transfer. Comparative constitutional law offers a wide range of solutions; normally with a very detailed development of these clauses, although there are also models that still take a generic approach (as in Poland or Spain, with Article 93 of the Constitution) or even uncodified ones (as was the case in the United Kingdom, which during its years of membership regulated this transfer of functions through a law of an only indirectly constitutional nature). In most cases, however, since the 1990s, the original implicit and sparse legal bases have been transformed into constitutional precepts that explicitly recognize the will and mechanisms of state participation in the progress of European integration.

In the first place, most Member States already include in their constitutions one or more express mentions of the integration process and, in some cases, these are accompanied by mentions of the European ideals or aims according to which some constitutions justify the transfer of competences (Spain is, however, one of the few cases in which its enabling clause does not expressly mention the EU or the reason for the limitation of sovereignty). Secondly, the enabling clauses also contain the requirements and limits for authorizing

treaty reform (which will vary widely, but in few cases is the procedure as undemanding as in Spain where, unless a possible unconstitutionality of the new treaty has to be overcome, only the absolute majority required for the Organic Law is necessary). The third aspect to be taken into account in these 'Europe clauses' is the regulation of the internal mechanisms through which the state participates in the drafting and application of European rules (in some cases, as in Ireland, even constitutionalizing the obligation to comply with EU law).<sup>42</sup> There are thus states that have detailed principles and responsibilities to be carried out by their executive branch, the national parliament, the regions or the courts (Spain is also an example of a parsimonious solution here, as Article 93 only makes a vague reference to the fact that the Spanish parliament and the government will ensure compliance).

The most advanced examples of enabling clauses are to be found in the constitutions of France and Germany, which are also the two largest Member States. In both countries, following the constitutional reforms enacted in 1992 on the occasion of the Maastricht Treaty, a new clause was drafted in Article 23 'Europe' of the German Constitution and in Title XV 'of the European Union' of the French Constitution. The aim was to generally accept all the consequences of membership of the EU without the need to reform any other specific articles that might be in contradiction (although this approach implies a certain constitutional duality). While both cases coincide in stressing the intangibility of national sovereignty and maintaining the state basis of the EU system, from this point onwards they follow different paths in response to the question.

In its Articles 88.1 to 88.7, the French Constitution makes use of what could be called a positive enabling clause, since it allows the transfer or exercise in common with the supranational organization of certain competences, but for the specific cases that are contemplated in the constitutional text and which coincide with the successive advances decided on in the process of European integration. The consequence of such a formula is that each reform of the treaties almost necessarily involves a corresponding amendment of the French Constitution, and this has been the case on several occasions since 1992, the most recent reform being that of February 2008 (Treaty of Lisbon).

Germany, on the other hand, uses a negative enabling clause and, instead of expressly recognizing the progress of integration to which Germany is agreeing, what is included is a general authorization for the EU to continue to make progress as long as it respects subsidiarity and does not affect the core of the constitution (the only case in which a new constitutional reform would be required in the future, although this would be impossible if it affects the basic principles of the German state, which are untouchable). With regard to the regulation of state participation in the drafting and application of secondary legislation, these two countries also set themselves apart by considering in some detail the leadership of their respective governments, the growing role of the French National Assembly and Senate or of the German Bundestag and Bundesrat, in addition to other specificities (for example, the provision for submitting enlargements to referendum in France or the repeated mention of the *Länder* in Germany).

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<sup>42</sup> Article 29.4.5 of the Irish Constitution proclaims that, once treaties relating to European integration have been incorporated into Irish law, it is not possible for Irish law to impose any material limitations on original or secondary EU law.

### *4.3. Article 93 of the Spanish Constitution: features, weaknesses and possibilities for improvement*

Attempts were made to address the scant development of the enabling clause in the Spanish Constitution in 2004 on the occasion of the Constitutional Treaty. The idea, as expressed at the time by Prime Minister José Luis Rodríguez Zapatero in his investiture speech, was 'that the Spanish Constitution should incorporate in its text a reference to the forthcoming European Constitution as a solemn sign of our definitive commitment to Europe'. However, the failure of that episode of European integration in 2005 and Zapatero's own internal difficulties in undertaking the reform frustrated the initiative. Today, the constitutional basis of Article 93 remains the same as it was in 1978, despite the warnings that have been sounded for many years about its possible inadequacy.<sup>43</sup> The current situation entails risks for legal security because, despite the Constitutional Court's occasional efforts to ensure compliance with the literal wording of a specific article (as occurred in 1992 with the aforementioned reform of the right to stand for election contained in Article 13.2), the truth is that many other precepts of the Constitution have been overtaken by the new reality; in fact, it could even be said that the whole of Title VII (on 'Economy and Finance') has been subordinated *de facto* to EU law itself.<sup>44</sup>

There comes a point at which the elasticity of the text is transformed into a simple mutation, a reform that, out of fear, sidesteps the formal procedure and thus breaches or denigrates the reform procedure. This is the glaring paradox of the mismatch between the literal nature of the Constitution and the constituted reality: the apparent validity of the text that was approved in 1978 and which remains unaltered despite more than three decades of far-reaching legal-political transformation, is in fact the greatest threat to its ongoing validity. To formally ignore what, in practice, is not only accepted but almost unanimously considered as a necessary development, leads in the end to abandoning the Constitution as a valid frame of reference or to surreptitiously modifying its content.

Without express and categorical provision on how the mechanisms of European integration affect the content of the Constitution, without thereby altering the will of the constituent power, the process of determining the effective scope of the Constitution becomes a factual exercise (with the consequent uncertainty that this entails) or is performed by another legal system, that of the EU. This lacuna also means that there are no clear rules of the game regarding the role of the different national institutions in European affairs (for example, there is no mention of the Autonomous Communities) and, of course, the limits of Spain's participation in the EU or the priorities it pursues are not determined, beyond the controversial mention of budgetary stability in Article 135, hastily reformed in 2011 at a time of serious economic crisis.

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43 López Castillo, Antonio (2006), 'A propósito de la proyectada articulación de una cláusula europea en la CE: (propuesta y apuntes para el debate)'. In *El informe del Consejo de Estado sobre la reforma constitucional: texto del informe y debates académicos*, eds. José Álvarez Junco and Francisco Rubio Llorente, Centro de Estudios Políticos y Constitucionales.

44 However, the Declaration of the Constitutional Court of 13 December 2004 ruled by nine votes to three that it was not necessary to reform the Constitution in order to ratify the Treaty establishing the European Constitution in Spain (the contents of which were largely taken over by the Treaty of Lisbon), as Article 93 was a sufficient basis.



Given the deep fear of modifying the 1978 Constitution and the polarization of the Spanish political landscape, reforming and strengthening Article 93 in 2023 seems unlikely. However, although the debate on the constitutional basis for Spain's EU membership has unfortunately been postponed, this does not mean that the need to improve the fit between the national and European systems should not continue to be discussed. Beyond the requirement for a legal mechanism, a future redefinition of the 'Europe clause' in Spain is above all a political question. As has been noted, even after the accession of Bulgaria, Romania and Croatia, the 1978 Constitution remains one of the national constitutions with the most fragile response to the challenge of continental integration. It therefore seems appropriate to revisit this debate as Spain approaches the 40th anniversary of its accession and with the prospect of a new institutional reform process to make enlargement to the Western Balkans and Ukraine possible.

Although the only two reforms of the Spanish Constitution have had their causes in the integration process (the reform of Article 13.2 in 1992 and of Article 135 in 2011) neither was very satisfactory since, apart from reducing the constitutional text to a mere instrument that is being patched up at the pace set by Europe, the real, necessary and perhaps sufficient reform was not undertaken, namely, strengthening a legal-political basis, Article 93, in which Europe is not even mentioned and which has been used to ratify projects that are not strictly supranational, such as the Statute of the International Criminal Court.

The reform should therefore consist of a lasting solution, which is not concerned with possible literal contradictions, but rather with recognizing much more explicitly the voluntary nature of European integration, and establishing the limits of the process. It would be a matter of clarifying the 'what', 'how' and 'why' of the enabling clause by including in it the basic conditions of the attribution of competences to Brussels, strengthening the parliamentary majorities required for it, and mentioning the responsibility that judges and Autonomous Communities also have in European legal matters.<sup>45</sup>

In contrast to the solutions of neighbouring countries – where, depending on the case, Europe is *specifically* mentioned, express enabling clauses are included to facilitate the reception of the most ambitious integration policies, EU membership is made subject to limits or to the fulfilment of certain desirable objectives, certain principles are mentioned to anchor internal acceptance of the of EU supranational nature law, parliamentary and regional participation in EU affairs are addressed, and qualified majorities are required to authorise the limitation of sovereignty – it seems that Article 93 of the Spanish Constitution is remarkably sparse. And while this parsimony may perhaps be bearable from a legal perspective, or at least in the opinion of the Constitutional Court, it is not very defensible from a political point of view.

Of course, the objectives of greater democracy and guaranteeing constitutional dignity must be combined with Spain's pro-European convictions. From the perspective of European law, obviously, the concern is not to safeguard constitutional rank but to avoid compromising the uniform interpretation and primacy of the supranational legal order. But strengthening

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<sup>45</sup> Molina, Ignacio (2005), 'Abrir la Constitución Española a la integración europea: opciones y modelos', Real Instituto Elcano.

the weak state bases on which the EU's power is authorized need not jeopardize such uniformity if these types of operations are carried out jointly or if they are carried out individually by a Member State with knowledge of and respect for the meaning of the European legal order. For this reason, it does not seem excessive to call attention to the dual need to reaffirm the supreme political rank of the Constitution and to facilitate the important future developments of European integration.

#### *4.4. The intervention of the Autonomous Communities*

One of the defining features of Spain's constitutional model is the territorial organization of the state into Autonomous Communities, and this is also key to understanding Spain's European policy. The inclusion of sub-state entities with regulatory capacity in the European function of the Member States has been a complex task, which has developed in different ways in different situations (with Germany and Belgium at the forefront) and which has generally been more developed in terms of the implementation of European policies than with regard to establishing the national position. As César Colino, Ignacio Molina and Angustias Hombrado argue,<sup>46</sup> there are three dimensions from which this question can be approached: as a question of autonomy (whether regions gain or lose power through EU membership), of resources (whether they are more or less able to defend their interests well) and of strategy (what are the best options for improving their position in the policy process). The combination of these three elements has meant that regional authorities have progressively demanded greater involvement in state action during the development of EU laws, and this has often led to political controversies and legal disputes.

After the Maastricht Treaty – which, among other innovations in this field, created a Committee of the Regions and the possibility for high-level regional authorities to participate in the Council representing a Member State – this participation was gradually institutionalized, including direct dialogue with the Commission and other institutions. However, when the limitations of the notion of a 'Europe of the Regions' became apparent, sub-state authorities began to want to strengthen their influence on national European decision-making procedures, without renouncing their presence in Brussels. In other words, they sought to co-determine the position of the Member State to which they belonged in the various areas where their competences were affected, by shaping both vertical (centre-periphery) and horizontal (between the various regions) relations. In recent years, and especially since the 2004 enlargement and the onset of the economic crisis in 2008, this strategy has become more defensive than proactive, with an emphasis on the idea of protecting subsidiarity. The system is far from being stable or peaceful, and there are even some regions – such as Scotland and Catalonia – that have sought to use EU membership as a means of breaking away from the Member States to which they belonged.

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<sup>46</sup> Colino, César; Ignacio Molina and Angustias Hombrado (2014), 'Responding to the new Europe and the Crisis: the Adaptation of Subnational Governments' Strategies and its effects on Intergovernmental Relations in Spain' in *Regional and Federal Studies*, no. 24 (3).

In the specific case of Spain, the broad powers of the 17 Autonomous Communities make them essential players in shaping the Spanish position in European regulatory processes (as well as key actors in the downstream phase as administrations that implement the decisions of EU institutions in their areas of competence). In those areas where they have exclusive competence, they can even represent Spain in European Commission committees, attend working groups and speak at Council meetings, alongside the ministers of the Member States. Over the years, the Autonomous Communities have acquired the capacity to be taken into account by central government when it comes to coordinating the national position in Madrid, which is then transferred to the European level. Moreover, all of them have delegations in Brussels (the constitutionality of which was questioned by central government, but has been accepted by the Constitutional Court since STC 165/1994 of 25 June 1994), although some of them intermittently closed their presence due to the crisis. They also have a consultative role through the aforementioned Committee of the Regions.

The processes of decentralization and of accession to the EC ran parallel in Spain during the 1980s, without the Constitution providing for the participation of the Autonomous Communities in European affairs. Based on the demands expressed above all by those communities with nationalist governments and which also had greater resources (Catalonia and the Basque Country), at the end of the 1980s the central government began to implement some federal practices imported from Germany to allow collective participation in those issues where regional competences were affected. Since in Spain this coordination could not be carried out through the Senate (as it was not politically active as a territorial chamber), since 1989 the mechanism of the collegiate bodies known as sectoral conferences, which put the territorial levels in contact with each other in the areas of shared competence, was used. The Autonomous Communities, for their part, created administrative units to manage European affairs, generally adopting an approach of concentrating functions in the respective executive powers, which left very little room for their legislative assemblies in this area. As early as 1994, a first agreement was reached whereby the government undertook to take into account the positions reached by the Autonomous Regions in the various sectoral conferences relating to their exclusive competences when formulating the national position.

In 1997, a regional councillor was introduced into Spain's Permanent Representation (REPER) and in the same year, under Law 2/1997, the operation of the Conference for Affairs Related to the European Communities (CARCE, renamed CARUE in 2010) was codified as a transversal forum for European affairs designed to coordinate with the whole system of sectoral conferences. CARUE, which has a preparatory commission, is attended by representatives of regional governments and central government to coordinate both the internal decision-making process and the application of European law where the Autonomous Communities have competences. While central government is represented in the sectoral conferences by the respective ministry, in the case of CARUE it is the Secretary of State for the EU and the ministry responsible for public administration who defend the position of the national executive. The conference is multilateral, as it includes all the Autonomous Communities, and there is no official forum that brings together the regional authorities without the presence of central government. On the other hand, since the 1990s parliamentary arithmetic has led to the creation of three special bilateral committees in the

cases of the Basque Country, Catalonia and the Canary Islands, which, except in the last case, hardly ever meet. CARUE, on the other hand, usually meets two or three times a year and is generally functional. However, it is difficult to reach common positions due to the marked differences of interest in European issues between some regions, or the different predisposition to be represented by the central government, depending on whether or not the political colours coincide and, above all, on the structural ambition of certain autonomous regions to have their own European policy.

In 1996, the Autonomous Communities managed to persuade the government to accept their participation in dozens of expert committees of the Commission. Initially, the number of committees was 55, but since 2018 it has exceeded 150 (the Autonomous Communities decide among themselves informally how to distribute their participation in these committees and how to coordinate with the Spanish REPER).<sup>47</sup> The most politically attractive request to participate in the Council was delayed for ten years, but since 9 December 2004, the Autonomous Communities have been able to participate in working groups and in certain Council formations. However, they do so representing a common position of the state and forming part of the Spanish delegation under the leadership of the minister.<sup>48</sup> These formations are those in which regional competences are most clearly affected: Employment, Social Policy, Health and Consumer Affairs; Agriculture and Fisheries; Environment; Education, Youth, Culture and Sport; and, since 2009, also in Competitiveness, although limited to Consumer Affairs and Gambling regulation. The intention to extend this list is constant and, as far as Catalonia and the Basque Country are concerned, it includes some very important Council formations from the point of view of classic state functions (Justice and Home Affairs or ECOFIN) with the justification that they hold special competences in these areas. In 2004, another development saw the number of regional representatives on REPER doubled in number and was appointed by CARUE instead of by the government. Finally, the process of revising numerous statutes of autonomy conducted between 2006 and 2010 served to regulate in detail the relations between the devolved regions and the EU, which, however, must always be conducted within the framework of state legislation.

The complexity of this regionally devolved state has also often been cited as a cause of Spain's high levels of non-compliance with EU law, with the country unfortunately leading the way in terms of the number of infringements. However, a systematic study of the reports published by the Commission shows that only a small percentage of cases of non-compliance are attributable to the Autonomous Communities.<sup>49</sup> Nevertheless, this is one of the most worrying elements when analysing the institutional foundations of Spain's EU membership. The latest Infringement Report published by the Commission, corresponding to 2021, identifies Spain as the country with the most open infringement proceedings and Denmark as the one with the least (together with, interestingly, the United Kingdom at

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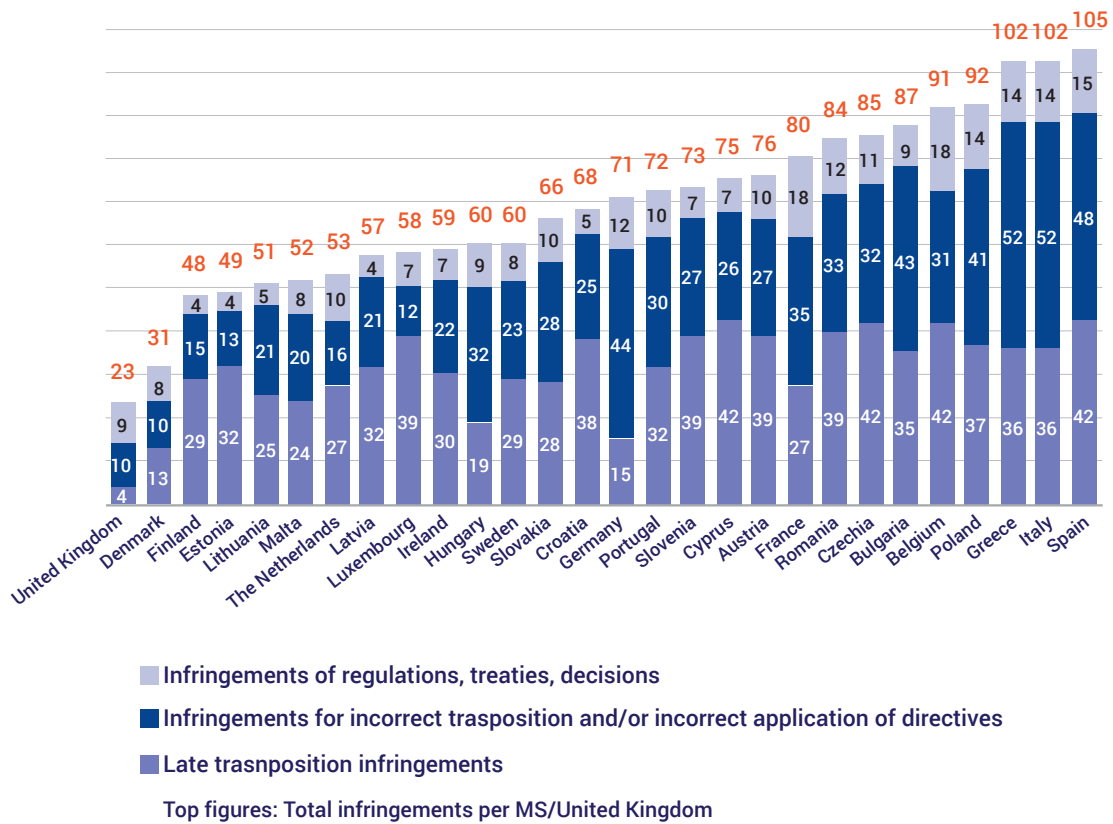
47 Colaboración de Oficinas Regionales Españolas en Bruselas (2023), 'Las comunidades autónomas en la Unión Europea' in *La influencia de España en Europa*, Luis Simón, Raquel García and Ignacio Molina (coords.), Real Instituto Elcano.

48 Beltrán, Susana (2012) 'Una salida para la representación de las Comunidades Autónomas en el Consejo de la UE', *Revista CIDOB d'afers internacionals*, no. 99.

49 Cienfuegos Mateo, Manuel (2011), 'Instrumentos de colaboración procesal entre el Estado y las Comunidades Autónomas para la prevención de los incumplimientos autonómicos del Derecho de la Unión Europea', in *El incumplimiento del Derecho comunitario en el Estado autonómico. Prevención y responsabilidad*, Paloma Biglino and L. Delgado, (eds.), Centro de Estudios Políticos y Constitucionales.

the time of the completion of its exit). Figure 7 distinguishes between the total number of infringements (top figures), infringements due to incorrect transposition and/or misapplication of directives (the blue bar), infringements due to late transposition (the red bar) and infringements of regulations, decisions or the Treaties (green).<sup>50</sup>

**Figure 7. Number of open infringement cases in the EU-27 (31 December 2021)**



Fuente: 2021 Annual Report on monitoring the application of EU law (europa.eu)

50 European Commission (2022), Annual report on monitoring the application of EU law.



## Developing and coordinating Spain's European policy

### 1 Spain at the European Council: the Prime Minister and the European Union

Raquel García Llorente

The European Council is one of the central institutions of the EU, and understanding how a Member State participates in it is thus fundamental to understanding its European policy and its effectiveness in the European institutional and decision-making framework.

#### *1.1. The evolution of the European Council: from its creation in 1974 to the present*

##### What is the European Council? Functions, composition and origins

The functioning and organization of the European Council are set out in Article 15 TEU and Article 235 TFEU. The European Council brings together the heads of state or government of Member States and its objective is to define the EU's general political guidelines and priorities. While the European Council does not adopt or negotiate legislation, it does take decisions by adopting conclusions. Except on specific issues, such as the adoption of its rules of procedure (Article 235 TFEU), the exercise of electoral functions (Article 17(7) TEU) or decisions relating to the functioning of other institutions (Article 236 TFEU), the European Council decides by consensus.

The origins of the European Council date back to the mid-1970s. As early as 1973, Jean Monnet, one of the founders of the European integration project, advocated the need to create a 'provisional European government' made up of the heads of government.<sup>51</sup> But it was in 1974 that Valéry Giscard d'Estaing, then French president, proposed that European heads of government should meet on a regular basis because, 'once regularity was established, the scope of the leaders' power would do the rest and the institution would consolidate itself on its own: a European executive power would begin to take shape'. The French president was supported by the leaders of the other larger Member States: UK prime minister Harold Wilson, German chancellor Helmut Schmidt and Italian prime minister Aldo Moro (who since the UK's entry had feared a loss of influence). Meeting in Paris in December 1974, and in the face of resistance by the smaller Member States, it was agreed that this new forum should not be called the *European Council*. However, Giscard d'Estaing opened the press conference with the words: 'The summit is dead. Long live the European Council,' thus ushering in the new institution.<sup>52</sup>

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51 de Schoutheete, Philippe (2012), *The European Council and the Community Method*, Notre Europe.

52 van Middelaar, Luuk (2013), *El paso hacia Europa*, Galaxia Gutenberg.

Since then, the European Council has evolved. In the Solemn Declaration on European Union at the Stuttgart European Council in 1983, the heads of state and government set down in writing the tasks and procedure already being implemented by the European Council. Subsequently, the Single European Act (1987) mentioned it in Title I of the Common Provisions, thus including it for the first time in European primary law. In 1996, the European Council increased the frequency of its meetings from two to four a year, although it was not until the Treaty of Nice (2003) that all informal meetings of the European Council were held in Brussels. However, Nice still excluded it from Article 7 of the Treaty establishing the EC, which listed the European institutions. For practical purposes, this meant that the activity of the European Council was outside the scope of the Court of Justice.<sup>53</sup> It was not until the Treaty of Lisbon (2009) that the European Council was put on an institutional footing along with the other European institutions (Article 13 TEU). Despite this, the provisions relating to the European Council, defined in Article 15 TEU, are vague and imprecise.

In short, since its creation, the European Council has been subject to weak regulation and institutionalization, and this has meant that the European Council's real capacity and margin for action have exceeded what was proposed in the founding treaties. Since its inception, the functioning and results of this institution have primarily been marked by the personality, leadership and political weight of its members, as well as by their response to the specific challenges of the European and international context as they arose.

In terms of competences, Article 15 TEU states that 'the European Council shall provide the Union with the necessary impetus for its development and shall define its general political directions and priorities'. Despite this general statement, which is in line with similar articles referring to other institutions, the reality is that European Council meetings are concerned with increasingly concrete and technical issues. A clear example is the 68-page European Council Conclusions of July 2020, which deal with very specific aspects of the Multiannual Financial Framework. The involvement of the European Council in one of the most important legislative negotiations of the EU – the budget – contradicts Article 15(1) TEU, which states that the European Council has no legislative function. Moreover, the increasing involvement of the European Council in defining priorities and policies, especially in crisis situations, means that its activity exceeds the stipulated four meetings per year (Article 15(3) TEU). For example, in 2020 alone, it met thirteen times.

Furthermore, given that, according to Article 15.4 TEU, the European Council takes decisions by consensus – with the result that each European leader has the power of veto – and there are very heterogeneous interests among Member States, it might be assumed that it would be very difficult to reach agreements in this institution. However, the provision for consensus decision-making does not reflect the complexity of the negotiations that take place within the European Council, which can last for several days. A range of tools and techniques are used to find common ground, such as packages of deals involving reciprocal demands and concessions on a wide range of policies, deferral of decision-making or opt-outs.<sup>54</sup>

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<sup>53</sup> Wessels, Wolfgang (2015), *The Evolution of the European Council. Periods of Generations of Leaders*, Jean Monnet Centre of Excellence.

<sup>54</sup> This practice allows a Member State that does not want to participate in a particular policy to opt out of it in order to avoid a general blockage.



While this situation could imply that the normative pillars on which one of the EU's main institutions is built have insufficient capacity to establish inter-institutional checks and balances, it is also true that they reflect the flexibility of the European project. And, as will be seen in the following section, the European Council is the most appropriate institution for adopting the rapid and agile decisions required in a context of growing uncertainty.

### The European Council after the Lisbon Treaty: the challenges for the institution in a context of crisis

As noted above, one of the main contributions of the Lisbon Treaty was its recognition of the European Council as one more institution in the European framework, listing it for the first time with the other institutions (Article 13 TEU). Beyond this, one of the main novelties was the introduction of a permanent president, thus replacing the six-monthly rotating presidency among the Member States, something that is now limited to the Council of the EU. Since then, and especially in light of the successive crises that have taken place since the Lisbon Treaty came into force, there has been debate about the appropriateness of the changes introduced to deal with a complex situation.

The creation of the figure of the president of the European Council has generally been well received.<sup>55</sup> In this regard, van Middelaar<sup>56</sup> points out that the need for a president of the European Council was demonstrated by the fact that, without the Lisbon Treaty, following the rotating Spanish and Belgian presidencies in 2010, crisis management in the following years would have fallen to three leaders of non-eurozone Member States: Hungary, Poland and Denmark. In a situation where divisions within the Eurogroup were increasingly acute, the president of the European Council positioned himself as a key actor in coordinating European and national institutions at the highest level and ensuring collective decision-making.

This, however, is not without its weaknesses. For example, the permanent presidents have a limited support structure. The first two presidents of the European Council, Herman Van Rompuy and Donald Tusk, felt isolated from the other institutions. Van Rompuy tried to address this by developing informal relations. However, in the absence of formal links these practices were abandoned by his successor Tusk and replaced by visits driven by the urgency of the crisis to be managed. Moreover, the fact that coordination rests on the initiative of the president means that the quality of coordination depends on the personal relationships between the leaders of the different institutions. Thus, the institutional cycle that began in 2019, affected first by the Covid-19 pandemic and then by the Russian invasion of Ukraine, and which required agile and closely coordinated joint action, has been marked by the poor relationship between Commission president Ursula von der Leyen and European Council president Charles Michel.

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55 Delledone, Giacomo (2014), *The European Council after Lisbon: A review article*, *Perspectives on Federalism*, Voumen 6 (3), pp. 126-148. Centro Studi Sul Federalismo.

56 van Middelaar, Luuk (2019), 'The Lisbon Treaty in a Decade of Crises: The EU's New Political Executive', *The Lisbon Treaty 10 years on: Success or Failure?*, SIEPS 2019:2op, pp. 17-44.

Other shortcomings include the lack of transparency with which the president is elected, especially when compared to the clear democratic legitimacy of the other members of the European Council. Furthermore, the president does not have a vote, which limits his or her decision-making capacity. An additional problem is that the existence of a strong and stable 'directorate' within the European Council, for example from the Franco-German axis, may overshadow the president. Here again, the personal and political skills of the president will play a key role in determining the effectiveness of his or her leadership.

Beyond this, since the Lisbon Treaty came into force, there has been an increase in the relative weight of the European Council within the interinstitutional balance. Although the different crises have varied widely in their nature, they have all required agile decision-making in the face of situations that had not been foreseen in the Treaties.

During the crisis that began in 2008, the weight of intergovernmental action was clear: during the Great Recession the European Council went from holding three to four meetings a year to more than ten, increasing its activity by 620 per cent, and meeting far more frequently than it had done in previous decades and more frequently than was stipulated in the Treaties.<sup>57</sup> As noted above, this trend was consolidated during the pandemic. At the same time, decisions were taken through intergovernmental treaties<sup>58</sup> and new coordination mechanisms composed of heads of state and government, such as the Euro Summits, were created. Subsequently, the pandemic and the war in Ukraine posed challenges for which the EU's competences were limited and which required coordinated action between Member States. The European Recovery Instrument – launched through national recovery plans – or the initiative for joint procurement in the defence industry – which seeks to encourage collaboration between Member States in this sector – are some recent examples that reflect how, although they are coordinated at the European level, the burden of such decisions falls on Member States.

This is because the EU has moved from being a body focused on the governance of rules and standards to one dealing with pressing events and challenges, requiring agile and rapid responses. And such responses can only be adopted at the level of heads of state and government, in the European Council, as these are the only actors capable of binding their respective national parliaments and governments beyond the limits agreed in the treaties.

However, this strengthening of intergovernmentalism has not been to the detriment of the EU-wide approach.<sup>59</sup> Traditionally, the two have been seen as opposing methods, but federalists such as Monnet and Spinelli supported the creation of the European Council from the outset.<sup>60</sup> The Lisbon Treaty was an attempt to combine the two approaches by strengthening both the Council and the Commission. And day to day practice has

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57 Matei, Ani and Calapod, Andrei (2015), *Changes of the Decision Making Process in EU in the Context of the Financial and Economic Crisis*, *Procedia Economics and Finance* 26, pp. 254-260.

58 Examples are the Euro Plus Pact, the Treaty on Stability, Coordination and Governance, and the European Stability Mechanism.

59 Understood as the ordinary legislative procedure.

60 Moravcsik, Andrew (1999), *The Choice for Europe. Social Purpose and State Power. From Messina to Maastricht*, Routledge.

subsequently consolidated this combined approach. During the 2008 crisis, Van Rompuy asserted that the European response to the crisis should not be a choice between the EU-wide or the intergovernmental method, but between a coordinated European position or nothing at all. Throughout the economic and financial crisis, the Commission took on a crucial role in monitoring and assessing Member States' economic governance. And during the pandemic, the Commission not only adapted to the exceptional circumstances created by the health crisis, but also reinforced its coordinating role between Member States with the European Recovery Instrument.

### *1.2. The Spanish Prime Minister and European policy: from institutional design to political practice*

#### The 'presidentialization' of the Spanish political system

The Spanish system is not strictly presidentialist from a normative point of view, but it is in terms of political dynamics and practices.<sup>61</sup> In Spain, as in the rest of the world's democracies, throughout the 20th century the executive power was strengthened, to the detriment of other political institutions and, with it, power was centralized around the head of government.

In this sense, there is a consensus in the study of the Spanish political system regarding its 'presidentialization', drawing on its inspiration in the German chancellery model adopted in Spain's 1978 Constitution.<sup>62</sup> Since the transition to democracy, at least until the growing political fragmentation experienced since 2015, Spain had enjoyed governments with strong single-party executives, enabling it to avoid instability and meaning that Spain was one of the western European democracies in which cabinets lasted longest. This stability has not been affected by minority or coalition governments.

Moreover, prime ministers enjoys formal and informal resources that have allowed enabled them to reinforce their position at the centre of the political system.

In formal terms, once the Spanish parliament has given its confidence to the prime minister, he is free to choose the other members of the government. This reflects the prime minister's superior position vis-à-vis the council of ministers, as he has the final say in decision-making and agenda setting. The prime minister's room for manoeuvre is scarcely limited by the relatively weak weight of the Spanish houses of parliament in aspects such as control of the executive's decisions. For its part, the Spanish head of state, represented by the monarchy, has no effective powers. Likewise, with regard to the judiciary's role as a potential counterweight, it is worth noting that the executive has the prerogative to appoint constitutional judges and senior members of the judiciary. Finally, a powerful support structure for the prime minister has been institutionalized in the Moncloa Palace, where the cabinet is located and

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61 Álvarez, José Luis and Ernesto M. Pascual Bueno (2002), *Las competencias de liderazgo de los presidentes de Gobierno en España*, Revista de Estudios Políticos (Nueva Época), no. 116, pp. 267-279.

62 Rodríguez-Teruel, Juan (2020), 'Executive Politics in Spain', *The Oxford Handbook of Spanish Politics*, Oxford University Press, pp. 190-209.

where the head of the cabinet has accumulated additional powers which go beyond the limits of the cabinet itself.

To this must be added informal powers that strengthen the role of the prime minister. To start with, the prime minister has personal resources such as reputation, skills, popularity and party support. But the prime minister also has an overview of the direction of the government in the context of an increasingly complex political agenda, the low level of collegiality among ministers, the high turnover of ministers, and greater specialization of ministries, all of which makes the prime minister even more central.

At the same time, there are a number of factors that limit the executive's, and thus the prime minister's, room for manoeuvre. A characteristic feature of the functioning of the Spanish executive is that there is no zero-sum game between the head of government and the other ministers, as is the case in the UK, Germany and Italy. In Spain, the predominance of the prime minister has not prevented ministers from having broad decision-making powers in their respective portfolios. Furthermore, it is worth highlighting the decentralization of the state and the consolidation of regional governments with broad competences in different sectors, with more influence than the central government itself in certain areas such as health and education. This multilevel governance has been complemented by the limitations arising from membership of the EU.

Furthermore, it is important to note that the prime minister's leadership role has not been unchanging and has depended on the use of the resources available to the prime minister in a changing context. For example, Adolfo Suárez (1979-81) and Leopoldo Calvo-Sotelo (1981-82) saw their authority eroded during periods of parliamentary fragmentation, while Felipe González and José María Aznar were criticized by their respective parties for various reasons. Moreover, several prime ministers have experienced dramatic departures from power: Suárez, for example, was forced to resign in 1981, while Rajoy had to leave office after losing a censure motion in 2018.

### What is the role of the prime minister in European politics?

The presidentialization of Spain's political system has affected both the country's foreign and its European policy. Although the Ministry of Foreign Affairs, European Union and Cooperation is responsible for planning, directing and implementing the state's foreign policy, it does so 'in accordance with the government's directives'. Under the Foreign Service and Action Act (*Ley de la Acción y del Servicio Exterior del Estado*), the government directs Spanish foreign policy, while the prime minister directs the action of the executive branch and determines foreign policy guidelines.

Even when governed by coalitions, the foreign policy portfolio has remained in the hands of the political party of the head of government, avoiding divergence between the line of the chief executive and that of the head of the foreign ministry. And while it is true that the administrative structures in charge of EU policy, namely the SEUE and the REPER fall outside the government's presidency, but especially the SEUE has limited political and administrative weight, which reduces its margin of influence.

The presidentialization of foreign policy has, in any case, been gradual. After Suárez's lack of interest in international policy, the trend towards the presidentialization of foreign policy began with Calvo-Sotelo, who led Spain's membership of NATO.

This trend has been reinforced with respect to European policy because heads of state and government have a leading role in the European institutional architecture, with visibility and political weight through the European Council, which has progressively acquired more influence, to the detriment of other institutions, such as the European Parliament or the Council of the EU. However, the role of the prime minister in decision-making on European policy is not untrammelled. The Spanish political system is characterized by fragmentation and decentralization. There are other ministries with more resources than the foreign ministry and with important competences that are defined and coordinated at the European level. This is the case of the Economic Affairs or Justice and Home Affairs portfolios. Likewise, the semi-federal nature of the Spanish state gives an important role to the Autonomous Communities.<sup>63</sup>

Finally, the support structures for European affairs within the prime minister's office are limited. Traditionally, the prime minister's office had an international policy department which was generalist in character and lacked specialization in European affairs. This began to change with the government of Mariano Rajoy (2011-18), when a specific department for European affairs was created. However, this department also dealt with the G20 and its director had the rank of deputy director general, in contrast to the head of the Department of International Affairs, who had the rank of director general. In addition, the European Affairs Department shared responsibilities with a strong Economic Office, which had a sub-directorate for European economic affairs and was responsible for preparing European Councils on economic matters. In a context of economic crisis, this office assumed a higher profile, to the detriment of the European Affairs Department. It was only with the arrival of Pedro Sánchez that this department acquired the same level as the Department of International Affairs, both with a director general and under the umbrella of the General Secretariat for International Affairs, EU, G20 and Global Security.

This weakness in terms of administrative structure means that the prime minister's role in European affairs depends on who holds this position, rather than being automatic and pre-established. As a result, Spain's European policy, while characterized by broad consensus, will vary according to the interests and priorities of whoever is at the head of the executive.

### *1.3. Defending national interests and building alliances in the European Council*

#### *The prime minister's leadership in European affairs*

In the European institutional set-up, the interests of the Member States are mainly represented in two institutions: the Council of the EU and the European Council. Of these,

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63 Molina, Ignacio (2020), 'Spain in the EU: Preferences, Policy Process, and Influence in Brussels', *The Oxford Handbook of Spanish Politics*, Oxford University Press, pp. 683-698.

it is within the European Council that the heads of state and government can exercise their leadership on the European agenda. As noted above, the political weight of the European Council has progressively increased, while the influence of the other intergovernmental institution, the Council of the EU, has diminished. It is therefore important to identify the factors that influence the degree of leadership exercised by the heads of state and government, including the Spanish prime minister.

Arregui<sup>64</sup> and Tallberg<sup>65</sup> point to three sources of Member State power and influence in both the Council of the EU and the European Council.

First, there are the structural elements of power. These have to do with issues such as economic capacity, population size, levels of technological and educational development and political stability. In the case of Spain, in addition to being the fourth largest EU Member State, there are other factors that favour the prime minister's leadership in the European Council. As noted above, Spain has enjoyed a high level of political stability. In other words, compared to the high turnover of heads of state and government in other Member States, Spain's prime ministers have been in office longer, giving them greater experience and authority when it comes to negotiating at European Council meetings. For example, the current Spanish prime minister, Pedro Sánchez, is the longest-serving Social Democrat leader in the European Council. In the same way, the shared pro-European stance of the various Spanish prime ministers who have held office in Spain gives reliability and stability to the country's position in the European Council.

Second, institutional sources of power relate to issues such as the veto power of individual Member States. Within the European Council, where decisions are taken by consensus, all heads of state and government can veto decisions if they feel that national interests are harmed, but such a threat is more credible in large states. For example, Felipe González threatened to veto EU membership for Austria, Finland and Sweden if his demand for cohesion funds to be received by Spain was not met. In 2012, Rajoy threatened to veto European Council conclusions if no concrete measures were adopted to tackle the crisis. In addition, the rotating presidency of the Council can also be an element of influence for the prime minister, as it allows informal meetings of the European Council to be held on national territory and to put the country's priority issues on the agenda. During Spain's rotating presidency in 2002, a European Council meeting was held in Seville at which energy and transport, which were not central to the Lisbon Agenda<sup>66</sup> but were Spanish priorities, were put on the table.<sup>67</sup> During the Spanish semester in the second half of 2023, an informal European Council was held in Granada, which focused on the issue of open strategic autonomy, one of the elements on which the current prime minister has sought to mark leadership on the European agenda.

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64 Arregui, Javier (2015), *Poder y capacidad de influencia de los Estados miembros en el Consejo de la UE*, Documento de Trabajo, Real Instituto Elcano.

65 Tallberg, Jonas (2008), *Bargaining Power in the European Council*, *Journal of Common Market Studies*, no. 46, pp. 685-708.

66 The Lisbon European Council in March 2000 set the objective of advancing a strategy to ensure the EU's economic competitiveness.

67 Powell, Charles (2003), *Un balance de la presidencia española de la Unión Europea de 2002* (1), *Revista de Estudios Políticos* (Nueva Época), no. 119, pp. 535-561.

Finally, the individual capacities of heads of state and government cannot be forgotten. As mentioned above, the Spanish prime minister has a weak support structure that guarantees his room for manoeuvre in European politics. In this context, the will to lead and the personal traits (charisma, knowledge, experience etc.) of each head of government are decisive to leadership within the European Council. This has meant that Spain's power and influence in the European Council has been uneven. In contrast to Adolfo Suárez's lack of interest in European affairs or Rodríguez Zapatero's reluctance to attend European Councils, the political weight and charisma of Felipe González or the clear desire for leadership in European affairs shown by Pedro Sánchez's government stand out. These fluctuations can even occur with the same prime minister: when Aznar came to power, he began his government with less involvement in international affairs but this grew as his term of office progressed.<sup>68</sup>

### Forming alliances as a way to defend national interests

The power and influence of Member States is not restricted to issues that relate directly to the Member State, as reflected in the structural, institutional and individual elements outlined above. Rather, the Member State's ability to generate alliances with other partners in the defence of common interests also serves to expand influence on the European agenda. In this sense, since joining the EC, Spain has sought to deepen its relations with strategic European partners as a way of securing recognition in the European club. By holding bilateral summits with Germany, France, Italy and Poland, Spain seeks to defend its proposals and interests before they are put on the table of the European Council and seeks to be recognized as another large Member State.

It was during Felipe González's government that bilateral summits with Germany, France and Italy were institutionalized. González's federalist discourse not only sought a good relationship with Jacques Delors' European Commission, but he also understood that his capacity for influence also depended on his rapprochement with the Franco-German axis. The closeness between President González and German Chancellor Helmut Kohl, for example, found expression in German support for the Spanish proposal to establish cohesion funds and the generous allocation of these funds to Spain.

With the arrival of José María Aznar in power in 1996, there was a shift away from the Franco-German axis in favour of other European partners, especially the UK, favoured by the harmony between the Spanish prime minister and his British counterpart, Tony Blair. José Luis Rodríguez Zapatero (prime minister from 2004 to 2011) tried to reverse this situation, but the fact that his term in office coincided with new leaders of a different ideological orientation – Angela Merkel and Nicolas Sarkozy – as well as the effect on Spain's influence in Europe of the economic crisis that both Rodríguez Zapatero and Rajoy had to manage, prevented a new strengthening of relations with France and Germany. With the government of Pedro Sánchez (since 2019), in a context of renewed Spanish protagonism in the European project, the government has sought to relaunch the relationship with both countries: in the German case, the October 2002 summit opened the way to a new 'special

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<sup>68</sup> Molina, Ignacio and Fernando Rodrigo Rodríguez (2002), *Las transformaciones organizativas de la política exterior española (1)*, Revista de Estudios Políticos (Nueva Época), no. 117, pp. 173-220.

relationship' in Europe; in the French case, the signing of the Barcelona Treaty in January 2023 has been compared to the Elysée Treaty, the founding document of the Franco-German axis, thus strengthening the strategic alliance between France and Spain.

However, the institutionalization of these strategic relations with the large founding Member States of the European project has not prevented Spanish prime ministers from approaching other partners when they felt that national interests were threatened. As early as 1994, under the González government, Spain approached the United Kingdom, in the face of opposition from Germany, Italy and France, in order to maintain the right of veto. In 2003, before Poland's entry into the EU, Spain established bilateral summits with Poland and Aznar allied with his Polish counterpart to maintain the distribution of votes established in Nice, in the face of opposition from Paris and Berlin.

In the context of a 27-member EU, Spain has evolved the capacity to weave shifting and variable alliances. Spain shares interests with southern Europe and is part of the MED-9 group.<sup>69</sup> It has also worked hand in hand with the Friends of Cohesion.<sup>70</sup> And it has joined with different Member States in defending a shared vision of Europe's future.<sup>71</sup> Spain has also been able to cultivate good relations with central and eastern European countries: Poland is an example of this, but so are relations with Romania and Bulgaria, both countries with very large communities of their citizens settled in Spain. During a visit by President Sánchez to Tallinn in 2021, the Estonian prime minister said that communication between the two countries had never been so close. Spain has also been able to join forces with seemingly distant partners, such as the Netherlands, in defending shared priorities for the future of the EU, as reflected in two *non-papers* on open strategic autonomy and the reform of fiscal rules.

This dynamic, however, also presents challenges. For example, Spain has allied with Portugal and Italy only at specific moments: in 2012, when Rajoy threatened to veto European Council conclusions, he did so in alliance with his Italian counterpart, Mario Monti; and at the March 2022 European Council, Spanish and Portuguese leaders joined forces to achieve the 'Iberian exception', which would allow them to deal with rising energy prices. However, there is much room for improvement in terms of closer collaboration with what appear to be two natural allies. With Italy there has always been a perception of zero-sum and competition at the intergovernmental table, while summits with Portugal have focused on bilateral issues when they could have been used to advance the preparation of the defence of common interests prior to the European Councils.<sup>72</sup> Likewise, although Spain has always given importance to the Franco-German axis, Paris's preferred ally will be Berlin, and Germany has prioritized other countries, such as Italy and Poland, to the detriment of Spain.

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69 Croatia, Cyprus, France, Greece, Italy, Malta and Portugal.

70 It includes Bulgaria, Cyprus, Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia, Slovenia and Spain and has worked to defend the maintenance of cohesion policy in the negotiations on the multiannual financial frameworks.

71 This is demonstrated, for example, by the *non-paper* signed together with Germany, Belgium, Italy, Luxembourg and the Netherlands in connection with the Conference on the Future of Europe.

72 Mestres, Laia (2014), *Las relaciones estratégicas entre España y sus socios europeos: el futuro de las cumbres bilaterales con Alemania, Francia, Italia y Polonia*, Estrategia Exterior Española 9/2014, Real Instituto Elcano.



If these weaknesses are addressed, the potential offered by this capacity to develop a variable geometry is evident, enabling Spain to adapt and show greater resilience in a changing situation in the light of the erosion of traditional alliances such as the Franco-German axis or the Visegrad group, whether due to internal or leadership problems in the European project. Faced with the likely scenario of an EU with new members or at least more focused on the East, Spain will have no choice but to develop its abilities to approach other partners, even if *a priori* there are not many points in common within the EU framework. Exploring new alliances, while deepening ties with natural partners, is therefore essential.



## Developing and coordinating Spain's European policy

### 2 The coordination of European affairs in Madrid: the State Secretariat for the European Union (SEUE)

Ignacio Molina

This chapter analyses the governmental structure for developing and coordinating Spain's European policy beyond the political leadership (the prime minister, as discussed in the previous section). All Member States entrust this activity to specialized departments or collegiate bodies that belong to their central administration, distinguishing between two levels of operation: that which takes place in the national capital and that which takes place in Brussels. The focus here is on the internal level, which revolves around the Secretariat of State for the European Union (SEUE) while the following chapter looks more closely at the work carried out by Spain's Permanent Representation (REPER).<sup>73</sup>

#### 2.1. How Member States organize European policy-making

Spain – like other Member States – participates in European policy-making through its presence in two institutions: the Council of the EU and the European Council. The Treaties and other EU rules do little to regulate how the organization of this involvement in the decision-making process. Instead, each state, in accordance with its own constitutional system, decides whether its head of state, its head of government or both attend European Council meetings, and whether they do so alternately or simultaneously. With the exception of the provisions on the need for permanent representative ambassadors, the same principle of institutional autonomy applies to the presence of the government representative at the different configurations of the Council of the EU and its preparatory meetings. This is based on the understanding that the desire to influence European decisions provides Member States with sufficient political incentive to form an effective system both domestically and in Brussels.

Establishing the national position with respect to the EU involves a great deal of specialized work for the political systems of Member States. This complex reality, together with the Council's own intergovernmental functioning, means that the executive powers have taken on the bulk of the European function. This is a task that includes a twofold multilateral level: the strictly internal level that involves the different ministerial departments in the national capital (but also the national parliament, the regions and various civil society actors); and the European level with the institutions and the other Member States (although national non-governmental actors also have a presence in Brussels, so that on many occasions internal coordination extends to Brussels).

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<sup>73</sup> This distinction has been established for many years in comparative studies on national coordination of European affairs. See Kassim, Hussein, Guy Peters and Vincent Wright, eds. (2000), *The National Co-ordination of EU Policy. The Domestic Level*. Oxford University Press; and Kassim, Hussein, Anand Menon, Guy Peters and Vincent Wright, eds. (2001), *The National Coordination of EU Policy. The European Level*. Oxford University Press.

In addition to the fact that coordination is the domain of the executive rather than the legislative branch because this is in the best position, institutionally and operationally, to lead state participation in the EU, as Ignacio Molina and César Colino point out, with special reference to the case of Spain, in those countries where relations are more unbalanced in favour of the executive over the legislative branch, European integration has further reinforced the governmentalization of the regulatory process, without prejudice to the fact that other domestic institutions such as national parliaments and territorial authorities may also contribute to the process of developing the national position that is represented at the EU.<sup>74</sup>

In some cases (e.g., France, Italy and Sweden) the main coordination work is located in the centralized hierarchical environment of the prime ministers' office, while in others it is carried out by a unit of the Ministry of Foreign Affairs (as in Spain, which shares this model with most small and medium-sized Member States) or even in a decentralized way (Germany and the Netherlands being two examples of this model).

It is not easy to systematize the way in which governments organize the internal management of their European policy, as this varies widely<sup>75</sup> and the organizational structure of Member States designates very different areas as European affairs. Thus, European affairs sometimes includes certain dimensions of foreign policy with a European content, such as the state's participation in the mechanisms of the Common Foreign and Security Policy or in bilateral relations with Member States, which is only indirectly linked to European policy. Strictly speaking, though, European policy refers to the elaboration of the country's overall strategy in relation to the integration process and the coordination of the various sectoral policies in the creation and implementation of EU law.

In France, for example, the first task falls to the President of the Republic (with his *cellule Europe de l'Élysée*) and, to a lesser extent, to the Ministry of Foreign Affairs (with a Minister Delegate for the EU), while interdepartmental coordination and arbitration revolves around the prime minister (with the General Secretariat for European Affairs, which is part of the prime minister's office). These are two political-administrative structures with different functions: one requires mainly diplomats and the other senior specialized civil servants.

In Germany, on the other hand, the system is much less centralized and triangulates between the 'chancellor principle' for political leadership, the 'departmental principle' for each of the portfolios responsible for the various public policies, and the 'collegiate principle' for inter-ministerial consultation. This sometimes leads to the problem of the 'German vote' or rather 'no vote' when there are disagreements between two departments and the dynamics of the coalition do not allow the criteria of one to be imposed on the other. However, it is accepted that the Ministry of Foreign Affairs is the conductor of the orchestra on the issues discussed in COREPER II (institutional issues, enlargement, Justice

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74 Molina, Ignacio and César Colino (2007), 'The Europeanization of National Executives: Changing Capacities and Ambivalent Effects on Democracy'. In *Democratic Governance and European Integration*, eds Ronald Holzhaecker and Erik Albaek, Edward Elgar.

75 Peters, Guy and Vincent Wright: (2001), 'The National Co-ordination of European Policy-making: Negotiating the Quagmire'. In *European Union. Power and Policy-Making*, ed. J. Richardson. Routledge.

and Home Affairs, multiannual financial framework) and the Ministry of the Economy in COREPER I (sectoral technical policies).<sup>76</sup>

## 2.2. *The State Secretariat for the European Union (SEUE)*

Spain differs from Germany, due to the weakness of the collegiate structures of administrative coordination, as discussed below. It also differs from the French model because in Spain the two tasks of European policy (setting the national position towards the integration process and coordinating the various European sectoral policies) is the responsibility of the same unit: the SEUE. The SEUE, which is the continuation of the Ministry for Relations with the European Communities created in 1978 to negotiate accession,<sup>77</sup> is made up of officials from the different specialized or vertical ministries. The original idea, which took the form of a small but very capable team of senior officials who consolidated the department in the 1980s and 1990s, is still to facilitate their cross-cutting role.

However, the system has gradually lost its centralizing capacity as a result of four factors. First, the progressive Europeanization of almost all ministries, which have moved towards directly managing negotiations in the working groups in which they participate either through their advisors in the REPER or by sending executives to Brussels, so that the SEUE no longer monopolizes the conversation between Madrid and the REPER. This departmentalization is also favoured by the dynamics of the Council which takes a dozen different configurations (and in practice there are many more even than that, due to the heterogeneous nature of these formations) and, when there is no coordination in the previous phases of the process, the final decision on the Spanish position on a matter that may affect several ministries is taken by the one that has responsibility for the sectoral Council in which the matter is decided, and not by the SEUE. A third factor that has weakened the coordinating role of the SEUE derives from the reforms in 1996 and 2010 which applied general bureaucratic austerity measures, depriving the SEUE of some of its administrative resources and even threatening its existence. Finally, it is worth mentioning the relative weakness of the Ministry of Foreign Affairs, European Union and Cooperation within the Spanish executive branch. It is the prime minister and, since 2011, increasingly the Ministry of the Economy who exercise political leadership in European issues.<sup>78</sup>

At the same time, the SEUE continues to coordinate EU General Affairs, and to monitor internal market issues and other sectoral policies through its various sub-directorates general, to take decisions on legal matters, including the state's legal representation

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76 Eymeri-Douzans, Jean-Michel (2021), 'EU coordination in France', and Thomas Traguth and Wolfgang Wessels (2021), 'EU coordination in Germany'. Both in *Shaping Voices. What can the Netherlands learn from EU coordination in Denmark, France, Germany and Spain*, Policy and Operations Evaluation Department, Ministry of Foreign Affairs of the Netherlands.

77 The Ministry for Relations with the European Communities was the sole Spanish negotiator of accession with the Commission. According to its first head, it was an 'exotic island of diligence and efficiency in an administration that does not usually see these traits as its own'. See Calvo-Sotelo, Leopoldo (1990), *Memoria viva de la transición*, Plaza y Janés.

78 From 2011 to 2018, the People's Party Luis de Guindos and, since 2018, the socialist Nadia Calviño have asserted themselves from the Ministry of Economy as the two most prominent national figures in the management of European affairs, only after the president. As the SEUE does not belong to Moncloa or to the Ministry of Economy, its role is politically somewhat orphaned.

before the Court of Justice of the EU, and to maintain a constant, though no longer exclusive, relationship with the REPER.

Political leadership is in the hands of a secretary of state, occasionally reinforced by a secretary general (as in 2023, when the exercise of the rotating presidency of the Council made it advisable to appoint a secretary general) and then there are two directorates general (plus a third for bilateral relations with European countries) responsible for COREPER II and COREPER I matters respectively. In each of the eight specialized sub-directorates general into which it is organized, the SEUE has advisory members and other officers with sectoral skills, EU experience and inter-ministerial or Brussels contacts. Unlike the rest of the Foreign Ministry, the presence of diplomats is not overwhelming, and there are therefore civil servants belonging to the different corps. This, together with the aforementioned internal sectoral structure of the Secretariat of State, facilitates relations with REPER in Brussels and with the different departments of the Spanish administration.

Various analysts and even official bodies, such as the Ministry of Public Administration in 1997 or the Council of State in 2008, have considered the advisability of overcoming the problem of a lack of political authority by placing the Secretariat of State within the orbit of the prime minister's office, in the French way (or the British way before the UK left the EU).<sup>79</sup> Giving it greater authority, even in routine matters, would overcome the problems caused by departmentalization but, despite this argument, the current model is unlikely to change due to entrenched administrative inertia. Moreover, while fragmentation threatens central government's political and institutional capacities to negotiate coherently in the EU, it is also true that effective outcomes do not necessarily derive from strong coordination, as this may prevent individual ministries from exploiting their own capacities for strategic action in the various sectoral networks in which Brussels decision-making is organized.

In fact, despite shortcomings in coordination, empirical analysis and external observers alike tend to attest to the effectiveness of Spain's negotiations in Brussels. This could be the result of a combination of factors that do not depend so much on administrative machinery, including the high degree of strategic alignment between Commission proposals and Spanish priorities, the exploitation of similarities between the Spanish and European style of decision-making (i.e., personalized and informal) and its unquestionable institutional weight. As Figure 8 shows, Spain is the Member State with the fourth-highest level of potential influence. According to the Banzhaf Index calculation – which measures the distribution of power in the Council of the EU, considering both actual voting share and potential coalition opportunity – Spain has 7.7 per cent of power. And although Spanish negotiators complained a lot about the end of the Nice system and the introduction of the double majority in the Constitutional Treaty (a system that came into force in 2014, having been incorporated by the Lisbon Treaty), the truth is that Spain now has more power than before 2014; a direct consequence of *Brexit* and Spain's demographic growth.

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<sup>79</sup> Molina, Ignacio (2008), 'Coordinación administrativa y capacidad gubernamental en el proceso normativo comunitario'. In *El informe del Consejo de Estado sobre la inserción del Derecho Europeo en el ordenamiento español: texto del informe, estudios y ponencias*, ed. Francisco Rubio Llorente, Centro de Estudios Políticos y Constitucionales.

**Figure 8. Spain's power in the Council (normalized Banzhaf index), 1986-2019 (%)**

	EC 12	EU 15	EU 25	Nice EU 25	Nice EU 27	Lisbon EU 28	Lisbon Post Brexit
	1986-1994	1995-4/2004	5/2004 - 10/2004	11/2004-2006	2007-10/2014	11/2014-3/2019	2019-
Germany	12.87	11.16	7.60	8.57	7.78	10.21	11.92
France	12.87	11.16	7.60	8.57	7.78	8.45	9.98
United Kingdom	12.87	11.16	7.60	8.57	7.78	8.28	-
Italy	12.87	11.16	7.60	8.57	7.78	7.85	9.17
<b>Spain</b>	<b>10.89</b>	<b>9.24</b>	<b>6.36</b>	<b>8.13</b>	<b>7.42</b>	<b>6.21</b>	<b>7.65</b>
Poland	-	-	6.36	8.13	7.42	5.07	6.53
Romania	-	-	-	-	4.26	3.78	4.01
The Netherlands	6.66	5.87	4.14	4.23	3.97	3.47	3.68
Other	30.97	40.25	52.74	45.23	45.81	46.68	47.06

Source: compiled by author

### 2.3. Collegiate European policy coordination bodies

In addition to the SEUE in Madrid and the REPER in Brussels, there are interdepartmental collegiate forums for EU-related matters. In September 1985, the Interministerial Commission for Economic Affairs Related to the European Communities was created, later converted into the Interministerial Commission for European Union Affairs (CIAUE), which coordinates the position to be defended when the interests of several departments are affected, and processes the information submitted by each ministry on the negotiations it conducts (when these are matters that correspond to a single department, in accordance with the distribution of competences). It is chaired by the head of the SEUE and involves all ministries, formally at the level of undersecretary, in addition to the prime minister through his main advisory bodies. It meets before the General Councils and has a high potential for coordination, but its large number and the delegation of Commission members to lower-ranking administrative posts (sub-directors general or simple advisory members) reduces the effectiveness and political relevance of this forum, relegating it to little more than the exchange of information. The government itself does not attach much importance to these bodies since, ultimately, informal relations and personal contacts are often more effective.<sup>80</sup>

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<sup>80</sup> Closa, Carlos and Ignacio Molina (2010), 'La elaboración y coordinación por el Gobierno de la política europea: apuntes para negociar mejor la maraña post-Lisboa', Real Instituto Elcano.

The CIAUE could, for example, coordinate the distribution between ministries of the competence to represent Spain in the hundreds of working groups that correspond to the Council. Since all groups are assigned to a specific ministry, problems of interdepartmental coordination arise where the work of a group affects more than one ministry. While CIAUE is the official arbiter in these cases, real coordination is more often achieved within the SEUE, either through *ad hoc* groups, joint delegations with REPER participation, or informal meetings. The CIAUE also fails to address strategic issues and concentrates on problems that emerge over the short term.

There is another inter-ministerial committee dedicated, albeit not exclusively, to European issues, which is hierarchically superior to the CIAUE and consists of more politically important posts, such as ministers and secretaries of state. This is the weekly Government Delegate Commission for Economic Affairs, which is linked to CIAUE through the presence of individual postholders (or rather was linked, as the Secretary of State for the European Union is no longer a permanent member of it, which is another sign of the scant political interest in the administrative strength of the SEUE). The Council of Ministers, which is prepared every week by the General Commission of Secretaries of State and Under-Secretaries, could also contribute towards drafting the Spanish position in European regulatory processes but, in reality, real coordination is not normally achieved in any of these collegiate bodies, which, like the prime minister's office, only intervene formally or in very important matters. For routine cases, coordination is also articulated through specific working groups or informally by members of the State Secretariat thanks to resources such as their expertise in the workings of the EU, their privileged relationship with REPER and the maintenance of personal ties with their original ministries. When such *ad hoc* arrangements are not possible, negotiation inevitably becomes fragmented.

Finally, mention should be made of the Interministerial Commission for the monitoring and coordination of actions related to the defence of the Spanish state before the Court of Justice of the EU. This Commission studies all legal proceedings brought before the Court of Justice of the EU against Spain or which may affect its interests. It is chaired by the Secretary of State for the European Union and its composition is less heterogeneous than the previous one, since the vertical ministries only participate in it (through their technical secretaries general) if they are involved in the dispute. However, coordination in this area is not easy either, and has occasionally suffered from the separation of functions between the pre-litigation phase of judicial proceedings (the competence of SEUE officials) and the dispute phase (the monopoly of the State Attorney's Office before the EU Court of Justice).




### 2.4. The Spanish model of European policy coordination: a comparative perspective

Authors who have systematically studied national systems for developing and coordinating EU policy tend to identify two key dimensions for comparative analysis.<sup>81</sup> The first dimension is the degree of centralization of decision-making: i.e., whether authority is concentrated in a horizontal agency dedicated to EU affairs or around the prime minister, with decentralized systems, by contrast, being characterized by power-sharing, inter-ministerial arenas and the presence of several veto holders. The second dimension is the ambition that underlies national coordination systems: the most ambitious Member States would be those that try to be comprehensive, overseeing all Commission activity and intervening on all policy fronts in the Council, while more selective countries focus only on those policy dossiers of particular relevance to them.

Spain has been considered in this literature as a selective, centralized coordinator, but a more systematic analysis of the entire executive branch and the empirical evidence of the country's negotiating behaviour during more than 35 years of EU membership point to a different conclusion (see Figure 9).

**Figure 9. Comparison of EU policy coordination systems in selected Member States (ambition and centralization/decentralization)**

Ambition	Centralized	Decentralized
<b>Comprehensive</b>	Czech Republic Denmark France Hungary Poland Sweden	Austria Belgium Germany Greece Italy Lithuania Netherlands Slovakia <b>Spain</b>
<b>Selective</b>	Estonia Ireland Portugal Slovenia <b>Spain</b>	Bulgaria Cyprus Romania



Source: Molina (2020), adapting the typology of Kassim (2015)

As mentioned above, Spanish policy-making is formally assigned to the SEUE, which in theory is responsible for directing the process of establishing positions in Madrid, which are then passed on to the REPER to be defended in Brussels. However, as has also been noted, the rest of the national political and administrative apparatus prevents this single

81 Kassim, Hussein (2015), 'The national co-ordination of EU policy', in *Routledge Handbook of European Politics*, ed.

department within the Ministry of Foreign Affairs from enjoying the necessary authority to always coordinate effectively. Although Spain has a strong prime minister, a weak parliament and, until 2020, a single-party executive, negotiation and arbitration are a daily feature of dealing with a fragmented state administration and the semi-federal character of Spain's territorial model. In short, the system is decentralized and both the 17 Autonomous Communities and all government departments (some of them with many political and administrative resources in European affairs – the aforementioned Ministry of Economy, but also the Ministries of the Environment, Agriculture, the Interior and Finance) have the capacity to effectively shape the process.

As for the second dimension – whether the approach is exhaustive or selective – the Spanish mechanism for coordinating EU affairs cannot be considered selective, despite the evident special interest of national negotiators in some areas such as cohesion policy. On the contrary, it tries to cover all policies discussed in the Council and is closely involved in national policy-making (e.g., all ministries have advisors in the REPER, which is one of the largest Member State missions in Brussels).

In any case, being a comprehensive decentralized coordinator is compatible with sharing some of the characteristics of Member States that adopt a more selective or centralized approach. For example, Spain is closer to selective (usually medium or small) Member States in terms of having a supranational vision of the integration process and thus being less cautious about delegating more competences than most countries with comprehensive ambitions, which tend to favour an intergovernmental conception of the EU and prefer to be more vigilant in defending subsidiarity and a 'state-centric' approach. And, although the system is decentralized, it is also true that Spain can be very hierarchical when policy-makers realize and care about it. Administrative coordination mechanisms can be weak and there are few resources to give sustained attention to all issues, but when a strong political interest is identified, the prime minister and other key actors within the government 'have proven effective in marshalling and utilising Spain's political resources'.<sup>82</sup>

In other words, the decentralized nature of the system coexists with a considerable capacity to internally coordinate and effectively shape EU decisions in a limited number of areas that are of interest to high-level politicians or that relate to areas where the 'sector' around national public policy is powerful. This leads to the conclusion that the Spanish process of coordinating European affairs may come to depend more on political interest than on organizational function.

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82 Martín de Almagro, María and Scott L. Greer (2013), 'What Spain does When Spain cares: Bureaucracy, Preference Formation and Interest Representation in EU Policy Making', in *Converging Pathways- Spain and the European Integration Process*, eds. Cristina Blanco Sío-López and Susana Muñoz, PIE Peter Lang.

## Developing and coordinating Spain's European policy

### 3 The coordination of European affairs in Brussels: Permanent Representation (REPER)

Raquel García Llorente

The main mission of Spain's Permanent Representation (REPER) in Brussels is to represent Spain and to defend the country's national interests and priorities with the European institutions.

REPER thus has a dual dimension: national and European. This section analyses the role of REPER in Spain's European policy, considering both its participation in the European decision-making and institutional circuit through the Permanent Representatives Committee (COREPER), and its position in the Spanish administrative system, especially in relation to the SEUE. The functions established in national and European legislation are taken into account, along with the evolution of the European project and Spain's participation in it, and how these have affected the role of the REPER and the coordination of European policy as a whole. To carry out this work, interviews were conducted with a number of professionals who have participated in the Spanish administrative framework responsible for European policy, especially with respect to the role of REPER.

#### *3.1. REPER's participation in the European institutional framework*

##### *COREPER's weight in the legislative process*

Spain, like other Member States, has a Permanent Representation to the EU. It is headed by a permanent representative ambassador and a deputy permanent representative ambassador. The Permanent Representation of the various Member States come together in COREPER.<sup>83</sup> As stated in Articles 16(7) TEU and 240(1) TFEU, COREPER is responsible for preparing the work of the Council.<sup>84</sup> In other words, COREPER coordinates the various dossiers that will subsequently be submitted to the Council, either for approval without discussion – because agreement has been reached in COREPER – or for discussion – because no agreement has been reached in COREPER.

Despite the scant mention of COREPER in the founding treaties, this Committee is the main preparatory body of the Council and has evolved to become one of the central actors in the

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<sup>83</sup> Depending on the content to be discussed, COREPER takes two formations. COREPER II brings together the permanent representatives of the Member States and prepares the work of the Council configurations on General Affairs, External Affairs, Economic and Financial Affairs and Justice and Home Affairs. COREPER I includes the deputy permanent representatives and prepares the work of the other Council configurations - Agriculture and Fisheries; Competitiveness; Education, Youth, Culture and Sport; Employment, Social Policy, Health and Consumer Affairs; Environment; Transport, Telecommunications and Energy.

<sup>84</sup> In accordance with Article 16 TEU, the Council consists of one representative of each Member State at ministerial level. Together with the European Parliament, it exercises the legislative function. It also coordinates the policies of the Member States.

European institutional system.<sup>85</sup> The Council holds legislative power alongside the European Parliament, and COREPER is therefore an essential player in ensuring that the EU's legislative work moves forward.

It is important to remember that the decision-making process within the Council establishes a hierarchical structure: once the European Commission has presented a proposal, the dossier goes through three levels. It is first discussed by working groups; if they do not reach an agreement, it is submitted for discussion in COREPER; if neither working groups nor COREPER adopt a common position, it will ultimately be submitted for discussion by the ministers meeting in the relevant Council formation.

There is a large body of scientific literature analysing at which of the three levels most decisions are taken. While there is no consensus on this, it has often been assumed that working groups would make decisions in 70 per cent of the dossiers. However, a more recent study by Häge<sup>86</sup> found that only 43 per cent of decisions were actually taken by working groups, with 22 per cent of decisions taken by COREPER and the remaining 35 per cent taken by ministerial formations. In fact, a dossier may be discussed several times at different levels of the Council, which is why Häge emphasizes the high number of dossiers discussed at COREPER level, even if the decisions were then taken by the working groups. Moreover, in practice, negotiations with the European Parliament under the ordinary legislative process are primarily conducted by COREPER. In other words, once the Council adopts a common position on the Commission's proposal, it is this lower level that is responsible for continuing the legislative negotiations.<sup>87</sup>

COREPER also has a role in preparing European Council meetings.<sup>88</sup> Although in theory this is the job of the General Affairs Council, in many cases the members of this Council are junior ministers for European affairs who are not sufficiently trusted by or close to their respective heads of state or government. In its place, two other preparatory bodies have assumed a more prominent role: the informal network of sherpas, which includes both the European affairs advisors to European Council leaders and COREPER.

This nuance is particularly important in the current European inter-institutional balance, in which the European Council has strengthened its position. The European Council has taken over the role of establishing the intergovernmental position towards European policies that, according to the treaties, used to be the domain of the Council. The more complex nature of developments, requiring rapid decisions which in many cases go beyond the framework established in the treaties, means that decisions have to be taken by the European Council. After all, the European Council brings together the highest authorities of the Member

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<sup>85</sup> Lewis, Jeffrey (2005), *The Janus Face of Brussels: Socialization and Everyday Decision Making in the European Union*, International Organization, Vol. 59, no. 4, pp. 937-997.

<sup>86</sup> Häge, Frank M. (2008), *Who Decides in the Council of the European Union*, JCMS Vol. 46, No. 3, pp. 533-558.

<sup>87</sup> The studies cited are prior to the Lisbon Treaty (2009), which increased the number of areas where decisions are taken through the ordinary legislative procedure. Therefore, following the conclusion of these analyses, this would imply a greater role for COREPER.

<sup>88</sup> van Middelaar, Luuk (2019), 'The Lisbon Treaty in a Decade of Crises: The EU's New Political Executive', *The Lisbon Treaty 10 years on: Success or Failure?*, SIEPS 2019:2op, pp. 17-44.

States, the only ones capable of binding their respective governments and populations. This has also resulted in increasingly focused meetings of the European Council, giving a greater role to the permanent representatives, who have a more detailed and technical knowledge of the dossiers.

### The particular nature of the members of COREPER

The position that COREPER occupies within the European institutional framework has given it a number of distinctive features.

Each Member State deploys a Permanent Representation to the European Union, although there are major differences between them in terms of resources, organization and effectiveness. As mentioned above, the COREPER I and II are composed of deputy permanent representatives and permanent representatives, respectively. The permanent representatives thus occupy a fundamental position at the nexus between the national and the European levels, and are therefore at the centre of the coordination processes of the Member States: first in formulating national positions and strategies at the domestic level (for example, by informing the central administration of the progress made in the working groups in the Council) and then at the European level to defend national positions vis-à-vis the other European actors. The permanent representations also host officials (known as advisors) from the various ministerial departments.

COREPER members have a privileged view of the Council's work: firstly, they are positioned between the working groups and the ministers, i.e., between a more technical role and a more political one. Permanent representatives sit alongside their ministers in Council negotiations. At the same time, they attend European Councils, where they can provide support. In addition, the increased use of the ordinary legislative procedure has led to the creation of technical negotiating forums between MEPs and the deputy permanent representatives, which are also attended by senior Commission officials (trilogues).

At the same time, it should be noted that the permanent representatives have cross-sectoral knowledge of all the Council's dossiers. While Council formations are based on a sectoral differentiation of work, COREPER meetings have a cross-sectoral and aggregating function. No other EU decision-making body has the same weekly negotiating intensity as COREPER. It is also worth noting the isolation which surrounds COREPER meetings. They work on a confidential basis, removed from domestic pressures. This enables them to conduct negotiations with greater room for manoeuvre and allows them greater decision-making power. This has led COREPER members to operate with unwritten rules, based on compromise, trust and reciprocity, maintaining consensus as the main means to reach common positions. Negotiations within COREPER can even change national positions or overcome domestic constraints.

The result, therefore, is a body with a distinctive nature, which is situated between national interests and transnational action. It is a representation of the concept of the 'Member State' identified by Bickerton.<sup>89</sup> This implies that the EU is not the end of the nation state in

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<sup>89</sup> Bickerton, Christopher J. (2012), *European Integration. From Nation-States to Member States*, Oxford University Press.

favour of supranational entities that operate outside it but is, rather, a redefinition of the state that chooses to cooperate and act at the European level.

In this sense, COREPER does not constitute the creation of a supranational institutionality to the detriment of national identities or state sovereignty, but nor is it a classic intergovernmental negotiating forum in which each party defends its pre-existing national interests. It is, rather, an intermediate body made up of intergovernmental actors but acting with the ultimate aim of reaching common positions on shared problems on the basis of consensus among all parties. Testimonies collected from permanent representatives in the academic literature show that there is no juxtaposition or clear differentiation between national and European identities, nor do national identities lose weight in relation to the European one. Rather, it embodies a symbiosis between the two, in which the boundaries between national and European affiliation are blurred.

This is also a reflection of the 'intermediate sphere' that, as van Middelaar notes,<sup>90</sup> has dominated European politics: between independent sovereign states and transnational action with an entity of its own distinct from national interests, there is an intermediate space in which Member States continue to defend their national positions, while at the same time, being aware of the growing number of common interests that require collective action.

### COREPER in crisis situations: the case of Covid-19

The Council of the EU is at the heart of the European decision-making process and negotiations are an essential part of it, taking place at multiple levels and across a wide range of dossiers. In this sense, while the formal channels of negotiation are fundamental, informal meetings and spaces for deliberation are key to reaching agreements, forging norms of behaviour and trust between the parties.<sup>91</sup> In this respect, there is no doubt that the Covid-19 pandemic and the associated constraints in terms of travel and social distancing must have had a direct effect on the functioning of the Council.

In addition, it should be noted that the EU hardly has any delegated competences in health, so that health policies are mainly the responsibility of the Member States. As a result, many of the measures adopted were of a coordinating rather than legislative nature between Member States. Even so, legislation was adopted and, unlike during the economic and financial crisis, intergovernmental action did not replace EU decision-making, although the processes were speeded up.<sup>92</sup> In any case, the Council was at the centre of the European response to the pandemic.

It is therefore necessary to ask how the pandemic affected the work of the Council in general and the functioning of COREPER in particular. As noted above, regular meetings

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90 van Middelaar, Luuk (2013), *El paso hacia Europa*, Galaxia Gutenberg.

91 Maurer, Heidi and Nicholas Wright (2020), *A New Paradigm for EU Diplomacy? EU Council Negotiations in a Time of Physical Restrictions*, *The Hague Journal of Diplomacy*, pp. 556-568.

92 Russack, Sophia and Drew Fenner (2020), *Crisis decision-making. How Covid-19 has changed the working methods of the EU institutions*, *Policy Insights*, no. 2020-17, CEPS.

based on trust and common rules of behaviour are the defining feature of the nature of this body. With the outbreak of the pandemic, the Council's agenda was reduced to those areas critical to managing the crisis. All non-vital working groups were cancelled but those groups that continued to function were able to hold physical meetings. This was not the case for the Council's ministerial-level meetings, which were limited to videoconference meetings, as Council members are not based in Brussels.

In this context, COREPER acquired particular importance. As with the working groups, COREPER never ceased to hold face-to-face meetings. However, in the face of the reduced activity of the working groups, COREPER continued to have a cross-cutting vision of the Council's work. To this must be added the limitations imposed by videoconferencing on meetings at ministerial level. Virtual meetings do not allow for the sorts of rules and behavioural dynamics that are key to Council negotiations, such as non-verbal communication or informal exchanges on the margins. In short, COREPER acquired a predominant role, not only in its function as a preparatory body but also in the political negotiation of the EU's decision-making process.

In addition, the Croatian rotating presidency, which led the Council at the outbreak of the pandemic, activated the Integrated Political Crisis Response Facility (IPCR).<sup>93</sup> The IPCR supports the work of the Council and is attended by the permanent representative ambassadors. This mechanism also retained face-to-face meetings.

Finally, while the Commission and the European Parliament were able to take decisions and adapt their working methods without the need to make formal changes to their respective rules of procedure, the Council had to make changes in order to be able to take decisions.<sup>94</sup> The European Parliament suffered the most from the pandemic, as plenary sessions and committee work were limited in terms of the impact on logistical capacities and negotiations, as these were limited to online meetings. In this scenario, the fact that COREPER could continue to function at full capacity, unaffected by the restrictions adopted in light of the health crisis, gave the Council a clear comparative advantage over its co-legislator.

### *3.2. The role of REPER in coordinating Spain's European policy*

The internal coordination of European policy in Spain rests, fundamentally, on two institutions: the SEUE (in the Ministry of Foreign Affairs, European Union and Cooperation) and the REPER.

The SEUE is responsible for coordinating, designing and implementing Spain's European policy, and it gives instructions to Spain's permanent representative ambassador to the

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<sup>93</sup> The IPCR is a mechanism activated by the rotating presidency in crisis situations in order to maximize information exchange and coordination. Its main tool is an informal round table to bring together Member States, European institutions, agencies, international organizations and other relevant actors.

<sup>94</sup> During the pandemic, the Council adopted decisions by written procedure, as this mechanism allows agreements to be reached outside formal meetings and without discussion. The written procedure must be triggered by unanimity; however, during the pandemic, the Council's rules of procedure were amended to allow the written procedure to be triggered by qualified majority voting in those areas subject to this mode of voting.

EU.<sup>95</sup> The REPER is responsible for guaranteeing Spain's presence in European institutions, representing Spain's interests in them and implementing European policy decisions emanating from the government.<sup>96</sup> Both bodies are staffed by hundreds of highly qualified civil servants from different ministries.

However, it should be noted that, although the SEUE is responsible for coordinating the national position, the process of formulating this position is the result of dialogue rather than simple instruction, as the diplomats in Brussels have better knowledge of and information about what is happening on the ground. In short, REPER members make a significant contribution to developing and establishing Spain's positions.<sup>97</sup>

At the same time, the decentralized nature of the administration means that other government departments, such as the Ministries of the Interior, Economy and Finance, have the capacity to influence the European agenda. In addition, the federal structure of the Spanish territory has reinforced the participation of Spain's Autonomous Communities in European affairs. However, administrative and territorial fragmentation has led to weak horizontal coordination, and the fact that COREPER has a cross-cutting vision of the different dossiers means it can mitigate the problems of interdepartmental coordination. When proposals are submitted from the working group to COREPER, it can examine the implications for all the departments involved, as well as for Spain's European policy in general terms.

### Spain's success in the European legislative process: the weight of the REPER

In short, REPER occupies a central place in Spain's coordination of its European policy, as well as in the connection between the national and European levels. In this context, it is appropriate to analyse Spain's success in the European legislative process and the role of REPER in this.

Spain has the fourth highest number of votes in the Council of the EU. According to the Banzhaf Index,<sup>98</sup> Spain is also the fourth most successful Member State in the European legislative process. It is worth noting that, not only are the results of European decisions usually close to Spanish positions, but that, with fewer votes than other Member States in the Council, such as Italy or France, Spain achieves greater success in aligning its preferences with final decisions.<sup>99</sup>

This suggests that Member States' capacity to exercise influence goes beyond formal rules or institutional capacities. Moreover, research shows that there is no direct relationship

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95 Royal Decree 267/2022, of 12 April, developing the basic organic structure of the Ministry of Foreign Affairs, European Union and Cooperation, *Boletín Oficial del Estado*, no. 88, 13 April 2022, pp. 51407-51434.

96 Royal Decree 260/1986, of 17 January, creating the Permanent Representation of Spain at the European Communities, *Boletín Oficial del Estado*, no. 38, 13 February 1986.

97 Dastis, Alfonso (1995), *La administración española ante la Unión Europea*, *Revista de Estudios Políticos (Nueva Época)*, no. 90, pp. 323-349.

98 It takes into account the distribution of votes and winning coalitions.

99 Arregui, Javier (2008), *España en el proceso legislativo de la Unión Europea*, *Revista de Estudios Políticos (Nueva Época)*, no. 141, pp. 11-39.



between a Member State's formal power and its legislative success. It therefore follows that a Member State's informal power or capacity ultimately determines its effectiveness in the European decision-making process.

Arregui<sup>100</sup> mentions other factors that contribute to the Member States' power of influence. In particular, he highlights structural power, which has to do, for example, with the economic capacity population size or administrative capacity of states. Alongside this are the individual capacities, which include the skills, knowledge and characteristics of the actors involved in the negotiation process. This category also includes the size, composition and structure of the permanent representation to the EU.

Spain has numerous structural factors that would justify the aforementioned success in the legislative process, such as the size of its population and economy, the important weight of certain strategic sectors, as well as its pro-European stance and favourable attitude towards integration, which would allow for better alignment with European institutions such as the Commission and the European Parliament.

However, it is also worth considering Spain's Permanent Representation. Compared to the other Member States, the Spanish REPER is one of the largest missions.<sup>101</sup> It is well endowed with human resources, with more negotiators than the average of other Member States. In fact, it is better prepared than the national administration in Madrid. Furthermore, REPER coordinates closely with the capital to adopt national positions quickly once the European Commission presents its legislative proposals. Finally, it shows remarkable coordination with other actors, such as the European Parliament, the Commission, the other Member States and interest groups.

However, in several areas the Spanish mission does not have sufficient resources or room for manoeuvre to take the initiative. There are other countries that, despite their smaller size, enjoy greater human resources (such as the Czech Republic), have a large number of negotiators in key sectors (such as the Netherlands, Finland and Sweden) or whose involvement with the European Parliament is far more structured (such as the Netherlands, the Czech Republic, Finland and Denmark).<sup>102</sup>

### 3.3. Conclusions: Beyond REPER

It can therefore be concluded that REPER plays a fundamental role in developing Spain's European policy and in Spain's success in the European legislative process. Recent events, such as the pandemic, have reinforced the role of COREPER in the European institutional framework and, with it, the role of REPER itself.

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100 Arregui, Javier (2015), *Poder y capacidad de influencia de los Estados miembros en el Consejo de la UE*, Documento de Trabajo, Real Instituto Elcano.

101 Molina, Ignacio (2020), 'Spain in the EU: Preferences, Policy Process, and Influence in Brussels', *The Oxford Handbook of Spanish Politics*, Oxford University Press, pp. 683-698.

102 Perarnaud, Clément and Javier Arregui (2023), *Still a 'spectator'? Capabilities of the Spanish REPER and Spain's influence in the Council of the EU*, *Revista Española de Ciencia Política*, no. 61, pp. 13-35.

At the same time, Spain's European policy cannot be understood without the coordinating dimension that also occurs within the Spanish administration. In this sense, REPER is a fundamental body, but its effectiveness and proper functioning also require a correct interaction with the rest of the structures that participate in Spain's European policy: the sherpa in the prime minister's office, the head of the Ministry of Foreign Affairs and, above all, the SEUE.

In the first decades of Spain's participation in the EU a combination of factors gave the SEUE with greater weight and autonomy. However, certain shortcomings both of the SEUE and of the Spanish administration, as well as the evolution of the integration process, seem to have somewhat diminished its capacities (see Chapter 2 of this section).

In contrast to this relative decline of the SEUE, the REPER remains a powerful institution and has arguably become more rather than less influential. Indeed, the permanent representative has been politicized, to the detriment of the head of the SEUE, although the relationship between the SEUE and the REPER is not competitive but is, rather, complementary and cooperative, based on permanent and continuous communication. Moreover, the SEUE has certain strengths when compared to the other structures involved in European policy, such as its precise knowledge of European institutional issues, and its proximity to the Spanish central administration in comparison with the REPER.

## Developing and coordinating Spain's European policy

### 4 The presence of Spaniards in European institutions: an instrument of influence?

Raquel García Llorente

The presence of their own citizens in European institutions can be a key tool in Member States' strategies to influence the European agenda and the decision-making process. This section analyses the extent to which Spanish nationals in European institutions – especially in the European Commission and the European Parliament – are an effective instrument for Spain's European policy.

#### *4.1. Does country of origin matter? The effect of national identity on the behaviour of officials in European institutions*

Article 17(3) of the TEU states that 'Members of the Commission shall neither seek nor take instructions from any government or other institution, body, office or entity'. In the same vein, Article 11 of the Staff Regulations of Officials of the European Institutions states that 'officials shall carry out his duties and conduct himself solely with the interests of the Communities in mind,<sup>103</sup> he shall neither seek nor take instructions from any government, authority, organization or person outside his institution'.

In short, it is clear from the rules governing working conduct in the European institutions that officials must exercise their functions independently. Despite this, the role of nationality and its influence on the behaviour of European officials has attracted a great deal of interest in the academic literature analysing European integration.

Several authors have pointed out that country of origin is a key influence on the behaviour of Commission staff. While the Commission's organizational structure is designed according to different functions and objectives, the informal networks that develop for the exchange of information, on the margins of official bureaucratic divisions, play a substantial role. It follows, therefore, that nationality plays an important role in the creation of such informal exchange networks. Indeed, around 57 per cent of Commission officials say that nationality matters in networking, as contacts with compatriots are more spontaneous and fluid.<sup>104</sup>

However, some studies reach the opposite conclusion and argue that, on average, only 17 per cent of contacts made by officials are with other officials of the same nationality. The explanation they offer is that networks are established on the basis of portfolios and that it is therefore the Commission's organization chart that determines the behaviour of its

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<sup>103</sup> It refers to the European Communities, as the Statute dates from 1962.

<sup>104</sup> Suvarierol, Semin (2009), 'Beyond the Myth of Nationality: Analysing Networks within the European Commission', *Towards A New Executive Order In Europe?*, Routledge.

officials. Moreover, the size of the country of origin matters: coming from a larger Member State increases the chance of contacts with people of the same nationality as there will be more officials from the same country in the Commission.

Notwithstanding, this logic of independence is weakened at the highest level: the College of Commissioners. Member States tend to delegate high-level politicians to be commissioners, with 67 per cent of the commissioners elected by Member States between 1958 and 2006 coming from the party in government. This would suggest that governments choose trusted actors to take national interests into account. Similarly, commissioners tend to think about their careers after their time in the Commission as 43 per cent of them return to national politics. Recent examples of a return to national politics after a stint at the college include Mariya Gabriel, from Bulgaria, and Frans Timmermans from the Netherlands. Indeed, Gehring and Schneider<sup>105</sup> conclude that the nationality of commissioners influences budgetary decisions: holding the agriculture portfolio translates into a 1 per cent increase in the budget for the commissioner's country of origin. It can therefore be deduced that, as the political weight in the Commission's structure increases, the national factor gains more weight.

It is also worth asking how the ideology/nationality dilemma affects MEPs, whose role is inherently more political than that of Commission officials. This is especially so given that the national perspective continues to play an important role in European politics: in elections to the European Parliament, Europeans in each Member State vote for parties and candidates on a national basis.

However, a study by Noury<sup>106</sup> suggests that more than 90 per cent of MEPs' behaviour can be explained by party affiliation and the traditional left-right divide. It is when the ideological variable disappears that nationality can influence MEPs' decision-making. Other dimensions that would affect MEPs' voting are the Eurosceptic spectrum and the North-South cultural divide, which are to some extent related to nationality. However, these dimensions are less explanatory and more unstable than the first two. Moreover, the author suggests that parties are becoming more cohesive and polarized, which gives greater weight to the ideological variable.

Cecing and Sabani<sup>107</sup> go further and analyse MEPs' voting behaviour on measures adopted during the economic and financial crisis.<sup>108</sup> These are sensitive dossiers as they affect elements of national sovereignty such as taxation, especially in a context of severe crisis and a resurgence of nationalist sentiments. The outcome of the study reiterated the predominance of the ideological factor; but it also showed that national factors played a role: deteriorating GDP growth or rising unemployment in a Member State had a negative

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<sup>105</sup> Gehring, Kai and Stephan A. Schneider (2018), *Towards the Greater Good? EU Commissioners' Nationality and Budget Allocation in the European Union*, *American Economic Journal: Economic Policy*, pp. 214-239.

<sup>106</sup> Noury, Abdul G. (2002), *Ideology, Nationality and Euro-Parliamentarians*, *European Union Politics*, Volume 3 (1), pp. 33-58.

<sup>107</sup> Cecing, Elisa and Laura Sabani (2017), *Voting Behaviour in the European Parliament and Economic Governance Reform: Does Nationality Matter*, *Open Economies Review*, Springer, vol. 28(5), pages 967-987.

<sup>108</sup> *Six-Pack, Two-Pack and the European Stability Mechanism*.

effect on the likelihood that MEPs from that country would vote in favour of new European economic governance structures – at the time focused on fiscal adjustment measures, which would have an effect on the economies of their respective home countries.

In short, a similar trend can be observed in the behaviour of MEPs as for Commission officials: as the political sensitivity of the issue increases, nationality becomes more important to the detriment of other factors.

#### *4.2. Nationals in the European institutions as a country strategy*

Member States use different forms of influence in those European institutions where they do not have formal decision-making powers, such as the European Commission or the European Parliament.<sup>109</sup> However, not all Member States make the same use of lobbying: Spain, France, Finland, Italy, Sweden and Luxembourg are among the countries that make the most contact with the European institutions, while Romania, Bulgaria, Hungary, Poland and Greece are among the least. The efficiency of the respective administrations, the size of the Member State and the length of time the country has been a member of the EU are other elements that determine the frequency with which Member States interacts with European institutions.

The presence of nationals in the European institutions also affects the frequency with which a Member State interacts with them. As the number of seats a Member State has in the European Parliament increases, the transactional costs of exerting influence in the European Parliament decrease. Therefore, a higher number of seats translates into an increase in the frequency of contacts with the European Parliament. By contrast, a high number of nationals in a Commission directorate general does not translate in the same way into a higher frequency of lobbying, as Commission officials adhere to the principle of neutrality. Nevertheless, the number of nationals working in the Commission's directorates-general matters, as it helps in obtaining information.

In short, it can be said that the presence of nationals in European institutions is part of Member States' strategies for influencing European institutions.

In Spain, there are different structures responsible for supporting and reinforcing the network of Spaniards in European institutions. The Unit for the Presence of Spaniards (UDA), created in 2004 and located in REPER, is responsible for compiling data on this issue. There are also other structures, independent of the central administration, such as the Network of Advisors of the European Personnel Selection Office and the Association of Spaniards in European Institutions.<sup>110</sup> In this regard, the UDA<sup>111</sup> recognizes that 'actions aimed at strengthening,

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109 Panke, Diana (2012), *Lobbying Institutional Key Players: How States Seek to Influence the European Commission, the Council Presidency and the European Parliament*, *Journal of Common Market Studies*, Volume 50, no. 1, pp. 129-150.

110 García, Iratxe (2023), 'Una visión desde el Parlamento Europeo. Conversation with Iratxe García and Esteban González Pons', *La influencia de España en Europa*, Real Instituto Elcano, pp. 71-79.

111 Unidad de presencia de españoles en las Instituciones de la UE (2023), *Presencia Española en las Instituciones UE*, Datos - no.6, February 2023, Government of Spain.

promoting and supporting the presence of Spanish public employees are therefore essential to consolidate and improve Spain's position'.

This is, however, not unique to Spain. The other three large Member States – France, Germany and Italy – have specific support units in their respective administrations.<sup>112</sup> In addition, they use a variety of practices to enhance the presence of their respective nationals. For example, the German central administration organizes an annual conference in Berlin attended by national civil servants, to learn about priorities and meet interlocutors. France makes use of leading national experts<sup>113</sup> to increase the country's presence and influence in areas of interest. Italian nationals have distinguished themselves by their capacity to develop personal networks of support and contacts in the institutions. In terms of thematic areas, within the Commission, France stands out for having filled the relevant positions at different levels on defence issues and achieved a high level of coordination; the Netherlands is an example of efficiency in exerting networked influence on monetary issues, while Italy has done so on fiscal and banking matters. In conclusion, it is not just about the number of nationals in institutions but also about creating the conditions that allow this to translate into greater influence on decision-making and setting agendas.

### *4.3. Situation analysis: the presence of Spaniards in European institutions*

According to official data,<sup>114</sup> there are 76,385 staff members in the European institutions overall, an increase of 1,310 compared to July 2022. Of these, Spanish staff number 6,879, 148 more than in July 2022. This represents 9 per cent of the total number of staff in the institutions. This figure is above the guideline rate<sup>115</sup> of 8.9 per cent that the Commission has established for Spain, i.e., the recommended percentage of Spanish presence is exceeded. However, it should be noted that, if agencies are removed from the calculation, the figure falls to 8.3 per cent.

Of all the European institutions, excluding agencies, those with the most Spanish staff are the Commission (2,642), the European Parliament (815), the European Central Bank (415) and the European Investment Bank (392). In terms of total staff, these are also the four institutions with the most employees. By contrast, those with the smallest Spanish presence are the Committee of the Regions (37), the European Data Protection Service (13) and the Ombudsman (3). Again, these are the institutions with the fewest staff in total terms. In proportional terms, the institutions with the most Spaniards are the European Data Protection Service (9.42 per cent), the European Central Bank (9.11 per cent) and the European Investment Bank (8.51 per cent). At the bottom are the Ombudsman (4.16 per cent) and the Court of Justice of the EU (5.51 per cent).

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112 Rupérez, Pablo (2023), 'Presencia, papeles, procesos y pasta: cuatro claves para aumentar la influencia de España en Bruselas', *La influencia de España en Europa*, Real Instituto Elcano, pp. 55-68.

113 Civil servants from Member States working on a temporary basis in the European institutions and agencies.

114 Unidad de presencia de españoles en las Instituciones de la UE (2023), *Presencia Española en las Instituciones UE*, Datos - no. 6, February 2023, Government of Spain.

115 It establishes the percentage of employees from each Member State to ensure a geographical balance.

When broken down by employment status, the total number of Spanish employees, the percentage of contractual agents<sup>116</sup> is 28.9 per cent, compared to 65.7 per cent of permanent employees. Of the total number of employees, 78 per cent are permanent and 22 per cent are contractual. There are 182 national experts, or 7.9 per cent of the total. The institution with the most national experts is the Commission (74), followed by the External Action Service (27) and the Agencies (78).

### The European Commission

As the UDA report points out, the Commission has 30,000 staff, which represents 41.3 per cent of employment in the European institutions. It is therefore essential to analyse the presence of Spaniards in this institution.

According to the latest data from the Commission,<sup>117</sup> Spaniards account for 8.6 per cent of Commission staff, slightly below the established guideline rate of 8.9 per cent. In comparison with other Member States,<sup>118</sup> only Belgium and Italy have a higher presence than recommended by the guideline rate: with Belgium having a presence of 14.6 per cent (the highest percentage of all Member States – compared to a guideline rate of 3.1 per cent) and Italy 14.5 per cent (the second highest – compared to a guideline rate of 11.2 per cent). Belgium's case is undoubtedly explained by the headquarters effect. Germany, on the other hand, has a low presence of nationals (6.7 per cent compared to a guideline rate of 13.8 per cent, the highest of any Member State). The reasons for this include unattractiveness of European jobs for its nationals and the retirement of the first generations of European civil servants.

With regard to the presence of Spaniards in the Commission, it is worth mentioning the high number of Spaniards at administrator level, the most senior level, with responsibility for developing and deciding on public policies. Spaniards account for 8.3 per cent of this level, although this ratio is far behind other countries, such as Italy (12 per cent) and France (10.3 per cent). In terms of presence in managerial positions – i.e., at the highest levels of management – 7.8 per cent of the total are Spaniards. This would be within the levels established as balanced by the Commission,<sup>119</sup> but there is room for improvement. On the other hand, there is a high presence of Spaniards in the entry grades, which augurs well for the replacement of more senior officials in the future. This contrasts with Germany, France and the Netherlands, which all have low numbers in the entry grades.

Spain has three Directors General and six Deputy Directors General. The country is at the lower end of the guide index range in the directorate-generals of Economic and Financial Affairs (5.4 per cent), Internal Market, Industry, Entrepreneurship and SMEs (6.5 per cent) and Migration and Home Affairs (6.8 per cent). However, there is a wide range of directorates-general which are important for their strategic nature and national interest and

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<sup>116</sup> Fixed-term posts associated with administrative tasks.

<sup>117</sup> European Commission (2023), *Statistical Bulletin*, July 2023.

<sup>118</sup> The UDA draws comparisons with Italy, Germany, France and the Netherlands (because of their weight in the EU), Belgium (because of the seat of the institutions) and Poland (because of similarity in population).

<sup>119</sup> It should be above 80 per cent of the guideline rate, i.e. 7.2 per cent.

where Spain has high levels of representation, such as: Agriculture and Rural Development (10.5 per cent), Defence and Space Industry (10.7 per cent), Environment (10.6 per cent), Maritime Affairs and Fisheries (12.4 per cent), Health and Food Safety (11.2 per cent) and Trade (10.5 per cent).

In addition, there is a high percentage of Spanish national experts compared to other nationalities in important Commission directorates-general and services, which also reflect Spanish priorities on the European agenda: Maritime Affairs and Fisheries, Agriculture and Rural Development, Economic and Financial Affairs and the Secretariat-General and the Recovery and Resilience taskforce. However, the absence of Spanish national experts in directorates-general such as Migration and Home Affairs, Climate or European Neighbourhood and Enlargement Policy is striking.

Finally, it is worth mentioning that Spain holds an important post in the current College of Commissioners (2019-2024): the High Representative for Foreign Affairs and Security Policy and Vice-President of the Commission, which also means the possibility of having more Spaniards in the commissioners' cabinets. Since Spain joined the EU, it has held a vice-presidency in all the commissioners' colleges, except in José Manuel Durão Barroso's first mandate (2004-09) and in Jean-Claude Juncker's Commission (2014-19). In 1999, Spain's Manuel Marín, then Vice-President of the Commission, served as acting President of the Commission for a few months following the resignation of Jacques Santer.

### The European Parliament

With Spain's entry into the EU in 1986, Spain was allocated 60 MEPs, first appointed from among its national MPs and then, in 1987, elected in the European elections. In 1999, Spain went on to elect 64 MEPs. However, in the negotiations for the Treaty of Nice, then Prime Minister Aznar preferred to sacrifice seats in the European Parliament in favour of greater influence in the Council of the EU. Since then, Spain has had 54 MEPs, a lower number than it should have. With *Brexit*, Spanish representation rose to 59, correcting this under-representation. It has recently been decided, with a view to the 2024 elections, that the European Parliament will increase from 705 seats to 720, with Spain obtaining two more MEPs, giving it 61 seats in the next institutional cycle.

Spain will continue to hold the fourth-largest number of seats in the European Parliament, behind Germany (96, the maximum agreed in the Treaties), France (from 79 to 81) and Italy (76). Spain is followed in the European Parliament by Poland, which has 52 MEPs (53 from 2024).

To date, Spain has held the presidency of the European Parliament three times: between 1989 and 1992 with the Socialist Enrique Bajón; between 1997 and 1999 with the People's Party's José María Gil Robles; and between 2004 and 2007 with Josep Borrell, again from the Socialist party. Only the Germans exceed this figure, with five presidencies. Until the institutional cycle that began in 2019, Spain was in the lead, with 28 vice-presidencies, followed by the Germans with 27. However, no Spaniard was elected vice-president for the current institutional cycle (2019-2024), while three Germans hold this position.<sup>120</sup> However,

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<sup>120</sup> European Parliament (2019), *The new European Parliament Vice-Presidents*, 3/11/2019, press releases.



there has been a Spanish presence in the cabinet of President David Sassoli and his successor Roberta Metsola, whose cabinet director is a Spaniard.

On the other hand, the ratio of Spanish presidents of lower-level bodies – committees, sub-committees, delegations – is relatively low. Spain is well represented in committees such as the Human Rights Committee and the Women's Rights and Gender Equality Committee, where it has a similar level of representation to Germany. However, in comparative terms, it is under-represented in other committees of growing strategic importance, such as those dealing with budgetary issues, energy or transport.<sup>121</sup> In addition, Spain has a presence in the Secretariat General of the European Parliament, which is responsible for ensuring the proper functioning of the institution, specifically with the leadership of two directorates general: one of them is the Directorate General for Communication, which has been instrumental in dealing with controversies that have affected the European Parliament, such as the corruption scandal known as Qatargate.

Finally, until the current European institutional cycle, only the PSOE's Enrique Barón had led his political group in the European Parliament. However, in the period beginning in 2019, it was possible to find Spaniards in positions of responsibility in the different political groups in the European Parliament: Iratxe García chairs the Alliance of Socialists and Democrats; Esteban González Pons and then Dolors Montserrat have been vice-presidents of the European People's Party Group; Sira Rego is vice-president of the Left Group and Ernest Urtasun is vice-president of the Greens/European Free Alliance.

#### 4.4. Conclusions: from presence to influence

In the light of the above data, Spain's presence in the European institutions is significant. There are challenges, such as the retirement of the 'generation of 86', but also reasons for optimism, such as the attractiveness for young Spaniards of working in the European institutions, which is reflected in the pass rates at the levels corresponding to the managers of the future.

However, it is crucial to bear in mind that presence is not synonymous with influence.<sup>122</sup> Ensuring that presence translates into greater ability to shape the European agenda requires a much broader strategy.

First, it is necessary to have an agreed roadmap to identify which areas are priorities and, therefore, in which the presence of Spaniards should be maximized. Secondly, timing is important: the start of a new institutional cycle is the right time to place Spaniards in key positions, with the election of a new European Parliament, but also the formation of the College of Commissioners, as well as the renewal of the Commission's administrative leadership.

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121 Toygür, Ilke and Carlos Carnicero Urabayen (2029), *El peso de España en el Parlamento Europeo: panorama histórico y predicciones para el nuevo ciclo político*, Real Instituto Elcano, ARI 45/2019; García, Raquel et al. (2023), 'Sector privado e influencia de España en Europa', *La influencia de España en Europa*, Real Instituto Elcano, pp. 101-109.

122 Simón, Luis et al. (2023), 'Hacia un ecosistema de influencia español en Europa', *La influencia de España en Europa*, Real Instituto Elcano, pp. 33-44.

However, ensuring that this presence translates into results and is sustained throughout the institutional cycle requires processes and procedures, starting from the central administration and extending to the European institutions.

In short, translating the presence of nationals into a strategy of influence is a fundamental task that undoubtedly requires experience. More than 35 years of participation in the European project give Spain a broad understanding of the European machinery with which to maximize different instruments for influence, such as the presence of nationals in the institutions. The current moment, on the threshold of a new institutional cycle and in a defining context for the future of the EU, is an ideal time at which to capitalize on this accumulated knowledge.

## Developing and coordinating Spain's European policy

### 5 The role of the Spanish parliament in European politics Ignacio Molina

This section analyses the role played in European politics in Spain by the two houses of the Spanish Parliament – Congress of Deputies and the Senate – and reference is also made to the legislative assemblies of the Autonomous Communities. It should be noted that that this group of political actors stands are less involved than those of many other Member States, and neither the strengthening of the role of national parliaments following the Lisbon Treaty nor the changes to the Spanish political system in recent years (with the emergence of new parties that have weakened the governmental majority) have significantly altered this pattern.

#### 5.1. *European integration and national parliaments*

European policy-making in all Member States is dominated by the executive branch, and the involvement of national parliaments has traditionally been confined to *ex-post* control of governmental decisions. In some political systems, however, the oversight role of parliaments has been extended to the point where they have become true partners, accompanying governments in defining national positions. The differing degree to which national parliaments intervene in setting national positions depends on two factors: first, the effective capacity of the legislature to influence the executive in each country (which is determined by the general political characteristics of the form of government and the administrative resources available); and second, conflict over the gradual Europeanization of the various areas of competence within the respective Member State's political parties, and whether or not they encourage parliamentary involvement in a particular policy process.<sup>123</sup>

Moreover, since the Treaty of Lisbon (which included a Protocol on the application of the principles of subsidiarity and proportionality), national parliaments have the potential to become institutional actors at the European level. The TEU (in Articles 5(3) and 12(b)) states that all legislative proposals and initiatives presented by the Commission shall be examined beforehand by national parliaments to ensure that the principle of subsidiarity is effectively respected in the EU's legislative work. National parliaments have a period of eight weeks in which to challenge a European legislative process if they consider that subsidiarity is not being respected, i.e., if they believe that the European intervention is not motivated by an added value that could not be achieved by the legislation of the individual Member States or that the Commission's initiative is disproportionate to the aim pursued. It is an *ex ante* 'early warning' system that requires the agreement of several chambers to be activated (it is more correct to speak of chambers than of national parliaments here because, in order to accommodate possible differences of opinion in bicameral systems, each Member State

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<sup>123</sup> Hefftlar, Claudia *et al*, eds. (2015), *The Palgrave Handbook of National Parliaments and the European Union*, Palgrave Macmillan.

has two votes). A third of the total fifty-four votes – which in issues of freedom, security and justice is reduced to a quarter – is then required to force the Commission to re-examine the draft (the 'yellow card') and if the votes questioning subsidiarity reach a simple majority, then it becomes easier for the Council to stop the Commission's legislative initiative that has been challenged (the 'orange card'). In the first years of the early warning system's deployment, there have been no orange cards but there have been several yellow cards.

In 2016, and as part of the new regime offered to the United Kingdom to try to prevent its exit from the EU, it was agreed to introduce an aggravated variant of the early warning that was quickly termed the 'red card'. In accordance with the decision of the heads of state and government meeting at the European Council of 19 February, its implementation was made conditional on a strictly political criterion: the support of British citizens in a referendum for the option of remaining in the EU. The new system meant that if 55 per cent of the votes allocated to national parliaments considered subsidiarity to be breached, within an extended 12-week period, then the Council undertook to freeze the proposal unless the Commission reformulated it in the light of the negative opinions. Such a system introduces worrying elements into the European decision-making process (as it encourages the use of national vetoes and damages the inter-institutional balance, to the detriment of the Commission and the European Parliament), and it was, in any case, invalidated after the *Brexit* result and has not been seriously reconsidered by any Member State with respect to the possible institutional reform announced at the end of 2023 to accommodate future enlargement.

Regardless, the political idea that national parliaments are primarily responsible for retaining national sovereignty in areas of competence that are little or not at all regulated by the EU seems to have taken hold (an attitude that is actively embraced by the more Eurosceptic parties). And it is part of a trend, which became more pronounced within the 'creditor' states during the euro crisis, towards strengthening the role of national parliaments in European affairs, both at the strictly national level (by monitoring more closely, before and after, the actions of the respective government in the Council) and at the European level (through various interparliamentary cooperation mechanisms, especially in the area of taxation and structural reforms).

### *5.2. European integration and the Spanish parliament*

Article 93 of the Spanish Constitution mentions the Spanish houses of parliament, but neither the Congress of Deputies (the lower chamber) nor the Senate (the upper chamber) has played a major role in relations with the EU. Of course, over the more than 35 years of membership, Spain's parliament has transposed countless European directives into domestic laws and has held numerous debates on the state of integration – especially after European Council meetings – but it has not played an essential role in formulating Spain's position. The reasons for this low parliamentary profile on European issues are due to the two factors mentioned above. On the one hand, the very weakness of the Spanish parliament vis-à-vis the government as a result of the general characteristics of the Spanish political system (hyper-rationalized parliamentarism and the government's great capacity to control the legislative

agenda, a majoritarian electoral system that promotes disciplined and hierarchical parties, a tendency between 1986 and 2015 towards bipartisanship with the consequent absence of coalitions, etc.) and the fact that EU membership has further reinforced the pattern of de-parliamentarization of Spanish politics. On the other hand, the limited involvement of Congress and the Senate is also influenced by the relative consensus among Spanish parties on the EU, which means that this area is of little interest for parliamentary debate due to its low visibility to the general public.

Since 1986, a Joint Congress-Senate Committee for the European Union has been working within the parliament, which has been acquiring certain functions over the years and whose main regulation is contained in Laws 8/1994, 24/2009 and 38/2010. These laws have somewhat strengthened the role of the Joint Committee with regard to the tasks of *ex ante* and *ex post* governmental control of decision-making in the Council and, above all, have adapted the Joint Committee to the growing role that the Treaty of Lisbon grants national parliaments with the Subsidiarity Protocol. In addition, in 2010 the Spanish parliament also established a small representation office in Brussels and Strasbourg (headed by a single parliamentary officer) to facilitate both general discussions with the European Parliament and discussions interlocution with other national parliaments in potential 'early warning' procedures and other interparliamentary practices.

The Joint Committee has therefore been exercising the new functions of subsidiarity control since 2010. In accordance with this system, the Spanish parliament receives all proposals for legislative acts and other documents from the European Commission for information, examination and monitoring. Once the EU legislative initiative has been received in Madrid, it is sent to the legislative assemblies of the Autonomous Communities, which, where appropriate, may also draw up a reasoned opinion on the application of the principle of subsidiarity, referring it to the Spanish parliament for consideration. (However, it is the Joint Committee that exercises the two votes corresponding to Spain without there being a separate vote in Congress and the Senate or between the state and autonomous regional parliamentary levels.) The Spanish government, for its part, sends both chambers of parliament 'a brief report' on the substantive content of those legislative proposals that have repercussions for Spain. If there is considered to be a violation of the principle of subsidiarity, a reasoned opinion is drafted and sent to the Commission and also to the presidents of the Council and the European Parliament. In addition, the government may be asked to bring an action for annulment before the Court of Justice of the EU for infringement of this principle within a maximum of six weeks of the official publication of a European legislative act, which the government may in turn reject if it can show grounds for doing so.

In addition, Law 38/2010 defines the obligation of the Minister of Foreign Affairs or the Secretary of State for the EU to appear before the Joint Committee at the end of each semester to explain the main developments of the presidency. The Joint Committee can also organize debates on a specific proposal for EU legislation and request the president of one or both chambers to debate the proposal in the plenary of the respective chamber, with the participation of the government in both cases. These hearings with members of the government and other authorities have become the most significant since the reform. In theory, members of the Joint Committee and other standing parliamentary committees have

the possibility of making their deliberations public and influencing the government's position, as well as the opportunity to monitor the government's performance after negotiations, but in practice this has not altered the freedom the Spanish government enjoys to conduct European policy.

Politically, the most important procedures are the plenary debates with the prime minister following European Council meetings, a practice that has been institutionalized for 30 years. This is an *ex post* parliamentary scrutiny of Spain's position at European Council meetings, normally used provide a platform for the prime minister, and sometimes held with long delays. In some cases there have been attempts at *ex ante* scrutiny of European Councils, but these have not been institutionalized, partly because of the proliferation of European Council meetings.

The repertoire of instruments that the Spanish parliament has in theory for government oversight and information-gathering in relation to EU affairs is broader, ranging from formal authorization to ratify international treaties linked to European affairs to oral and written questions to the government, the drafting of reports, formal hearings and the creation of specialized commissions. As far as ratifications of reforms of primary legislation or other treaties linked to EU trade policy are concerned, the Spanish parliament has never been a problem for Spain's European policy. And ordinary instruments of control, which have all been applied in recent decades, are neither binding nor systematic: the government is occasionally questioned, reports are adopted and motions are passed on politically relevant dossiers, but these are resolutions with little critical or alternative content to that of the executive branch, which is usually adopted by the 'silent' consent of those present after a brief presentation by the rapporteur, without debate or a vote.<sup>124</sup>

The subcommittees or rapporteurs created for specific tasks (such as the *Brexit* study) are dissolved when the matters entrusted to them are concluded or at the end of the legislature. The hearings of these *ad hoc* subcommittees are usually aimed at gathering information rather than controlling the government, and appearances by members of the executive are not particularly common. Non-legislative questions and motions addressed to the government on its actions in the Council of the EU have increased somewhat since 2010, but represent a very low proportion of the overall initiatives of parliamentary committees. What has become somewhat more important is the holding of hearings with authorities of the European institutions (including commissioners or authorities of the European Central Bank).

When it comes to interparliamentary cooperation with members of other Member States and the European Parliament, the Spanish parliament has not traditionally been particularly active, although there has been an increase since the introduction of the European Semester and greater involvement in the work of COSAC (Conference of Parliamentary Committees for Union Affairs). The Spanish parliament has participated in COSAC pilot projects on subsidiarity control and there have been Spanish members of its permanent

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124 Piedrafita, Sonia (2012), *El impacto del Tratado de Lisboa en el control parlamentario de los asuntos de la UE en España*, Centro de Estudios Políticos y Constitucionales.

secretariat. It has also played a more active role during the six-month presidencies, although the circumstances of the 2023 presidency have prevented it from playing the role of host parliament that was foreseen.

Analysis of the human and material resources of the Joint Commission shows that they are very limited. It currently has three officers and less than five administrative staff. There has been no significant change in recent years with respect to the number of people working in both chambers before the Lisbon Treaty came into force. In fact, the Spanish parliament was the last national parliament to open an office in Brussels, apart from Malta. And lack of resources means that, while hearings with foreign experts and authorities are frequently held, these hearings concentrate on bringing together Spanish academics and, mainly, ambassadors in Madrid from Member States. The Joint Commission also seeks to make the most of visits by representatives of European institutions in Spain, but it very rarely takes the initiative to organize visits by experts or authorities based outside Spain.

### 5.3. *The (slight) possibilities of strengthening the Spanish parliament's role in European policy*

Despite the minimal progress described above, the Spanish parliament's role in European policy-making is small compared to that of the national parliaments of other Member States. It does not aspire to a role as a European actor or expert, but rather settles for informal influence on the government (or as a source of additional political support in the latter's negotiations in Brussels) without questioning the government's strategy of establishing the Spanish position.<sup>125</sup> Applying the different possible models of parliamentary intervention proposed by Claudia Heffttler *et al*, the Spanish parliament is more in the paradigm of a 'discussion forum', with low-intensity interventions, which are fundamentally *ex post* to decisions in Brussels, focusing on the plenary and the European affairs committee (the Joint Committee) rather than in the sectoral committees; receiving information from the national government itself, making pronouncements primarily through oral instruments, holding sessions with almost total transparency and addressing its activity to citizens as a whole. This is a far cry from the counter-models of 'national actor' or 'European actor' that intervenes intensively *ex ante*, through the whole system of specialized parliamentary committees that receive information from alternative sources, make pronouncements through written instruments, including binding mandates, meet behind closed doors, and activity is addressed primarily to the government or even the European institutions.

Figure 10, below, shows a typology of parliamentary intervention in European affairs, while Figure 11 applies to this to the national parliaments of the EU's member states.

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125 Kölling, Mario and Ignacio Molina (2015), 'The Spanish National Parliament and the European Union: Slow Adaptation to New Responsibilities in Times of Crisis', in *The Palgrave Handbook of National Parliaments and the European Union*, eds C, Heffttler *et al*. Palgrave Macmillan.

**Figure 10. A comparative typology of parliamentary intervention in European affairs**

	Discussion Forum	Government oversight	National actor	European actor
<b>When does it intervene in relation to the decision in Brussels?</b>	<i>Ex ante</i> and <i>ex post</i> but with low intensity	Especially <i>ex post</i>	Especially <i>ex ante</i>	<i>Ex ante</i> and <i>ex post</i> with great intensity
<b>Parliamentary body acting</b>	EU Parliamentary Committee and Plenary	Plenary	EU Parliamentary Committee and other committees	EU Parliamentary Committee, other committees and office in Brussels
<b>Where you receive information from</b>	Government (generic)	From the Government (detailed)	From the national and EU levels	Comprehensive (but mostly EU)
<b>Instruments through which it acts</b>	Oral	Mainly oral	Mandates and binding opinions	Comprehensive reports, Opinions to the Commission and meetings with the EP
<b>Transparency</b>	Open	Open	Intermediate	Intermediate, not excluding closed doors
<b>Primary addressee of parliament's action</b>	Citizenship	National government	National government (and indirectly EU institutions)	European institutions and national government

Source: developed by author, based on Heffttler *et al.* (2015)

Although no national parliament in the EU fulfils the ideal type of 'European actor', it is visible that the national parliaments of Germany, France, Italy, Poland and the Netherlands (to name the other large and medium-sized Member States) play a more important role than the Spanish parliament.



**Figure 11. The different models of parliamentary involvement in European politics**

	Discussion Forum	Government oversight	National actor	European actor
<b>Main type</b>	France <b>Spain</b> Romania Portugal Hungary Bulgaria	(United Kingdom) Italy Poland Belgium Greece	Germany The Netherlands Czech Republic Sweden Austria Denmark Finland	
<b>Secondary type</b>	(United Kingdom) Italy Sweden	Germany <b>Spain</b> The Netherlands Portugal Sweden Denmark Finland	Poland Hungary Austria	Germany France Italy The Netherlands Czech Republic Sweden Denmark

Source: developed by author, based on Hefftlér *et al.* (2015)

While it seems impossible for the Spanish parliament to take on a leading role in European politics, due to the systemic features of Spanish democracy, the quantity and quality of the role it currently plays could be improved; not so much from a legislative point of view as from a political and logistical one. What is needed, therefore, is to strengthen its capacity for control, both retrospectively (accountability) and prospectively, so as to ensure negotiating effectiveness without hindering the progress of integration and the political improvement of Spain's position based on the idea that the government must set out its position more transparently, be subject to parliamentary scrutiny and incorporate political suggestions based on trust.

As can be seen from some successful examples of how parliaments similar to Spain's have reacted to streamlined systems in pro-European countries (e.g., France, whose national parliament is even weaker), parliamentary influence depends much more on micro strategies. This type of development involves ignoring overly formal channels and instead combining informal cooperation with the government with public communication of the arguments used in the debate in the Commission (for which it is necessary to greatly improve the human resources available to Spanish deputies and senators; perhaps by establishing a unit to consider Spanish perspectives on Europe within the Spanish parliament). The Spanish parliament should also foster formal and informal relations with Spanish MEPs, other national parliaments and EU institutions.

Forcing the government to justify its European decisions in parliament and encouraging it, on the basis of trust, to take parliamentary sensitivities into account could greatly improve the situation. It is also true, however, that a system based on informal influence carries risks, but it can only be better than the current system, which is highly governmentalized. Moreover, if properly implemented, this enhanced parliamentary involvement could be

used to politically favour overall visions in the face of the very real risk that an individual ministry with strong sectoral interests in a particular policy process might capture it, to the detriment of the general interest. While inter-ministerial conflicts are usually resolved in secret, parliamentary involvement always has more public impact. Control would thus be in the Spanish parliament but not by the Spanish parliament, with the government remaining responsible for determining European policy.

## Spain's priorities in the European Union

### 1 Globalization, development and governance

Iliana Olivé, Federico Steinberg, Manuel Gracia and María Santillán O'Shea

The basis of international economic cooperation during the 20th century has been under threat for several years. The growing rivalry between China and the USA, Russia's invasion of Ukraine, the escalation of conflict in the Middle East following Hamas' attack on Israel and the rise of neo-mercantilist ideas, which emphasize the importance of economic security over efficiency considerations, is putting an end to globalization and exacerbating the fragmentation of parts of the world economy.

Likewise, some of the measures designed to combat climate change and to support industrial policy – subsidies and tariffs – also act as trade protection measures and restrict foreign investment. At the same time, under the principle of de-risking and friendshoring, some global supply chains are being redefined, especially those linked to critical minerals or the manufacture of semiconductors, while new ones are emerging, such as those related to the manufacture of batteries for electric vehicles. Geopolitics has thus returned to prominence after decades in which economic policy was dominated by liberal ideas that fuelled multilateral cooperation, and on which EU countries, including Spain, based their growth models.

And in an environment characterized by structural economic slowdown and stubbornly high inflation, the global economy is fragmenting at a time of a rising need for financing from emerging and developing countries, many of which are finding it increasingly difficult to meet the Sustainable Development Goals (SDGs) in a post-pandemic context of high interest rates, liquidity constraints and high commodity price volatility.

All of this places further strains on the governance system for the globalized economy, designed for a more free-market world. In the opening speech of the 2023 UN General Assembly, UN Secretary-General António Guterres noted that 'global governance is stuck in time'. He said that international institutions 'reflect the political and economic realities of 1945, when many countries in this Assembly Hall were still under colonial domination.' And since then, 'The world has changed. Our institutions have not.' The limited capacity of the G20 and the World Trade Organization (WTO) to reach agreements is also evident. At the same time, the importance of the different regional integration spaces and, potentially, increased productive, commercial and financial interdependence between the members of these, including new (sometimes unprecedented) preferential trade agreements, is growing.

As it has done during the rotating Presidency of the Council in 2023, Spain must continue to emphasize the importance of respect for multilateral rules and organizations, and work to adapt them to the new geopolitical reality, so that they are effective. To this end, it must continue to advocate greater strategic autonomy and economic security for an EU which also remains open to cooperation with other key partners within and outside the regional

integration space. Diversifying trade and investment relations through new agreements, and advancing in de-risking while avoiding decoupling seems to be the best formula for increasing both the resilience of the EU economy and its security. These partners are, moreover, essential in the collective construction of global public goods – such as climate security – and in achieving the objective of strategic autonomy.

Spain's proposals to increase Europe's strategic autonomy in energy, health, technology and food, as well as its leadership in large regions of the world which Europe has often neglected, require more resources and a better strategy. Latin America stands out here, as this region is becoming key in the new global scenario due to its significance in the fight against climate change, its abundant natural resources and the growing importance of some of its countries in the global south, with which the EU wants to build bridges. Potential international partners, such as India, are also emerging or consolidating their position.

Likewise, and continuing the work of the presidency, Spain's national priorities should continue to be aligned with European priorities in the area of cooperation, whether in geographical terms (e.g., Latin America, thematic terms (for example, Spain's progress in gender issues and its strengths in the 2030 Agenda) or instrumental terms. In this last aspect, Spain can play an active role in the process of reconfiguring the development aid instruments promoted by European institutions: Global Europe, Global Gateway and Team Europe. Moreover, its established track record in technical aid and political dialogue constitutes a valuable resource for the necessary rebalancing of economic, political, social, environmental and geostrategic objectives as part of a more assertive European development aid strategy.

## Spain's priorities in the European Union

### 2 Challenges to international peace and security

Félix Arteaga, Carola García-Calvo, Luis Simón and Álvaro Vicente

Spain's first priority is to review its National Security and External Action Strategies, the National Defence Directive and the National Cybersecurity Directive, and to develop strategies for combating disinformation campaigns and to ensure economic security. This is because the scope of security and defence has expanded from traditional peacekeeping missions and multilateral relations with the UN, NATO and the EU, to geopolitical competition with Russia and China, armed conflicts in Ukraine and Israel, tensions in the Indo-Pacific region and the withdrawal of French troops from the Sahel. Defence and security policies have gained priority at the global, European and national levels, and will continue to do so in the coming years as long as ongoing conflicts are not de-escalated.

An important step will be to implement the increase in military budgets agreed by the government, in order to reach the spending commitment of 2 per cent of GDP by 2029 agreed with Spain's Euro-Atlantic alliance partners. The Ministry of Defence will have to develop its recent Defence Industrial Strategy to integrate the investments approved with the aim of providing the armed forces with the military capabilities it requires, and will need to reinforce the industrial and technological base of the defence sector, to guarantee the necessary strategic industrial capabilities.

Within the framework of NATO and as a priority area for European security, the Strategic Concept approved in Madrid in 2022 will continue to be developed to strengthen collective defence capability and operational deployment on the eastern flank, pending approval of a position on the southern flank, probably following the NATO 75th Anniversary Summit in Washington in 2024. Spain will also continue to make progress in strengthening its ties with partners in the Indo-Pacific (Australia, Japan, South Korea and New Zealand), focusing on cooperation in areas such as cybersecurity, the fight against disinformation, and collaboration on emerging disruptive technologies. Furthermore, Spain should build on the momentum created in Madrid and its bilateral defence relationship with the USA to consolidate its leading role in transatlantic relations.

In the specific EU context, the 2022 invasion of Ukraine postponed the development of the Strategic Compass and European strategic autonomy. Development of the EU's Common and Security Policy in the coming years will therefore focus on its industrial dimension, both to maintain military aid to Ukraine and to increase the EU's long-term strategic capacity. Spain is actively involved in all dimensions of common defence and should use these instruments to ensure the insertion of its industries into European supply chains through its participation in international cooperation programmes. At the same time, Spain must be realistic about its ambitions, to ensure that it can simultaneously satisfy both its national interests and its European and international commitments.

Strategic changes also affect other areas of security, which will have to continue to develop at the national level, with little Europeanization. National resilience depends on new geopolitical, technological, educational, industrial and cognitive factors that condition prosperity and social stability. So far, the National Security Strategy has focused on tangible threats such as international terrorism and organized crime, but has not been concerned with the intangible threats and processes that beset advanced societies, such as disinformation, technological obsolescence, polarization and economic or social insecurity.

Finally, given the need to generate synergies and economies of scale, the national security system must assume a more executive approach and deploy greater resources to manage the expansion of actors and cross-cutting dimensions, including the civilian sector and new specialized national agencies such as research or space, to which should be added those dedicated to other sectors such as cybersecurity.

In the area of terrorism, following the reviews of the National Counter-Terrorism Strategy and the National Strategic Plan to Prevent and Combat Violent Radicalisation in 2023 and 2020 respectively, implementation remains the priority in both areas, in line with the strategic priorities established by the European Commission for the period 2024 to 2025. These reflect the current scenario of violent extremism in the EU, which has evolved in recent years as a result of geopolitical changes, multiple crises – health, economic, political and social – in Europe, and the advance of new technologies that act as a catalyst and amplifier of ongoing trends.

Given the increasing dissemination of extremist content, as well as the consumption of terrorist propaganda disseminated via the Internet for the purposes of radicalisation and online recruitment, Spain should continue to promote mechanisms – at national and European level – to monitor this content and to improve the transparency of algorithms. This requires fostering collaboration between public stakeholders and large private technological platforms, but also other lesser-known platforms, to which extremist and terrorist actors migrate in order to circumvent existing monitoring and control measures. Another important point is the adoption of specific measures to counter the potential influence of foreign non-state actors through disinformation campaigns and conspiracy theories, which seek to exacerbate the vulnerabilities of certain segments of the European population on ethnic, religious, gender and other grounds. These influences also point to the need to focus on terrorist financing by deepening measures to combat undesirable foreign funding.

A final priority is how to manage the problem of foreign terrorist fighters who are in conflict zones or who have returned. Coordination structures need to be established between the stakeholders involved, including civil society, to address their future social reintegration, applying a gender perspective. In addition to maintaining the intensity of cooperation with North Africa's neighbours in the security sphere, preventive cooperation should be introduced, based on programmes and networks that facilitate the exchange of knowledge and good practice, as is already the case in the Western Balkans.

## Spain's priorities in the European Union

### 3 Democracy, rights and citizenship

Jorge Tamames, Ignacio Molina, Carmen González and María Solanas

The combination of Spain's political transition to democracy and the negotiations to join the EC meant that Spanish society saw accession to the European project and democracy as two sides of the same coin. This association had solid foundations: the hegemonic idea from the 1960s onwards that dictatorship and economic semi-isolation represented a double eccentricity in western Europe, and the widespread consensus that convergence with the Common Market was the desirable destination. In contrast with post-communist countries 20 years later, the view was not that the success of foreign political regimes had to be copied, but rather that an anomaly had to be ended. Instead of imitation, Spaniards sought 'normalization' with the western European model of liberal democracy and its inherent principles.

Moreover, in addition to closely identifying with the values of Article 2 TEU, throughout its membership Spain has often played a leading role in promoting these values and implementing them on a European basis. The status of EU citizenship was introduced in Maastricht, at Spain's proposal, so that nationals of the Member States would enjoy certain rights, freedoms and legal protection, guaranteed by the EU. It has also been a traditional Spanish endeavour to strengthen certain aspects of the area of freedom, security and justice, so that police cooperation and mutual recognition of judicial decisions help to effectively protect public freedoms. And more recently, Spain has built a reputation in European institutions as a country that promotes equality between men and women and respect for the LGBTQ+ community.

Looking ahead, Spain can continue to exercise leadership – and pursue its interests – in a number of dimensions. For example, in terms of the rule of law, Spain can assert its position as the only major European country in which there are no illiberal movements or parties with sufficient electoral strength to lead either the government or the opposition. It is also the only country where public opinion has not shown a significant level of or rise in Eurosceptic attitudes. It is a society in which there is a certain permissive consensus regarding the deepening and enlargement of the EU, although growing socio-political polarization may bring an end to this.

This room for manoeuvre allows Spain to make a more decisive commitment to the primacy of European law and to the strengthening of mechanisms to safeguard the division of powers and the protection of minorities, in line with recent proposals for EU reform. Spain must become more involved in the debate on the measures that the EU can adopt to prevent democratic regression, whether through the use of sticks – the recourse to Article 7 – or carrots – the unblocking of European funds if the anti-democratic trends are rectified. It must do so in the knowledge that an EU that is militant in protecting the rule of law will, as previously, call on the Spanish government and opposition to agree on the renewal of its

judicial bodies, a demand that in any case must be met for the functioning of the Spanish judicial system.

In the area of human rights, Spain's commitment to defending these can give it a leading role in regions with which it maintains a more fluid dialogue than other Member States. This is the case of the Maghreb and Latin America, but also – albeit to a lesser extent – sub-Saharan Africa and the Middle East. Spain should focus on correcting the blind spots in current European external action: vetoes by a single Member State on issues that concern the EU's security; lack of coordination between the Commission and the Council on the one hand and the High Representative on the other, in the context of international crises. It must also strive to steer EU diplomacy in a direction that, without undermining the importance of the Euro-Atlantic space and the need to support Ukraine in the face of Russian aggression, is consistent with the defence of human rights outside Europe and especially in the global South.

With respect to gender equality, Spain can continue to build on broad domestic consensus and its ground-breaking decisions in order to push for a stronger EU commitment to full and effective equality. Tangible progress is needed on equal pay, promoting greater transparency and equal maternity and paternity leave. In a context where some Member States are questioning European commitment on this issue, it will not be easy to raise the EU's profile on its internal objectives. Nevertheless, Spain can help keep important issues – such as the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence – on the agenda. There is also scope for boosting the EU's commitment to gender equality in its external relations and its role in the world (and specifically in relaunching the bi-regional relationship between the EU and Latin America and the Caribbean). Finally, Spain can strengthen the idea that gender equality, like peace and security, climate and global health, is a global public good that the EU should contribute to providing.

With regard to reception and asylum seekers, Spain's situation is framed by its status as a country bordering the southern neighbourhood, as well as by the fact that it is the only European state with territory on the African continent. The legislative roadmap of the Pact on Migration and Asylum demands attention to all initiatives since the Commission launched its proposal in 2020 on the basis of two main ideas: more solidarity in reception and sharing in exchange for more responsibility in the control of external borders. The inability to reach an agreement at the Granada Summit in October 2023 reflects the difficulty of establishing consensus among Member States on this issue. In the context of a new European enlargement towards the east, Spain will have to assert the importance of the southern neighbourhood as a source of migratory flows whose destination is the EU, but also as a region with synergies and strategic partners.



## Spain's priorities in the European Union

### 4 Climate and energy transition

Gonzalo Escribano, Lara Lázaro, Sofía Tirado and Ignacio Urbasos

Spain has an ambitious climate and energy policy aligned with the EU's strategic priorities. The Iberian Peninsula is characterized by high penetration of solar and wind energy and marginal use of coal in the electricity system, which allows it to be ambitious in issues such as industrial decarbonization and the development of renewable hydrogen. The opportunity to exercise leadership, backed by a diversified energy system with high levels of renewable energy use, contrasts with the Iberian Peninsula's traditionally peripheral position on this issue.

Spain's European discourse has historically emphasized integration, an approach that has been welcomed by the European Commission. In particular, Spain has emphasized strengthening gas and electricity interconnections and, in the future, hydrogen interconnections, to put an end to the peninsula's energy isolation. In the wake of the energy crisis caused by the war in Ukraine, Spanish electricity and gas exports to France have reached record levels. However, despite the newfound strategic role of Spanish electricity generation capacity for France and of the Iberian liquefied natural gas (LNG) fleet for EU gas diversification, progress on interconnection remains slow, with as a result of France's systematic resistance to their extension. Electricity interconnections with France remains unfinished business, with the current figure of 5 per cent of installed capacity in Spain falling short of the (non-binding) target set by the Commission for 2020 of 10 per cent and far short of the agreed 2030 targets of 15 per cent. The only project underway, the submarine electricity interconnection with France via the Bay of Biscay, has been beset by delay and is not expected to be operational before 2027, while the trans-Pyrenean interconnections continue to be paralysed due to French lack of interest. In recent years, Spain has expanded the scope of its European energy policy to address central issues in the EU debate, such as the reform of energy markets. As a result of the impact of the energy crisis, Spain has put forward the most heterodox positions in the EU, proposing and leading a comprehensive reform of the marginal pricing system. However, the preference of the European Commission and most Member States for a soft reform that maintains marginal pricing has been reinforced by the recent moderation of gas prices. Despite initial differences between France and Germany, with the mediation of Spanish Vice-Prime Minister Teresa Ribera, an agreement was reached in the Council that allows the use of differential contracts to support nuclear power generation, albeit with Commission oversight.

For Spain it is also vital to make progress in negotiations for and the implementation of the key dossiers associated with the European Green Deal, which are sometimes politically complex, such as the approval of the Nature Restoration Law, the Renewable Energy Directive or policies to deliver the Green Deal Industrial Plan: the Net-Zero Industry Act and the Critical Raw Materials Act. Spain is committed to a renewed CAP that balances the need for environmental sustainability and the need for economic sustainability for the agriculture

and livestock sectors. At Spain's initiative, the CAP for the period 2021–2027 includes a gender focus and specific support lines for young livestock farmers, while maintaining the allocation of income support for farmers. The CAP is expected to incorporate an increasing emphasis on climate dimension and Spain, as the EU's third largest agricultural producer, will play a particularly important role. Spain has supported the development of an EU Adaptation Strategy to jointly address the unequal challenges associated with climate change and water scarcity, which are much greater in the Mediterranean than in central and northern Europe, with a very significant impact on agricultural activities. As agriculture is among the most water-intensive sectors, improved water resource planning and management is one of the priorities for adaptation.

Spain has consolidated its position as a credible actor on climate in the EU and in international climate negotiations, and aims to maintain this position. This is due to its growing commitment to international climate finance, setting ambitious mitigation targets, its long track record as a facilitator of international negotiations in the field of adaptation – reinforced by the update of its National Adaptation Plan – and the promotion of a just transition supported by the development of institutions and instruments for governance.

Geographically, the need to diversify energy supply and the growing challenges associated with climate change call for a new energy and climate diplomacy in the EU, whose regional focus seems in principle aligned with Spanish priorities, which emphasize the Mediterranean and Latin America. Spain can support the reorientation of European diplomacy through its participation in technical cooperation initiatives on climate change, meteorology and water, such as the Ibero-American Network of Climate Change Bureaus, the Conference of Directors of Ibero-American Meteorological and Hydrological Services and the Conference of Ibero-American Water Directors. The EU-CELAC (Community of Latin American and Caribbean States) Summit in July 2023 offered Spain a space to strengthen bi-regional relations to diversify the supply of strategic raw materials, the development of renewable energies and the integration of decarbonized value chains. Spain has been a strong advocate of the EU-Mercosur trade agreement, with a significant environmental component, and hopes to successfully conclude negotiations during its Presidency of the Council in 2023.

## Spain's priorities in the European Union

### 5 Economic transformation and technology

Raquel Jorge, Miguel Otero, Judith Arnal, Enrique Feás, José Pablo Martínez and Federico Steinberg

The Covid-19 pandemic, Russia's invasion of Ukraine and the resurgent tensions in the Middle East, in a context of great power competition, have reignited the debate about Europe's strategic dependencies, especially in the economic field, and with respect to energy and supply chains in particular. All this is taking place against the background of a global economic slowdown, in which interest rates seem likely to remain high for some time and where the battle against inflation continues.

Spain, which has sought to lead the debate on the concept of open strategic autonomy, must continue working to complement it with economic security, within the framework of a competitive technological and industrial policy which also protects the cohesion of the internal market. Spain should promote a European industrial policy implemented with common funds, instead of the distortion caused by the state aid which primarily benefits those Member States with more room for fiscal manoeuvre. At the same time, it is necessary to establish joint priorities, as it does not make sense for some initiatives – such as the manufacture of semiconductors, batteries for electric vehicles or the promotion of quantum technologies – to proliferate, reducing economies of scale, leading to a less efficient use of public resources and preventing a thorough consideration of potential mismatches between supply and demand at a time of accelerating government measures to avoid falling behind in the technological race. At the same time, it is important to avoid the temptation to relax competition policy with the aim of favouring European champions, which would tend to be French or German to the detriment of other countries such as Spain or the Netherlands. It is also essential to foster a regulatory environment adapted to a digital and changing economy, which favours the investments needed to achieve the objectives of the Digital Decade 2030.

On the other hand, the technology war between the USA and China will condition the close relationship between the economy and technology in the years to come. Spain, a country that is highly dependent on imports for its exports, and with a certain financial fragility, should emphasize its role in smoothing Sino-US relations, respecting its strategic alliance with the USA but seeking to avoid open confrontation in which smaller, more open and indebted countries would have much more to lose. Spain must engage in intelligent de-risking and reject decoupling.

A more active role for Member States in shaping the practical mechanisms that will result from the European Commission's Economic Security Strategy is essential. The lack of coherence in implementing certain mechanisms, such as the export control regime, demonstrates the need to move from communication and information sharing to actual coordination and cooperation. The recent proposal for a first list of critical technologies, which seeks to map

shared risks on the basis of each country's proposals, will demonstrate the real willingness of countries to work together for a competitive internal market. Spain is one of the most active Member States in defining control mechanisms for dual-use technologies, but this new approach calls for a clear and shared definition of what is meant by risk reduction and exploring technological risks beyond their civil-military implications. This will require effective inter-ministerial coordination domestically, and efforts to achieve a consensual definition with other European partners.

Progress on these priorities goes hand in hand with the design of a new economic governance, taking into account the new strategic framework. If the 2023 rotating presidency were to reach an agreement allowing for reform of fiscal rules, that would be a major success. This reform should seek debt sustainability while being compatible with European investment needs in a challenging environment. Spain should make it clear that an economic security strategy that does not guarantee the necessary investments to improve European growth and productivity, as well as banking and capital market integration, is a source of vulnerability for the European economy and the euro, one and is incompatible with a comprehensive economic security strategy. This offers a new opportunity for Spain to push for the launch of a central fiscal capacity, at least to finance European public goods.

This in turn will require the creation of a dedicated economic security governance unit, either through a commissioner or at least a directorate-general in charge of ensuring better coordination of the different positions. Moreover, reform of economic governance goes hand in hand with the evaluation of the results of the NextGenerationEU funds. As one of the main beneficiaries of these funds, Spain has particular responsibility for their optimal management. At the same time, the huge amounts of funds and the difficulty of absorbing them due to a complex administrative structure at EU, national and regional level mean that Spain must insist on extending the implementation period beyond 2026. Finally, as the digital pillar is one of the two fundamental arms of these funds, Spain, as one of the EU's most digitally mature Member States, can and should take the lead in digital transformation, which is particularly important as the country lacks a technological policy that goes beyond the legislative and industrial measures already being developed by many European countries. Spain should focus on the four cardinal points of the Digital Compass: digital skills, digital infrastructures, digitalization of business, and digitalization of public services..

## Spain's priorities in the European Union

### 6 The future of Europe

Raquel García Llorente, Enrique Feás, Ignacio Molina, Luis Simón and Jorge Tamames

Spain, because of its pro-European stance, its status as a reliable partner and its weight as the fourth-largest Member State, is well placed to drive and be one of the leaders of the debate on the future of the integration process. The leadership shown by Spain in the face of challenges such as the pandemic and the war in Ukraine, participating at the forefront of innovative proposals such as the EU Recovery Instrument, open strategic autonomy and reform of the electricity market, must be maintained over time if we want to ensure that enlargement and reform of the EU take the Spanish vision into account.

To this end, Spain must strengthen its capacity to forge variable alliances, with which to seek majorities or consensus in areas that will be a priority for Europe's future but where there is no unanimous strategic position. Faced with the erosion of traditional alliances such as the Franco-German axis or the Visegrad Group, whether due to internal problems or lack of leadership in the European project, the ability to develop flexible coalitions makes it possible to adapt better to a changing and complex context. Moreover, in the future scenario of an EU with new members or at least a greater focus on the east, Spain will have no choice but to develop its skills to reach out to other partners, even if *a priori* there is little common ground. Exploring new alliances, while deepening ties with natural partners, is essential if Spain's priorities are not to be sidelined.

The priority, however, is to foster unity within the Council, preventing issues such as the war in Ukraine, the strategic rivalry between the USA and China or the conflict in the Middle East from generating disagreements between Member States that weaken the EU. The scenario of an enlarged EU – grappling with an increasingly competitive international context and highlighting differences between Member States' national interests – is a challenge to internal cohesion.

At the same time, Spain must actively participate in debates that are essential for the future of the European integration project, such as the defence of economic and energy security, governance of the euro, the dual green and digital transition, industrial and technological policy, the migration pact and improved decision-making in external action, reducing the use of unanimity, which is particularly important in an uncertain international context.

Spain must work to ensure that the EU's spirit of openness and economic efficiency is preserved at all times in these debates, avoiding the temptation of protectionism in trade and industrial policy, and preventing the weakening of competition policy, the fragmentation of the internal market and the abuse of state aid. It must also ensure that major European debates do not jeopardize social cohesion, and must insist on the need for strategies such as green transition or economic security – which are beneficial in the long term but which

in the short and medium term entail industrial, regional and social costs – to be properly internalized by the public and for appropriate mechanisms to be put in place to compensate those most affected. Otherwise, there is a risk that the costs may end up generating a social backlash that jeopardizes achievement of the EU's ambitious long-term objectives.

Responding to these challenges requires a review of the institutional architecture and the budgetary framework on which integration rests, especially in the scenario of an enlarged EU with more than 30 members in which reforming the treaties or transferring additional competences may be less realistic than achieving enhanced cooperation. Indeed, if enlargement of the EU proves to be incompatible with thorough reform of the treaties, then Spain should seriously explore the possibilities of making progress with some Member States in specific areas through proposals for enhanced cooperation that improve the functioning of the euro, allow progress in police and judicial cooperation, and facilitate a true common security and defence policy. Enhanced cooperation not only avoids the risk of deadlock but can also generate incentives for those countries that are resistant to further integration.

In any case, Spain must insist on the need to tackle simultaneously various debates on the future of Europe, rather than making progress on some while postponing others, since in some cases partial negotiations may be detrimental to the very functioning of the EU. Thus, for example, the debate on enlargement of the EU cannot be separated from progress on deepening integration – albeit through enhanced cooperation – since postponing the second issue would block the practical functioning of many policies. In the same vein, debates such as the reform of fiscal rules must be accompanied by courageous decisions on the financing of European public goods or deepening the banking union and capital market union, as there is a danger of achieving fiscal consolidation by sacrificing the EU's long-term growth and productivity.

## Spain's priorities in the European Union

### 7 Latin America, a global player

Carlos Malamud, Rogelio Núñez and Ernesto Talvi

Spain must continue working within the EU to consolidate one of the major objectives of its 2023 rotating presidency: the consolidation of the bi-regional European-Latin American relationship, transforming it, if possible, into a true strategic alliance.

There are incentives for both sides. The effects of the pandemic have caused the rethinking of global value and supply chains, based on geopolitical and security considerations, introducing concepts such as strategic autonomy, friendshoring and allied-shoring. The invasion of Ukraine has shown the weakness of western alliances with the global south. The rise of China and other aggressive powers such as Russia and their growing presence in Latin America are altering international balances, creating a new global and regional geopolitical scenario.

The rethinking of alliances has led Europe to look to Latin America as a key partner in achieving its international aspirations and promoting multilateralism, democratic values, human rights and sustainable social and environmental development. Latin America is also a reliable supplier of strategic raw materials. Deepening relations with Latin America would strengthen Europe's position vis-à-vis the global south, as several Latin American countries are important actors in south-south cooperation.

All this will require the European-Latin American relationship to be put on an institutional footing, with financial and EU backing, and a strong bi-regional commitment. The EU-CELAC Summit in July 2023, followed by the informal meeting of ECOFIN ministers with their Latin American and Caribbean colleagues, has shown the way. The Bogota Summit in 2025 is a marker for continuity and will provide an opportunity to steer the course of future efforts and it would therefore be desirable if the process was well on track before any possible further EU enlargement is launched.

The new link should effectively combine the bi-regional and the bilateral. Despite CELAC's limitations and contradictions, it is the only regional organization with a claim to being representative. It will therefore be essential to form an EU-CELAC bloc that, as far as possible, acts in a coordinated manner on the international stage. However, the fragmentation of Latin America and the difficulty of reaching consensus on essential points of the international and regional agenda should also lead Europe to opt for a bilateral approach. This should focus on those countries that stand out for their international potential, such as the members of the G20 (Brazil, Mexico and Argentina), two of which are in the BRICS (Brazil and Argentina), or for those that stand out for their regional importance (Chile, Uruguay, Peru and Colombia), for their economic potential or for their interest in strengthening ties with the EU.

The EU should aspire to be a major actor in supporting democracies undergoing governance crises, especially in Central America and the Caribbean, returning to the role it played in the 1980s. At the same time, the Global Gateway initiative will contribute to promoting changes in Latin America's productive matrix, with the aim of facilitating green and digital transitions.

Designed as a high-level bilateral forum, an executive, pragmatic and results-oriented EU-Latin America and Caribbean Trade and Technology Council would be an excellent starting point and would provide a unique platform from which to organize the bi-regional relationship and the search for strategic agreements to address global challenges. It would be similar in spirit to that between the EU and the USA, and the EU and India, seeking coordination and collaboration on diverse issues such as energy security, food and water security, health, digital governance and connectivity, supply chains, clean and green energy technologies, migration, crime and transnational terrorism. This would mark a milestone in the relationship between EU and Latin America and the Caribbean, and would be vital for affirming strategic engagement.

Another particularly important dossier is the EU-Mercosur trade agreement. If ratified, the EU would have agreements with 94 per cent of Latin America's GDP, compared to 44 per cent for the USA and 14 per cent for China, and would be the power with the strongest presence and deepest ties in the region. It would also be the springboard for more ambitious and deeper EU-Latin American integration and provide a way to foster greater intra-regional integration in Latin America.

It would be good to interconnect the network of EU trade agreements with Latin America, for example through the cross accumulation of rules of origin, harmonization of standards and regulatory processes, and investment in digital trade and customs procedures, allowing for greater cross-border movement of goods and services. This would result in an economic space of 1.1 billion people, with a GDP similar to that of the USA. In the trade dimension alone, flows between the EU and Latin America would increase by 70 per cent and Latin American intra-regional trade by 40 per cent, with limited effects on trade with other areas. Such a partnership would have enormous mutual benefits. Latin America has abundant energy and mineral resources, and the capacity to produce clean energy and organic food on a large scale. The EU can provide capital, cutting-edge technology and the know-how indispensable for their development.

If agreement is not concluded during the Spanish presidency in 2023, and in view of the greater difficulties that this path could encounter during the upcoming rotating presidencies (Belgium, Hungary, Poland and Denmark), Spain should continue to insist on the need to conclude it. The risk of not doing so would be to lose a strategic opportunity, would bring Mercosur closer to other trade blocs and would send negative signals to other potential signatories of new free trade agreements, such as Australia. If it is to act accordingly when the time comes, the EU should not lose sight of what happened after the failure of negotiations with the Andean community, which was followed by the opening of a bilateral dialogue with Colombia and Peru, which led to the signing of multi-party agreements that have boosted investment and trade in goods.



## Spain's priorities in the European Union

### 8 The rise of China, the United States and the New World Order

Mario Esteban, Carlota García Encina and Ugo Armanini

Relations with China have become increasingly important, to the point where they are a cross-cutting issue that affects practically every significant dimension of the global agenda and the external action of Spain and its European partners. Hence, if Spain is to be a credible and attractive partner, its policy towards China must be clearly and precisely defined, and it must demonstrate its capacity to influence the EU's strategy towards this country. In this regard, Spain has two important assets. The first is a broad consensus on China among the main political forces, which makes Spain's China policy predictable regardless of the political leanings of the government. The second is the pragmatic and balanced nature of this policy, which avoids systematically jeopardizing the bilateral relationship for ideological reasons while allowing Spain to defend its policy preferences. This makes it easier for Spain to be seen as a constructive state when seeking consensus on China within the EU.

The EU is in the process of updating its strategy towards China, increasing the weight of security and rivalry over values and standards to the detriment of economic considerations. This process is going hand in hand with the development of the Economic Security Strategy published in June 2023 and increased reactivity to Chinese competition, as the trade investigation on Chinese electric vehicles – which could be replicated in other sectors such as wind power or legacy semiconductors – demonstrates. It is therefore a particularly important moment for Spain to decide to assume a higher profile in this process.

Moreover, it is important to note two issues that could greatly influence this process, and for which Spain must be prepared. One is the evolution of China's position with respect to Russia's invasion of Ukraine, which is influencing EU policy towards Beijing. The other is the possibility of a serious deterioration in the relationship between the USA and China, which could crystallize into a crisis that would force European diplomacy to react. The Taiwan Strait seems a particularly hot spot, both because of Taiwan's importance to the legitimacy of the Chinese Communist Party and because of its geostrategic value for the USA and its credibility as a security provider in Asia.

This must go hand in hand with maintaining transatlantic unity, which is at its highest level since the start of the new millennium, following Russia's invasion of Ukraine. Europe's relationship with Washington is also essential for the continent's security, and for its ability to cope with the technological environment and make progress on climate challenges and energy transition.

Despite its current healthy state, the future strength of the transatlantic relationship should not be taken for granted. Deeply entrenched political polarization in the USA and economic policies that reward *Made in America* (Inflation Reduction Act, the Chips and Science Act, and the Infrastructure Investment and Jobs Act) are causing great concern in Europe.

At the same time, Europe's implementation of new strategic minerals regulations worries the USA because of the implications in terms of competition and access to resources. The issue of European support for Ukraine is also of concern because of the USA's belief that it is bearing an undue share of the burden – although Europe is providing more support for Ukraine than the USA in some areas, such as financial and humanitarian, while its military contribution has increased markedly.

The fierce US presidential election battle in November 2024 is also on the European radar, with the prospect of a level of unpredictability that will have a global impact. A repeat of the Biden-Trump race seems likely, but is not a certainty. In either case, the way in which the USA and the EU approach these future challenges and the solutions it chooses will sometimes diverge. For both Europe in general and Spain in particular, talking to both US political parties and sub-national leaders outside Washington may be key.

Preparing to maintain transatlantic collaboration in anticipation of a more unpredictable USA should be one of the main elements of Spain's European agenda. As a result, one of the main tasks in the coming months should be to identify those areas where collaboration works. An immediate step is to demonstrate the ability to continue to take on more responsibility in Ukraine, as Spain is doing, which not only highlights the strategic advantages of transatlantic cooperation, but is also in Europe's own interest.

Also on the agenda should be the ongoing negotiations for an EU-US Critical Minerals Agreement, which not only offer a way to rectify the negative spill-over effects of the Inflation Reduction Act (IRA), but also cement the concept of friendshoring as a means to strengthen transatlantic ties. Equally timely would be the deepening of the work of the EU-US Trade and Technology Council in addressing transatlantic trade synergies and joining forces to address dependency on China.

Another key issue is migration, with the important precedent of having begun cooperation in Central America with the USA. More broadly, Latin America offers the opportunity to promote common interests with the US Administration. There, the EU, Spain and the USA share values and objectives in terms of strengthening democratic governance, promoting human rights and fighting inequality, along with the fight against disinformation in Spanish. Finally, transatlantic cooperation will be more essential than ever for the geopolitical consequences of the war in Gaza. Terrorism and counterterrorism are back on the security agenda, with the risks that may emanate from Europe's southern periphery, forcing Spain to put them on its European agenda.

## Spain's priorities in the European Union

### 9 Neighbourhood challenges and opportunities

Haizam Amirah Fernandez and Mira Milosevich-Juaristi

In the southern neighbourhood, Spain's first European policy priority should be to convey to its European partners the urgency of devoting attention, resources and political will to addressing the main socioeconomic and political problems that find expression in the form of uncontrolled migration or radicalization processes. Phenomena such as lack of economic opportunities, self-enriching authoritarianism, and police repression and brutality need to be tackled with a mix of short- and long-term approaches, in partnership with the countries of the South themselves. To this end, Spain should recover its focus on the Mediterranean, a region where it promoted numerous hopeful initiatives in the 1990s but which it has neglected for too long.

Moreover, Spain must provide a clear and coherent conceptual framework for the EU to relate to its southern neighbours as a 'normal' region, where international law applies as it does in other parts of the world. In few places is the incoherence and dysfunction of EU and Member State external action clearer than in the Maghreb and the Middle East. If European leaders want a 'geopolitical EU, open to the future', they should start by demonstrating that the EU can play such a role in its Mediterranean neighbourhood. The EU cannot afford to be a major economic and humanitarian player but a geopolitical non-entity, as other global players – such as China and Russia – will continue to exploit this contradiction to increase their influence and network of alliances. Spain should explore with other EU countries ways to overcome the dysfunctional consensus in its foreign policy formulation. The Palestinian-Israeli conflict is a vivid demonstration of how self-harming the current cacophony emanating from Brussels and various European capitals is for the EU's image, influence and security.

Finally, Spain must help the southern neighbours to abandon the 'zero-sum game' logic which some of them have adopted, and which is sometimes directly or indirectly fuelled by European national governments and Middle Eastern states seeking to extend their influence. This logic has prevailed between the EU's two most important Maghreb neighbours (Morocco and Algeria), but also within countries where there are opposing sides in open conflict (Libya and Sudan), quasi-failed states (Syria and Lebanon) or countries with highly authoritarian systems (Egypt and Tunisia). Often, the 'zero-sum' logic leads to large majorities ending up as losers. Spain should take advantage of its comparative advantages, such as its physical and cultural proximity, the absence of major disputes and its reputation as an honest broker.

As for the Eastern Neighbourhood and the Western Balkans, Spain's priority should be to maintain support for Ukraine and to make progress in seeking an end to the war based on respect for the sovereignty and territorial integrity of the country under attack. The war will be a long one, so particular attention must be paid to maintaining unity among allies, especially on the issue of the export of Ukrainian grain without tariffs, through or to EU

countries, and the shipment of arms, which was falling before the start of the war between Israel and Hamas and which, if that war drags on, will probably fall even further. Moreover, Spain must work to maintain and promote the transatlantic link, given that NATO remains the sole guarantor of Europe's security and defence.

Alongside this, the destabilization of the post-Soviet space, as demonstrated by the latest war between Armenia and Azerbaijan in Nagorno-Karabakh, provides a scenario for rivalry between regional powers. Spain must coordinate its policy with that of the EU in order to: prevent the war in Ukraine from spilling over Ukraine's borders, and needs to be prepared for the possible reignition of other conflicts, such as those in Moldova (Transnistria) or Georgia (Abkhazia and South Ossetia), and even a new confrontation between Azerbaijan and Armenia on Armenian territory. And it should contribute to EU efforts to strengthen the political, economic and military resilience of five other countries in the Eastern Neighbourhood: Belarus, Armenia, Moldova, Georgia and Azerbaijan.

In this respect, the enlargement policy is a central tool in the management of relations with the countries of the Western Balkans and Ukraine, Moldova and Georgia. During the Spanish presidency in 2023, the progress of reforms in each of these countries has been analysed. In the long term, Spain should commit itself not only to supporting the candidate countries but also to addressing the challenges, costs, risks and disadvantages that may arise from an enlarged EU or the prospect of popular reactions. Another of Spain's European policy commitments must be to focus on the fact that geopolitical necessity cannot be turned into democratic virtue without a parallel process among the candidate countries, which must accelerate reforms. The EU's transformative impact will only make sense if it does not lower the bar on its demands, increase its capacity to act and retain what is, in essence, its normative power: respect for the rule of law and liberal democracy.

## Spain's priorities in the European Union

### 10 Spain's influence and its image

Ignacio Molina, Ángel Badillo, Luis Simón and Jorge Tamames

There is no doubt that the EU's fourth largest Member State – both in terms of population and GDP – has great potential to influence European institutions and policies. Although some of Spain's elites and public opinion do not quite believe it, the country is in a position to assert itself at the forefront of the European project. To achieve this, it not only has the objective institutional and economic weight, but also other strengths such as an electorate that is in favour of further integration, a political-administrative framework that is stable in its European preferences despite internal polarization, and significant soft power. Moreover, there is a desire from other partners for Spain to be more involved in decision-making given its status as a large state (although not with the will to lead that France and Germany have), with a long history of membership but having experienced the trials and tribulations of accession, and having achieved levels of economic prosperity close to the average of the 27 Member States, despite starting from a situation of relative backwardness.

If, after almost 40 years of membership, Spain has not managed to consolidate a leadership role, this is because it also suffers from significant deficits, which became particularly evident after the financial crisis and which have not been fully resolved. Between 1986 and the start of the millennium, there was a virtuous circle of Europeanization, convergence and influence, with very significant achievements, such as cohesion funds, European citizenship, anti-terrorist cooperation, the incorporation of its geographical priorities into the European foreign agenda, and the prominence of many Spaniards in the institutions. Then came a slow process of 'de-Europeanization', marked by excessive complacency about Spain's true international power and the health of its economy, and by the systemic effects of enlargement towards the east. In 2010, when debt problems hit hard, it became clear that Spain's position in the EU was much weaker than had been believed.

Since the trauma of the eurozone crisis, a new pattern of 're-Europeanization' has emerged, including structural reforms and a greater strategic focus on Brussels. The recovery of influence in the last decade has been far from easy, in the face of a challenging internal political situation (with weaker governments due to the emergence of new parties and the territorial conflict in Catalonia) and stiff external challenges (such as the pandemic or the war in Ukraine). However, there have also been other favourable circumstances: the gap left by *Brexit*, the opportunities missed by Italy and Poland due to their Eurosceptic governments, and Madrid's more intense dialogue with the Commission and with other national capitals have meant that important decisions bearing a Spanish stamp have once again been adopted. And, while it is true that a further major enlargement to include the Western Balkans and Ukraine could lead to a further eastwards shift of the axis of gravity, it will also make it easier for Spain to assert itself as one of the few major states in an EU of 35 members.

To underpin this return to centrality in the future, it is crucial that the government maintains a proactive attitude, increasing its capacity to generate its own ideas and to better shape proposals in the initial stages of the European policymaking process and to strengthen coordination between the different stakeholders (the central administration, the Autonomous Communities, the Spanish parliament, political parties, businesses and civil society in general) that contribute to the national position. However, if one had to choose the most important with respect to Spain's influence in the EU, it would surely be the need to maintain the pro-European consensus in Spanish society. The main threat to Spain's capacity to assert itself as a powerful actor in the EU stems from political polarization. In the past, poor relations between the PSOE and the People's Party in almost all areas of domestic debate have not been transferred to the major European issues, but now there is a risk that the fraught internal debate will also contaminate attitudes to the supranational level. To avoid this, communication between the two parties must be maintained and work must be undertaken to re-establish the grand legislative coalition that has always existed in the European Parliament between the Social Democrats and the European People's Party.

At the same time, strong pro-European attitudes and the will to be influential in Brussels does not mean that foreign policy should be completely subsumed under EU policy. Spain must overcome the excessively normative and passive instincts – letting Europe do the thinking – that have often characterized its international policy and embrace the concept of self-interest. The rapid transition to a world characterized by an upsurge in inter-state rivalry – where the Chinese and Russian challenges stand out – means that Spain must balance its European and multilateral leanings by strengthening its national power bases, and should significantly increase the resources devoted to defence and independent external initiatives, especially in regions such as Latin America and Africa. Of course, Spain's economic dependence on Europe, and the strategic dependence of Spain and the EU on the USA mean it is important to remember the need to frame the country's foreign policy within a European and western framework. But a strong Europe – and a strong Euro-Atlantic community – requires strong and proactive states that contribute to nurturing and developing security and collective external action.

Finally, the strength of Spanish soft power, based on a language spoken all over the world – but also on sports, or the country's attraction for immigrants and tourists – is also a potential source of Spanish influence in the EU. Making progress in European cultural policy, based on the weak competences that supranational institutions currently have in this area, would help to improve Spain's influence abroad, given the immense wealth of Spain's heritage and contemporary creative sectors. In turn, this would generate enormous opportunities for the Spanish economy, especially if the Commission favours the technological convergence of the cultural sectors around digital hyper industries. The Creative Europe programme, which will run until 2026, also includes objectives such as strengthening the cultural dimension of the EU's external relations or the promotion of a sustainable culture linked, for example, to the New European Bauhaus.











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