



BULLETIN

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The New European Commission—Organizational Changes

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In the European Commission, to be approved by the European Parliament on 9 February, there will be major transformations both in the form of treaty amendments, and due to political decisions. The effectiveness of the solutions implemented at administrative level will be key to the efficient functioning of the College of Commissioners. Effective implementation of Poland's EU policy therefore requires far-reaching monitoring of the changes being made to the structure of the Commission and the mechanisms by which it functions internally.

One of the principal consequences of the Treaty of Lisbon coming into effect is the far-reaching reform of the European Commission in its external activities. At the same time, under the Treaty, the position of the president of the European Commission will be strengthened further. The increase in the EC president's powers are intended to help to make the college function more efficiently. The president may lay down guidelines within which the Commission is to work, and moreover may demand a member's resignation. The president also has the freedom to appoint Vice-Presidents—except for the High Representative of the Union for Foreign Affairs and Security Policy. The number of new Vice-Presidents in the new EC has risen once again (from five to seven), and they are selected with greater emphasis on the EU's geographic and demographic diversity than in the previous session. The allocation of duties in the college was decided by the president in consultation with the member states and with the participation of the European Parliament. An announcement of the relevant changes to the internal structure of the Commission at various levels of that organization was inserted into the proposals concerning the scope of responsibility of individual commissioners and the program declarations of President José Manuel Barroso in September 2009.

Principal Organizational Changes. The most obvious changes are the separation of the new climate policy portfolio and the decision to create a new directorate-general – on the basis of the relevant Directorate of DG Environment (ENV) to provide support for the responsible commissioner. The exact scope of activity of both the new commissioner (Connie Hedegaard), the administrative apparatus allocated to her, and in particular the coordination method for activities with other commissioners, is yet to be determined. A major modification to the administrative structure is the division of the DG Energy and Transport into two separate directorates-general, which is a return to the situation that existed prior to 2000. This is due to the expected increase in activity in those fields, and also the will to emphasize the growing status of energy issues. Also both of the new directorates-general will be relieved of their current powers with regard to state aid channelled into those sectors. These powers will be transferred to the DG Competition. In addition the DG Transport will no longer be responsible for tasks connected with the construction of the European Satellite Navigation System (Galileo), as these responsibilities will be transferred to the DG Enterprise and Industry (ENTR). This is in order to ensure that responsibility for this project remains with new Commissioner for Industry and Entrepreneurship Antonio Tajani.

With respect to internal affairs and justice duties have been divided between two commissioners. This is due to the increasing importance of policies shaping the area of freedom, security and justice and enlargement of the scope of the Commission's activity as a result of the lifting of the current III pillar of the EU. However the changes at administrative level do not stretch that far: the existing DG for Justice, Liberty and Security will be functionally divided between the Home Affairs Commissioner (Cecilia Malmström) and the Commissioner for Justice, Fundamental Rights and Citizenship (Viviane

Reding). For the sake of consolidation a unit dealing with consumer contract and marketing law with the DG Health and Consumer Policy (SANCO) will also be included in Reding's responsibilities. Also under Reding's control will be the Directorate for Equality between Men/Women, Action against Discrimination and Civil Society, which will remain however within the structure of the DG Employment. The Commissioner is to be assisted by the DG Communication, which stresses the status of the issues of justice, fundamental rights and citizenship in the new EC's information strategy.

The appointment of the High Representative of the Union for Foreign Affairs and Security Policy (Catherine Ashton) and building of the European External Action Service are not all of the changes to the EC organizational structure with respect to external action. In this context it is worth noting the increased powers of the Commissioner for Trade (Karel de Gucht), who will take over responsibility for coordination of the activities of the Transatlantic Economic Council (TEC) from the current Commissioner for Enterprise and Industry. The TEC was set up in 2007 and is the most important forum for EU–USA economic cooperation, above all with respect to regulatory issues. This subordination suggests transfer of the administrative servicing of the TEC from DG ENTR to the DG Trade. This could be a factor contributing to greater emphasis on trade issues on the Agenda for Transatlantic Economic Cooperation.

Modifications to Performance of Regulatory Tasks. In the new session there will be an increase in the political importance of “better regulation,” which is one of the key elements of the microeconomic aspect of measures to increase the level of competitiveness in the EU. Barroso will be supervising activities in this area directly, while up until now they have been coordinated by the Commissioner for Industry and Entrepreneurship. As a result the division dealing with this issue at DG ENTR will transfer to the Commission Secretariat-General, directly subordinate to the president of the EC. These changes will mean that the interests of the overall EU public can be incorporated into “better regulation” to a greater degree. Until now it was perceived mainly as an instrument aimed at improving the conditions for conducting business.

Plans to transfer units responsible for regulations applicable to pharmaceutical products and cosmetics, which until now were part of DG ENTR, to DG SANCO, can be interpreted in the same way. This may point to the intention to put more stress on patient and consumer interests in proposals for legislative work. Similar decisions have been made with respect to the unit dealing with pesticide and biotechnology regulations, which until now was part of DG ENV. With that DG SANCO will take on additional responsibility for regulations concerning genetically modified organisms.

Analysis. The new commission is a combination of both elements of change (new treaty frameworks, re-distribution of the current commissioners' responsibilities) and continuation (re-election of the president and appointment of 13 commissioners who were members of the college in the 2004–2009 session). The organizational changes are also due to new treaty bases, political references, and functional considerations. The latter manifest themselves in the greater concentration of powers in certain areas (state aid, “better regulation”). The re-election of Barroso will be conducive to continuation of the current trend in the management of the now enlarged college, in particular the strengthening of the role of the Secretariat-General, which reflects evolution of the position of the president of the EC at the administrative level. There will probably also be an increase in the importance of the commissioners' cabinets. The declarations made by Barroso in September last year may be an indication of closer cooperation with the European Parliament in the planning of work, in particular the devising of the Commission Legislative and Work Programme (CLWP).

A source of reference for assessing whether the changes will achieve the intended goal with respect to regulatory activities will be the improvement in the quality of adopted legislation. In view of Barroso's statements an improvement in the quality of reports from the EC services concerning the economic, social and environmental effects of the proposed legislative changes (impact assessment) can be expected.

Conclusions for Poland. Poland needs to devise a strategy to bring about greater representation of Polish officials in the EC, as well as in other EU institutions, especially among supervisory personnel. In particular this strategy should encompass an increase in the scope of training of candidates for employment and assistance with contracts between Polish staff of EU institutions. Parallel the tried and tested solutions applied by other countries (for example the United Kingdom) need to be applied. Poland should also strive, at the same time, for a larger number of national experts with the EC, as this would help to strengthen the potential of Polish administration.