



BULLETIN

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The Unfolding of Juncker's Commission: Challenges for Better EU Governance

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Over the next five years, the new European Commission will have to address several issues of an existential nature such as boosting the sluggish EU economy, preventing a British exit from the bloc, restoring European citizens' faith in the EU project, and delivering a strategic vision of Europe in the world. These objectives cannot be achieved without improving the overall quality of EU governance. This can be done without reforming the existing treaties. In fact, only within the remit of the Commission's competence is there still significant room for manoeuvre. A stronger Commission also should be in the interest of Poland as a country that supports the Community method.

The persistent economic stagnation, remarkable rise of euroscepticism, and decreasing trust in EU institutions together pose a twofold governance challenge to the new president of the European Commission, Jean-Claude Juncker. First, there is an urgent need to improve the democratic legitimacy of the Commission's work by ensuring adequate representation and the participation of interested parties in the policymaking process. Second, the EU needs to improve the effectiveness of its policy outcomes, understood as satisfying the social and economic needs of European society. In this regard, the most common question floating among EU policymakers remains: how can this be achieved without reforming the existing treaties? The answer lies in the operationalization of "old" principles of good governance enshrined in the European Commission's 2001 *White Paper on European Governance*, such as openness, transparency, participation, accountability, coherence and subsidiarity. It seems that never so much as today does the Commission have the capacity to exploit the existing opportunities.

Strengths of the New College. The new Commission has been strengthened both institutionally and politically. Juncker's team is less technocratic and more politicised than its predecessor, which might entail a greater representation and political leverage in its decisions. The nomination of the Commission president from among the European-wide winning party as well as the strong role of the EP in scrutinising the incoming commissioners has underlined the democratic legitimacy of the citizens' preference.

Second, the new Commission is less centralised. The appointment of six influential vice-presidents to coordinate the work of the interconnected thematic teams should, in principle, ensure better synergy of action and fewer turf wars. The nomination of Dutch Commissioner Frans Timmermans as the first vice-president responsible for Better Regulation has been positively acknowledged in European capitals but, at the same time, raises high expectations. Apart from the coordination of the work of the other commissioners, Timmermans' main role will be strengthening transparency of EU policymaking, executing the rule of law as well as improving the Commission's relations with other EU bodies. Finally, assigning Federica Mogherini, the High Representative for Foreign Affairs and Security Policy, the supervisory role for neighbourhood and enlargement policy, trade, and development cooperation might strengthen the overall coherence of EU external action.

The new Commission has been also enhanced with regard to its political profile in the sense of a well-balanced division between the commissioners representing various Member States and political options. Apart from Mogherini, none of the vice-presidents represents the "Big Six," which minimises the impression of a large states' dictate in the EU. The latter received important policy portfolios that are going to be carried out under the supervision of small states as team leaders. More important, the new appointments reveal an interesting system of "checks and balances."

Some examples of this might be the economic triangle of Pierre Moscovici (Economic and Financial Affairs, Taxation and Customs), Valdis Dombrovskis (The Euro and Social Dialogue), and Jyrki Katainen (Job, Growth, Investment and Competitiveness) balancing the pro-investment approach with budgetary discipline, or the duet of Miguel Arias Cañete (Climate and Energy) and Maroš Šefčovič (Energy Union), combining the environmental and security aspects of energy policy.

Weaknesses and Threats. Notwithstanding the structural innovations, the Commission's potential for better EU governance might be hampered by several factors. With regard to internal architecture, as much as power balance is always a good thing, it holds an inherent risk of competence overlap, or even a clash. This might happen in relation to Šefčovič and Cañete as well as between the latter and Maltese Commissioner Karmenu Vella, who has Environment in his portfolio. Such a de-centralised decision-making structure might also prolong the policymaking process and obfuscate the channels of accountability for final decisions.

Second, one of the evident weaknesses of the Commission is the lack of transparency and openness of its work. In recent months, EU institutions have faced accusations about important documents related to the Transatlantic Trade and Investment Partnership (TTIP) being kept secret and of favouring big business and corporate lobbyists over civil society organisations in the conduct of the negotiations. It seems the new Commission will need to make a strong case in this regard, especially since the mandate by the Council to declassify the TTIP negotiations has come a bit too late.

As regards the external context of the Commission's work, there's a noticeable lack of political will in national capitals to translate the EU logic of operation into domestic discourses. As German Foreign Minister Wolfgang Schäuble noted: "People are not against the EU. They simply don't understand it." This stems from the fact that national policymakers quite often blame the Commission for negative policy spillover but forget to clarify the positive aspects of EU regulations to their national constituencies. In the same vein, the Commission has to be prepared that some states might try to diminish its primacy for several reasons. In the case of Germany, it might be the long-established appetite for leadership in Europe, while for the UK, it may be Cameron's unhidden reluctance to accept the new Commission president. In this context, last month's LuxLeaks, revealing a large number of tax evasion practices in Luxembourg carried under Juncker when he was prime minister do not help the situation. Although the EP voted against a no-confidence motion brought forward by eurosceptics, the revelations undoubtedly weakened the overall reputation of the Commission.

Towards a More Robust Commission? For the last several years, the Commission has lost its primacy in policymaking to the overactive European Council and ambitious EP. The extent to which the new team will be able to "deliver quickly and effectively" will very much depend on its capacity to capitalise on its strengths and overcome the weaknesses. Much of it will be up to the management skills and political commitment of Juncker and his first vice-president, Timmermans.

To address the pressing issue of a lack of transparency in the Commission's work, they should focus on improving several existing regulatory tools. One of them is the *ex-ante* impact assessment (IA) procedure, based on gathering empirical evidence to evaluate the potential economic, social and environmental consequences of proposed legislation. Amid accusations that the IAs—having usually far-reaching consequences for the contents of a legislative proposal—are becoming increasingly politicised and manipulated by powerful corporate lobbies, Timmermans should undertake steps to review the EU's consultation and evaluation mechanisms. Moreover, he should follow through on his promise to make the EU Transparency Register mandatory for lobbyists seeking to influence EU legislation. In this regard, Timmermans' recent announcement that contacts with lobbyists will have to be publicly recorded and that documents related to TTIP must be made available to all MEPs is a good starting point.

Another opportunity for better governance arises at the implementation phase of EU policymaking. The EC is currently developing ways to simplify EU law and make it less costly for both citizens and businesses. Decreasing the excessive regulatory burdens of EU legislation will not only be beneficial for the single market but also might encourage the UK to stay in the EU.

As regards enhancing the democratic legitimacy of EU policymaking, the new EC leadership should bring Europe back home by improving its cooperation with national parliaments during the legislative process. The Commission should pay more attention to their voice through the mechanism known as the Early Warning System for subsidiarity control. This would surely play into the hands of the UK, Poland and France, whose national chambers are among the most active in monitoring the principle of subsidiarity.

At the executive level, the Commission should invest further in streamlining communication with the EU Council. In this context, at the last General Affairs Council, national ministers welcomed the Commission's initiative to involve the Council in annual and multiannual programming on an equal footing with the EP, which surely will help all three EU institutions align their policy priorities.

Finally, to remedy the weak EU legitimacy intermediation at the national level, the Commission must improve the way European issues are immersed in national politics. This can be achieved through a closer dialogue with national policymakers who support the Community method. In this respect, Juncker should also cooperate with the new president of the European Council and former Polish Prime Minister, Donald Tusk, whose ambition is active involvement in EU politics.