

THREE THESES FOR THE NEW COMMISSION PRESIDENT

BEN CRUM

IN CONSULTATION WITH

**ETIENNE DAVIGNON, PHILIPPE DE SCHOUTHEETE
& STEFANO MICOSI**

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Each new European Commission is different in that it starts its tenure from a distinctly different position determined by the evolution of European cooperation and the changing international environment. The Commission entering office this November faces a number of particularly large challenges. It is important that these challenges are fully appreciated from the start, since choices made (or failed to be made) at that time may well decide the Commission's ability to tackle these challenges later on.

This paper advances three theses concerning the incoming Commission:

1. The *President* of the incoming Commission needs to have a strong profile as a 'technocrat politician'.
2. The new Commission needs to base its work on a *multi-annual mission*, agreed with the European Council, and that gives priority to the development of EU strategies in the fields of economic governance and of justice and home affairs.
3. The *internal organisation* of the College of Commissioners needs to be firmly based on the principle of collegiality, with the Commission President assigning portfolios on the basis of substantive tasks rather than administrative entities.

Each of these theses is elucidated below.

The theses are in particular addressed to the future Commission President, since the Treaty of Nice bestows upon the President the responsibility to define the Commission's political guidelines and its internal organisation. Our suggestions take the Treaty framework decided at Nice as a given for it is under this framework that the new Commission will take office. If a new (Constitutional) Treaty framework is agreed, it is unlikely to enter into force before the Commission has reached the second half of its term.

The theses are motivated by the notion that a well-functioning Commission is a precondition for the successful continuation of the project of European integration. While a strong Commission may not be able to propel the Union forward, a weak Commission can certainly halt it. Eventually, it is the Commission that has to make the cooperation work. In recent times we have had reasons to become concerned about the Commission's ability to do so. The expansion of the College of Commissioners to 25 adds further cause for concern. That is why the time to make some clear choices is now.

* The authors are respectively Marie Curie Research Fellow at CEPS and members of the CEPS Board of Directors. The authors gratefully acknowledge helpful comments on earlier drafts from Lykke Friis of Dansk Industri and from Daniel Gros, Marco Incerti, Christoph Meyer and Louise van Schaik of CEPS.

1. The President of the incoming Commission needs to have a strong profile as a ‘technocrat politician’.

It is often insufficiently appreciated how much the position of Commission President is a position *sui generis*. In particular, there are fundamental differences that set the position of Commission President apart from that of the national Heads of Government. Crucially, even if over time the Commission has become a more powerful and political body, powers, remit and popular legitimacy of the Commission President in no way compare to those of national Heads of Government. For this reason, the function also has distinct requirements that are not necessarily met by one’s previous experience as Prime Minister.

At the same time, the key to the Commission President’s effectiveness lies in his interaction with the Heads of Government in the European Council. Lacking their power base, he has to derive his authority from other sources. In particular, the candidate for the position of Commission President needs to command:

- a thorough control of his brief and the intelligence and ability to present it in debate;
- the political authority and understanding to guide the College and to lead the hierarchy of the Commission administration; and
- the ability to communicate convincingly as the permanent credible voice of the general EU interest.

In short, a successful Commission President needs to be a ‘technocrat politician’: it is not enough for him to be able to take a stance, he has to be able to grasp this stance in its most minute detail.

With a full grasp of his brief, the Commission President can play an active political role in the European Council. Only then will he be able to maintain an independent stance against national tendencies to encroach upon his powers. Only then can he fully exploit his influence on the EU agenda. Only then will he be in a position to expose argumentative flaws and bad faith of the governments, and have nationalist instincts replaced by a genuine European commitment. Only then will he have a solid basis to engage governments on his side and, if needed, to appeal to public opinion.

At present, the selection procedure for Commission President contains few guarantees that indeed the best candidate is chosen. Much depends on the EU presidency in office and its work may still be undone by the resistance of one or more other governments (although the Treaty of Nice makes it at least formally possible for the Heads of Government to nominate the Commission President by qualified majority voting). Although for natural reasons appointment procedures at this political level will never be conducted fully in the open, the quality and transparency of the process would be served if it would start from a public and well-defined profile. Furthermore, one may want to introduce a procedure by which governments or European party groups would be invited to put their preferred candidates forward.

2. *The new Commission needs to base its work on a multi-annual mission, agreed with the European Council, and that gives priority to the development of EU strategies in the fields of economic governance and of justice and home affairs.*

First things first, the Commission has to earn its credit by delivering on the tasks that have been assigned to it: the coordination of the implementation of EU law, its arbitrating roles in various EU policies, the management of the Community budget and the drafting of legislative proposals. Notably, there remain major weaknesses in the administrative capacity of the Union. Coordination between the European and national administrations is still far from perfect, with certain tasks unduly concentrated in Brussels while others fail to be implemented at the national level. Importantly, the control mechanisms of Community spending and of the implementation of Community policies also remain wanting.

Sure enough, smooth administration is not an issue by which a Commission will make its historical mark. Nevertheless, raising the level of EU administrative capacity needs to be a premise for the Commission and the member states alike, as it is critical for the success of Community policies. What is more, the Commission's status is bound to be badly affected in case the management of the Union's daily operations falls short.

Given that it has a grip on its regular tasks, the Commission has to define an overarching project if it aspires to make a difference. Challenges for the EU are manifold, but it is essential to focus efforts. It is also essential that this focus rests on a mutual understanding between the EU institutions, in particular between the Commission and the European Council. The Seville European Council (summer 2002) decided to have the Council presidencies draft their own annual and multi-annual programme besides the Commission's annual legislative programme.

To ensure coherency and to strengthen the relationship between the Commission and the European Council, the new Commission President should from the moment of his nomination engage the European Council in the drafting of a multi-annual mission.¹ Based on a proposal of the incoming President, this multi-annual mission should be discussed and approved by the European Council. The Presidents of the Commission and of the European Council may then together present it to the European Parliament. Thus agreed, the multi-annual mission will not only help EU actors to focus their initiatives but also send an important message to the EU citizens about what they can expect from the Commission.

At the top of the mission for the 2004-09 Commission needs to be economic governance. Despite the great amount of work that has been put into it, the potential gains from the internal market and the common currency fail to be fully reaped. The ever-widening economic agenda of the European Council has brought little results and – by encouraging unrealistic expectations – has damaged the credibility of European institutions. The main reason for this is that the national governments are unable to develop a concerted economic policy strategy at the European level. When it comes to key economic policy decisions, governments have difficulties putting through the necessary reforms.

The Commission can take the lead in refocusing the EU's economic agenda by concentrating on those issues that are likely to deliver concrete economic results: extending the internal

¹ Cf. Article I-25.1 of the European Convention's draft Constitutional Treaty: "[The European Commission] shall initiate the Union's annual and multiannual programming with a view to achieving interinstitutional agreements".

market and making it work, respecting the (reformed) stability pact, redirecting EU budget streams and improving innovation. The Commission's ability to drive such a re-orientation would be helped by certain Treaty reforms (formalising the Eurogroup, reinforcing the arbitrating role of the Commission). Still, as long as these remain absent, the Commission can seize the initiative by proposing a clear strategy and concrete policies that also prod the national governments forward.

The second area that needs to be featured in the incoming Commission's mission is justice and home affairs. Here a strong political will driven forward by mounting popular concerns coincides with an expansion of the formal powers of the Commission. Past political initiatives taken without the involvement of the Commission often failed for lack of implementation. Typically, the Schengen agreements only took off in operational terms after they were incorporated into the EU framework.

The Commission now has the chance to demonstrate that, as a supranational administration, it can make a difference. It should use the present political momentum to put European migration policy at the top of the EU agenda. Initiatives can also be taken in the field of civil law matters relating to the internal market and the free movement of persons. Furthermore, there is the clear demand for a coordinated EU response to cross-border crime. This in particular is a field that cannot be tackled in an ad hoc way. The Commission is the obvious institution to take the lead in setting out a coherent strategy – matching formal arrangements with operational capacity, substantive regulations with coordination in procedural matters, and concern about societal security with respect for individual security and liberties.²

Besides economic governance and justice and home affairs, the EU agenda in the coming years is bound to feature foreign policy and defence issues. As the Commission lacks substantial competences in these fields, changes are likely to take place outside its remit. Clearly, however, the Commission can not and should not ignore these developments. It has to monitor the initiatives for their coherency with its own external and internal responsibilities. More generally, the Commission needs to take a vigilant stance to ensure the integrity of the European house (as is also prefigured in the single EU legal personality proposed in the Convention's draft Constitutional Treaty) and to prevent the emergence of new European institutions working at cross-purposes with each other.

3. *The internal organisation of the College of Commissioners needs to be firmly based on the principle of collegiality, with the Commission President assigning portfolios on the basis of substantive tasks rather than administrative entities.*

The expansion of the College of Commissioners to 25 is already a cause for concern for many. The Treaty of Nice also gave a clear signal that the College cannot be expanded indefinitely. Still, while a College of 25 is not ideal from the perspective of effectiveness, there is no reason to think it impossible to make it work. It does however require a practical orientation rather than a rash flight into institutional engineering.

For a start, there is the incontrovertible fact of the basic equality of all Commissioners. Any attempt to structurally exclude a subgroup of Commissioners from participating in certain decisions is bound to backfire on the principle of collegiality, which ensures that

² Cf. Malcolm Anderson and Joanna Apap, *Striking a Balance between Freedom, Security and Justice*, CEPS Paperback, Brussels, November 2002.

responsibility for any Commission policy is eventually shared by all Commissioners. Hence, we are sceptical about proposals to disperse responsibility for decision-making, either horizontally (across thematic clusters) or vertically (across tiers). In the end there is only one proper locus of responsibility in the Commission and that is within the College of Commissioners as a whole.

Of course, not all work can be done by the College as a whole. Inevitably, subgroups will be formed – as indeed they always have. However, rather than being forged through a formal predefined structure, each subgroup should take shape on an ad hoc basis, according to the requirements at hand. What is more, eventually, such subgroups will always operate at the service of the College as a whole and will not be able to decide anything by themselves.

A further temptation to be resisted is to continue the tradition of carving up the Commission administration to ensure that each Commissioner has her or his ‘own’ Directorate-General (DG). This approach decreases coordination and coherency in the Commission administration, while increasing the chances of portfolio infighting between segments of the organisation. In fact, in our view, the Commission’s organisation has already become much too fragmented and there are strong arguments in favour of reducing the number of DGs to a dozen or so – the reorganisation of the Council Secretariat may serve as an example in this respect.

As a logical corollary, the Commissioners’ portfolios need to be defined in terms of substantive tasks rather than in terms of administrative entities. As the Treaty of Nice makes clear, the definition and assignment of portfolios are the responsibility of the Commission President. A stronger task orientation logically also leads to greater dynamics in the assignment of portfolios. Thus this power can become an important instrument with which the Commission President can focus the Commission’s efforts.

To fulfil their tasks, the Commissioners will call upon the Commission administration and in fact this will mean that DGs will be working for several Commissioners at the same time. The latter should not be a problem; it is a matter for the administrative organisation to ensure the coherency of the efforts made. Indeed, this may well serve as an extra check on the coherency of the Commission’s strategy developed in the College.

To ensure the capacity of the Commission’s administration to follow up on policy priorities and to coordinate and cooperate horizontally across the organisation, the reinforcement of the position of the Commission President needs to be complemented with the reinvigoration of the office of the Commission’s Secretary-General. The Secretary-General needs to have the capacities to act as:

- Guardian of the rules of proper conduct by Commissioners, members of cabinets and DGs;
- Manager of a centralised selection and appointment system for high-grade staff, based on objective and transparent criteria, under the surveillance – but not interference – of the Commissioner for personnel;
- Centre of coordination of policy implementation, to ensure that goals set by the Commission are indeed pursued and achieved by Commission services.

Of course, the selection of this figure should be restricted to the highest-ranking officials from the Commission (experienced and successful DGs) or national (top quality) administrative officials, with proven managerial capacity.

By Way of Conclusion

The roles of the Commission and its President have only become more demanding and more difficult over time. The Commission often has to overcome a goodly amount of reluctance on the side of the national governments. At the same time, any one engaged in the project of European integration is bound to recognise that the Commission's role is vital if intergovernmental differences are to be overcome and if political commitments are to be delivered upon. It is this premise on which the Commission can build in re-establishing itself at the centre of the European project and in contributing to its successful continuation.

A strong and well-functioning Commission is a necessary (not a sufficient) precondition to rebuilding citizens' confidence in the institutional system of the European Union. An effective Commission gives reassurance to the smaller member states that the general interest is duly taken into account. A strong and articulate President gives a face to the institutional system and contributes to a wider understanding of the underlying issues.

With a new team of Commissioners entering office in a new, enlarged European Union, the incoming European Commission can make a fresh start, saving the best of what the Commission has become up till now but also looking afresh at what it is and where it stands within the overall EU architecture. Moreover, if the Commission is to seize this moment, it is crucial that it acts right from the start, as it will only become more difficult to put things right with the passage of time.

There is no straightforward recipe for a successful Commission but there are principles that may help in making the right decisions. By having tried to identify some of these principles we hope to do a service not only to the next Commission but, by implication, also to the Union as a whole.

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