

The Future European Commission

The Debate Regarding Leadership, Collegiality and Tasks

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Following the European Parliament's approval, a new European Commission will start its work on November 1st in Brussels under the direction of Jose Manuel Durao Barroso of Portugal. Barroso announced a Commission that would be defined by leadership, vision and collegiality. These buzz words should be quickly filled out with concrete objectives for the decision-making process. Given the size and heterogeneity of the Commission, Barroso and his team have to deliver convincing proof of their determination to take responsibility for the core functions of the Commission as a team. This implies, above all, focusing on the general interest of the European Union and demonstrating a willingness to strengthen the Commission's role as the engine of integration, the initiator of legislation, and the guardian of the treaties and community law.

At the end of July the newly elected European Parliament agreed to the nomination of the Portuguese Prime Minister to the post of President of the European Commission. Thereafter, Barroso selected the other 24 members of the Commission in consultation with the governments of the member states. The hearings with the nominated Commissioners will take place from September 27 to October 7 in the parliamentary committees corresponding to their portfolios. The nominees as a group will then be subject to parliamentary approval during the plenary sitting from October 25 to 28.

Under the Treaty of Nice, the new President of the Commission has the explicit power to politically direct the other Commission members (Article 217 EC Treaty).

In particular, this applies to the assignment of tasks and portfolios, and because parliamentary approval of the Commission as a whole is necessary, the President has a higher personal responsibility to the Members of Parliament. With these arrangements the future President of the Commission is now in a key position between the Council of Ministers and the European Council on the one hand and Parliament on the other.

Against the background of this configuration the public debate about the new Commission introduced important questions, but they were not thoroughly discussed: Does Barroso have the leadership qualities that he himself has praised and how can he put into practice his leadership rights provided for by the Treaty in the

course of the nomination process as well as in daily routines of the Commission? Is the proposed team prepared for the challenges of the upcoming mandate period from 2004 to 2009? Do the nominated commissioners share the same political vision to the extent necessary to carry out EU policy in collegial cooperation?

Interaction between Parliament, the Council and the Commission

The formal criteria for the selection of the commissioners and their approval are defined by the EC Treaty: The Commissioners must demonstrate that they will act “in the general interest of the Community [and] be completely independent in the performance of their duties” (Article 213 EC Treaty). Throughout the years, further criteria have developed from the investiture procedure and Parliament’s right to subject the Commission to a vote of no confidence. For example, certain constraints on the Commission President have been derived from the Parliament’s rules of procedure. In accepting Parliament’s internal rules, Barroso had to decide early on the allocation of portfolios in order to have sufficient time to prepare for and carry out the hearings. As a result of the hearings, the designated President will find out which nominees or portfolios are the objects of agreement or criticism. He can then use this information to subsequently modify portfolios and programs without damaging the principle of collegiality within the Commission.

Parliament’s assessment factors

The Treaty of Maastricht introduced the procedure by which the approval of the Commission takes place after the formation of the EP. This has led the EP to develop, by means of resolutions to the investiture procedure, assessment factors which establish a direct political relationship between EP and the Commission: First, regarding the nomination of the Commission

members, Barroso and the member state governments were requested to take into consideration the results of the election to the EP and the balance of power in the Parliament. Second, the proportion of women in the Commission is supposed to be increased. Third, the Commission should be made up of people with prior experience in European institutions, be it as Members of Parliament, the Council of Ministers, the Commission or any other EU institution.

The nominated Commissioners are subject to a second group of nomination criteria, derived from Article 217 EC Treaty. The emphasis is on the examination of their professional competence. As a result of the intense questioning of individual candidates, and the accompanying exchange of opinions, the Parliament can exercise indirect influence on the future allocation of responsibilities within the Commission. The parliament expects the candidates to take a stand on concrete EU plans, some of which are already part of the legislative process, and to comment on and explain their priorities for new legislative initiatives in their respective portfolios.

The parliamentary assessment catalogue is supplemented and made more precise by a third group of criteria. The candidates are asked to outline their general political goals for their time in office, to take a stand on critical political questions of the future of the EU, and to signal a willingness to talk to Parliament with respect to interinstitutional questions. To this end, the newly elected EP has defined two focal points: First, the candidates must indicate which of the provisions of the Draft Constitutional Treaty should be implemented prior to the Treaty’s official ratification. Second, the candidates must explain how they would go about accelerating the realization of the Lisbon process.

Enlargement of the Commission and member states' demands

Following the enlargement of the EU to 25 member states, Barroso's first practical test was the creation and justification of additional portfolios. In order to do this, he first split up the following existing portfolios: transport and energy, agriculture and fisheries, internal market and taxation, and budget and anti-fraud. In addition, he brought together institutional relations and communication strategies into one single portfolio and thereby made them more prominent. Until now, the tasks have been divided between the Commissioners Ana Palacio and Neil Kinnock. Barroso appointed five vice-presidents due to the increased need for coordination in the enlarged Commission. Moreover, he proposed three commissioners, who though not vice-presidents would be put in charge of coordination tasks within the Commission (Ferrero-Waldner as deputy chairperson of the group of commissioners for external relations lead by Barroso, Spidla for equal opportunities, and Borg for questions of maritime affairs).

With the increased number of vice-presidents and "coordination commissioners" Barroso succeeded in giving the demanded importance to the commissioners of the bigger and 'old' member states without disregarding the smaller and 'new' member states. Spain and Great Britain were granted with two other attractive posts. The governments of the member states offered Javier Solana, the current High Representative for Common Foreign and Security Policy (CFSP), the post of the future EU foreign minister. In this position he will also be in charge of the planned European Foreign Service (Article III-296 (3) Draft Constitutional Treaty) that will consist of representatives of the member states and the Council secretariat. The Briton Nick Witney was offered responsibility for the management of the new European Defense Agency.

Barroso's decision to appoint the present French Commissioner for Regional Policy,

Jacques Barrot, as vice-president but to give him only the transport portfolio instead of coordination tasks, has been received with disappointment in France. It should not be forgotten, however, that this portfolio has the fourth largest budget and that transport and infrastructure policy will gain additional importance in the context of the implementation of the Lisbon strategy.

Political Profiles of the Commission

At times Barroso has been accused of putting together a Commission that is characterized by its liberal economic inclinations and dominated by Christian Democrats. This allegation cannot withstand closer scrutiny. His nominated team consists of nine Christian Democrats and Conservatives, eight Social Democrats and Socialists, seven Liberals and one member of the Green Party. With regard to the candidates' expertise it has to be noted that 15 of the 18 new commissioners (Almunia, Barrot, Dimas, Reding, Rehn, Verheugen and Wallström will stay in office) occupied high-ranking posts in their home countries: Three were prime ministers, eight were ministers and one was president of parliament. This line-up gives rise to the expectation of a more political rather than technocratic Commission. The fact that only three of the nominated commissioners have experiences as Members of the EP (Buttiglione, Rehn, and Reding) is likely to be met with criticism by the EP.

The fact that some of the new commissioners are very well known in their countries will on the one hand add to the visibility of the Commission, and on the other hand, depending on the popularity of the commissioner, might evoke negative or positive associations. Given their reputations in their home countries, the unpopular Czech Vladimir Spidla (employment, social affairs, and equal opportunities), Peter Mandelson (trade), who was involved in private scandals back in Great Britain, and Charlie McCreevy (internal market), who was fiercely criticized for the costly

fiscal reforms that he enforced, are not the best choices for commissioners. In the case of Mandelson this could have implications for the referendum on the Draft Constitutional Treaty.

Expertise and Allocation of portfolios

The designated commissioners will have to face questions in Parliament, especially concerning their expertise and their role in the interinstitutional framework of the EU. Special attention will be paid to the nominees in the fields of external relations as well as internal market and services and economic and monetary affairs.

The EU's management of foreign policy in perspective

On the basis of his comprehensive foreign policy experience, Barroso has reserved for himself the coordination of the EU's foreign relations. Instead of nominating a vice president in this field, Barroso has set up a group of commissioners responsible for external relations. Benita Ferrero-Waldner, who has been nominated to be the Commissioner for External Relations and EU Neighbourhood Policy, will be the deputy chair of the group. The expertise of the former ambassador, state secretary and foreign minister is not in dispute. Therefore it is even more important to clarify during the hearings the question of what will happen to her portfolio once the EU Foreign Minister takes office. This will probably be in 2007, either after the successful ratification of the Draft Constitutional Treaty or, alternatively, on the basis of a potential additional protocol to the Treaty of Nice. The creation of an independent portfolio for the EU Neighbourhood Policy under the leadership of Ferrero-Waldner would be one possibility. If Solana, in the case of the merger of the post of the High Representative of the Council for CFSP with the post of the Commissioner for External Relations, becomes the new

EU Foreign Minister, the current nominee for Commissioner for Economic and Monetary Affairs (Almunia) would have to step down because Spain cannot occupy two posts within the Commission since this would contravene the Treaty. It would therefore also be possible for Ferrero-Waldner to take over the portfolio for Economic and Monetary Affairs in 2007 and then the portfolio for EU Neighbourhood Policy would be transferred to the EU Foreign Minister. As a potential Commissioner for Economic and Monetary Affairs, Ferrero-Waldner would now have to answer the questions of the responsible parliamentary committee.

Another option would be the merger of the two external relations posts in favor of Ferrero-Waldner, the current nominee for Commissioner for External Relations and European Neighbourhood Policy. She would have the necessary expertise and Almunia could in this case retain his portfolio. Certainly, a solution of this kind would provoke critical questions in Austria because its neutrality would restrict its participation in the field of European Security and Defense Policy (ESDP) as well as in the so called permanent structured cooperation (Art III–312, Draft Constitutional Treaty). In this case, Ferrero-Waldner would have to explain to the other member states who are interested in deepening CFSP and ESDP that under no circumstances would she let herself be influenced by the debates taking place within Austria.

A less controversial option, from the perspective of the member state's integration into NATO and CFSP/ESDP structures, would be the assumption of the Foreign Minister portfolio by the Belgian Louis Michel, who is nominated to be Commissioner for Development and Humanitarian Aid. Michel also can fall back on many years of experience as Belgium's foreign minister and deputy prime minister. His nomination as EU Foreign Minister could generate opposition from the America-friendly governments of Central and Eastern Europe and Great Britain because Michel has expressed

a rather critical view of the Bush administration's foreign and security policy. On the other hand, the advantage of a merger of the external relation posts in favor of Michel is that Ferrero-Waldner could bring together under one roof the portfolio of EU Neighbourhood and Development Policy and at the same time unify the essential support and financial instruments of EU external relations.

In any event, the installation of the Foreign Minister in 2007—midway through the legislative period—has implications for the upcoming investiture procedure of the Commission: The Foreign Minister will act as the Commissioner for External Relations and in this position he will be responsible to the Parliament. He or she should therefore submit to the investiture procedure like all Commissioners. The future installation of a Foreign Minister hence needs to be addressed and anticipated in the upcoming hearings.

No Super-Commissioner for Economic and Industrial Policy

In Spring 2004, Germany, France and England demanded the nomination of a vice president of the Commission who would be exclusively responsible for questions of economic reform. In this context, the name of the Enlargement Commissioner Günter Verheugen was put forward. Barroso did not want to let the “big” three impose any decisions on him and he took over the chair of a newly installed “Lisbon Group” for economic reforms. Verheugen, however, will not only function as the group's deputy chair but also in the future will represent the Commission in the “Competitiveness” Council. Since more than one Commission portfolio corresponds to the Competitiveness Council, Verheugen will have to coordinate the portfolios for Competition (Neelie Kroes), the Internal Market and Services (Charlie McCreevy), Science and Research (Janez Potocnik) as well as Taxation and Customs Union (Ingrida Udre). The com-

missioner responsible for Trade (Peter Mandelson) should also become a member of this group, although his portfolio has had for a long time a direct and good working relationship with a different Council configuration, namely the External Relations Council.

The creation of a coordination and representative role of individual commissioners for a specific Council configuration (in this case Competitiveness) presents a new type of problem: the Council configurations generally have very broad agendas and the participation of the Commission in the end always depends on the Council's current need for advice. A clear connection between Commission portfolios and individual Council configurations has not yet been defined. The reasons for this are obvious: first, the design of the Commission portfolios is not dependent on another institution and second, the internal structure of the Council is defined only by its own self-governance rules. The reorganization of Council configurations has up until now been used as a flexible instrument for the streamlining of certain tasks of the Council as well as for the internal coordination of the different bodies.

Barroso and his team should clarify whether there should be a general alignment of the Commission with the internal structure of the Council. If so, it first would be necessary to take into account the fact that the Council configurations could change again during the tenure of the Commission without first consulting the Commission. Second, there would be the risk that the alignment of Commission portfolios with Council bodies would be perceived as the subordination of the Commission to the Council and its internal structures. Barroso has not yet answered the question why he let himself be influenced by the Council structures in connection with the creation of groups in the Commission and not by the committee structures of the European Parliament. If the goal of the creation of groups within the Commission is to define representative

and coordination functions within the Commission in the interest of increasing efficiency with respect to the legislator of the EU, then it should be remembered during the parliamentary hearings—at the latest—that legislating in the field of “Competitiveness” has already since 1993 been shared between the Council and the Parliament!

Barroso’s current concept gives the negative impression that he only wants to secure the agreement of the heads of government of Germany, France and Great Britain, by accommodating the demands of the *Berliner Trilaterale* (see SWP-Aktuell 10/2004). Such a goal can, in the course of the upcoming tenure of the Commission, quickly run into opposition from the smaller countries as well as from the parliamentary committees, which feel stripped of their importance due to the focus of the Commission on the Competitiveness Council.

Such doubts will also be reinforced by the fact that Verheugen’s responsibilities in his post as Commissioner for Enterprise and Industry include the fields of industrial policy, competition policy, aviation and space, tourism and the free movement of goods in the internal market. With all of these responsibilities, Verheugen will have a special position in the field of EU economic policy. The only thing missing for him to be “Super-Commissioner for Economic and Industrial Policy,” as the press has called the post called for by the *Berliner Trilaterale*, is the authority to give instructions. Right after his nomination, Verheugen was accused of lacking economic expertise. At first glance, this claim does not mean much given that the exercise of the political mandate of a commissioner is above all dependent on how the structures of communication, coordination and direction are developed in relation to the affected directorate generals. During his time as Enlargement Commissioner, Verheugen demonstrated that he has the necessary leadership ability. In this post he was also responsible for the negotiation of

the accession agreements in the area of industrial policy. No noteworthy deficiencies or significant negotiation mistakes were attributed to him at any time.

Expectation Pressure and Rash Criticisms

In the last few weeks, it was frequently written that Barroso should take the former Commission President Jacques Delors as his model. Like Barroso, Delors also was not the first choice for the post of the Commission President in 1984. But with the help of his charismatic and powerful leadership style, he created a Commission committed to the principle of collegiality and achieved surprising advances in integration in the field of the internal market and monetary union. A comparable self-discipline and integration dynamic is expected following Prodi’s weak presidency. Prodi is responsible for the fact that the Commission has lost its ability to define and focus European interests—in the internal relations of the EU as well as in relation to third countries and international organizations. In the past few years he could not prevent the commissioners from externally expressing varying and contradictory positions and from being instrumentalized to serve the individual interests of the member states. If in Barroso’s Commission individual commissioners again go public with conflicting proposals, the power of the Commission to define the interests of the European Community and its function as the “engine of integration” and the “representative of community interests” will inevitably be damaged.

The Direction and Priorities of the Commission

Therefore, Barroso has the task of defining a unifying direction for all the portfolios of the Commission. The outgoing Commission can take credit for the enlargement of the Union by ten new member states. In the near future, comparable projects at most

can be expected to include the creation of a coherent European foreign and security policy and the consolidation of the area of freedom, security and justice. The ability to reach these goals will be limited, however, to a large extent, by the fact that the principle of unanimity in the Council applies to both policy fields. In addition, an influential group of states has fundamental reservations with respect to further integration in these fields. Moreover, the Commission has to share the right of initiative with the member states and not all member states take part in all of the integration projects in these two fields.

Barroso has so far not presented a coherent agenda. During his appearance in the European Parliament he only came up with a few buzz words such as solidarity, security and prosperity. It is not clear how this is supposed to add up to a coherent direction for the portfolios during the five year tenure of the Commission.

Challenges of the Future Commission

The parliamentary hearings of the commissioners are a fundamental expression of the democratic elective and control power of Parliament. The hearings will put to the test the future working relationship of Parliament and the Commission. The conduct of this relationship will be the subject of a joint framework agreement for the Code of Conduct of the Commission.

Before the beginning of the hearings, Barroso should deliver to Parliament a first draft of his political agenda for the entire tenure of the Commission in order to give Parliament something to which it can refer. The willingness of the commissioners designate to subject themselves to the corresponding guidelines of such a "contrat de législation" would be the best proof of their commitment to follow the 'agreed' agenda, their respect for Parliament, and their willingness to subordinate themselves to the Commission's hierarchy. Only if the Commission sticks to the principle of collegial-

ity will it be able to avoid being reduced to implementing the decisions of the Council of Ministers and merely reflecting the balance of power in the European Council.

To a large extent, the Commission will be busy with the accession negotiations with Bulgaria, Romania and probably Croatia and Turkey. This work will be framed by the national ratification procedures and referenda for the Draft Constitutional Treaty, which in the best case will be effective between the end of 2006 and the beginning of 2007.

Barroso's most important political priority is obviously the implementation of the Lisbon strategy which aims to make the EU the most dynamic economic area of the world by 2010. The midpoint evaluation of the strategy is due in 2005, which will be an early test of the new Commission and its priorities. Barroso's nominations give the impression that he is focused on the economic policy aspects of the Lisbon strategy. In fact, this strategy consists of three pillars of the EU policy of sustainable development: the economy, welfare and the environment. The Commission should therefore quickly explain how it plans to establish a clear order and coherent direction for the three policy pillars.

A new socio-political agenda for the period after 2006 will also have to be laid out in 2005. In addition, the European area of security, freedom and justice should be consolidated and the Cotonou Agreement with the countries of Africa, the Caribbean and the Pacific needs to be revised. The Commission should take the initiative with respect to these matters rather than waiting for the European Council to do so.

Since Barroso chairs the Lisbon Group, the advances in implementing the Lisbon strategy will be a measure of his ability. In light of the concentration of resources in the economic field, the players in German EU politics should put into place a compatible coordination and instruction structure in the federal ministries as well as between the government and parliament. The government should more closely

examine whether, below the level of federal coordination bodies covering more than one policy field, a coordination structure responsible for the Lisbon strategy and questions of sustainable policies should be institutionalized under the Chancellery or the Foreign Ministry.

As already mentioned, Barroso has claimed for himself the coordination of the EU's foreign policy agendas, although the national governments remain ultimately responsible for these policies. In this context, it is important to note that the Draft Constitutional Treaty does not specify the institutional placement of the European Foreign Minister. Technically speaking, the Foreign Minister will act as both the chair of the EU External Relations Council and the Commissioner for External Relations. However, it is not clear whether the Foreign Minister will follow the working and negotiation methods of the Council or those of the Commission and this will largely depend on the person selected to be Foreign Minister. Due to the currently minor competencies of the Commission in the field of CFSP, the Commission President will not be able to distinguish himself in foreign policy. In light of this temporary uncertainty, the key players in German EU policy need to take action, because the institutional placement of the Foreign Minister also depends on the political will of the member states. The key actors in the federal government and parliament should therefore, in the course of the next two years, weigh the advantages and drawbacks, for the German foreign and EU policy, of the orientation of the Foreign Minister towards the Council or the Commission.

Margot Wallström will face important and new challenges in her role as personal deputy of the Commission President and as Commissioner for Institutional Relations and Communication Strategy. Together with Barroso she has to undertake the long overdue task of fixing the lack of coherence between the individual portfolios within the Commission as well as the communication of the Commission's work to Parlia-

ment, the Council, the European Council and national parliaments. If the Commission splits into factions, it will only be seen as an instrument of individual member state initiatives or of the parties in the European Parliament and will be deemed to be a failure right from the start. The players in German EU policy should therefore, more than before, make sure that they articulate the requests made in their own national interest in and to "Brussels," especially in the Council of Ministers and in talks with the Commission President, but not to individual commissioners. Such individualized exertion of influence would be carefully watched throughout Europe and would provoke corresponding reactions from the other member states. It cannot be in the interest of the biggest member state, which depends on other states and economies the most, to split the Commission and render it unable to function properly.

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Overview

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Commissioner	Country	Function in the Commission
Barroso , José Manuel Durão	Portugal	Commission President, Chairman of the “Lisbon Strategy” Group, Chairman of the “External Relations” Group
Wallström , Margot	Sweden	Vice President and personal deputy of Barroso, Commissioner for Institutional Relations and Communication Strategy, Chairwoman of the “Communication and Planning” Group
Verheugen , Günter	Germany	Vice President, Commissioner for Enterprise and Industry, Deputy Chairman of the “Lisbon Strategy” Group, Chairman of group of Commissioners for the “Competitiveness” Council
Kallas , Siim	Estonia	Vice President, Commissioner for Administrative Affairs, Audit and Anti-Fraud, Chairman of the “Audit” Group
Barrot , Jacques	France	Vice President, Commissioner for Transport
Buttiglione , Rocco	Italy	Vice President, Commissioner for Justice, Freedom and Security
Borg , Joe	Malta	Commissioner for Fisheries and Maritime Affairs, Chairman of the “Maritime Policy” Group
Ferrero-Waldner , Benita	Austria	Commissioner for External Relations and European Neighbourhood Policy, Deputy Chairwoman of the “External Relations” Group
Spidla , Vladimír	Czech Republic	Commissioner for Employment, Social Affairs and Equal Opportunities, Chairman of the “Equal Opportunities” Group
Almunia , Joaquín	Spain	Commissioner for Economic and Monetary Affairs
Dimas , Stavros	Greece	Commissioner for Environment
Figel , Ján	Slovakia	Commissioner for Education, Training, Culture and Multilingualism
Fischer Boel , Else Mariann	Denmark	Commissioner for Agriculture and Rural Development
Grybauskaitė , Dalia	Lithuania	Commissioner for Financial Programming and Budget
Hübner , Danuta	Poland	Commissioner for Regional Policy
Kovács , László	Hungary	Commissioner for Energy
Kroes , Neelie	The Netherlands	Commissioner for Competition
Kyprianou , Markos	Cyprus	Commissioner for Health and Consumers Protection
Mandelson , Peter	Great Britain	Commissioner for Trade
McCreevy , Charlie	Ireland	Commissioner for Internal Market and Services
Michel , Louis	Belgium	Commissioner for Development and Humanitarian Aid
Potocnik , Janez	Slovenia	Commissioner for Science and Research
Reding , Viviane	Luxembourg	Commissioner for Information Society and Media
Rehn , Olli	Finland	Commissioner for Enlargement
Udre , Ingrida	Latvia	Commissioner for Taxation and Customs Union