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The next European Commission: tips for the President-elect

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Background

By the time its term of office expires later this year, the Barroso Commission will have navigated very difficult waters. It began in autumn 2004 with the 'crisis of investiture' in the European Parliament. This was followed by three failed referenda in the EU Member States: two on the Constitutional Treaty (2005) and one on the Lisbon Treaty (2008). These have contributed to a partial paralysis in EU policy-making, denting the Union's overall legitimacy and questioning the basis on which its institutions (including the Commission) will operate in future.

In terms of internal functioning, the present College has been the first to operate in the enlarged Union and with one Commissioner per Member State. This new rule has had a significant impact on its *modus operandi*. Size matters, and collegiality has suffered. More subtly, the 1 x 1 rule seems to have marginally strengthened the links between individual Commissioners and 'the country they know best' – which is totally acceptable (and at times even welcome) when it comes to acting as a political interface between the Berlaymont and national capitals, but less so when it constrains the freedom of judgment and action of College members. It has also further compartmentalised their work, with cascading effects on and between the services.

Traditional collegiate policy-making is also on the wane due, in part, to the leadership style of President José Manuel Barroso. Personalities matter and by cultivating bilateral ties with individual Commissioners, strengthening the role of the Secretariat-General, shaping ever-more draft legislation by written procedure and avoiding votes in the College, President Barroso has contributed to centralising decisions and reinforcing his own role – thus paving the way for a new form of 'presidentialisation'.

In terms of policy objectives, the outgoing Commission began by earmarking the Lisbon Agenda for growth and jobs as its core commitment. But it soon realised that its own competences in this area were quite limited and that most Member States were not wildly keen on complying with those objectives. So, when the Energy Policy for Europe was launched in March 2007, it was seized upon as a welcome opportunity to refocus the Commission's work and identify deliverables.

In terms of legislation, the balance sheet is mixed. The REACH and the Services Directives were a legacy of the previous Commission, and their shape was eventually determined by the European Parliament. On the other hand, the energy and climate package delivered at the end of 2008 was very much a child of intensive Commission work, in close cooperation with the French Presidency and the European Parliament's political groups.

A bridge over troubled water?

The Barroso Commission should not be held primarily responsible for the overall state of EU affairs. While it is difficult to deny that the Union has been dealt several

blows in recent years (first and foremost by its citizens), and while it is fairly evident that the Commission proper has somewhat lost ground in the inter-institutional game (to the advantage of both the Council and the Parliament) and more generally, it is also arguable that President Barroso and his colleagues have tried their best to make the most of a relatively poor hand.

With Member States (old and new) becoming increasingly assertive, identifying and shaping the European 'common interest' has become increasingly tricky. With the Parliament turning into the main legislative player in most policy areas, another historical role of the Commission is – if not entirely under threat – clearly evolving into a different one.

Moreover, collegiality often means different things to different people, and is difficult to 'measure' and assess convincingly. Voting inside the College, *per se*, is hardly an indicator of its good (or bad) functioning. Centralisation may work both ways: in the outgoing Commission, it has sometimes helped solve conflicts inside the College and sometimes unnecessarily politicised issues that could more easily be addressed at the technical level.

Finally, 'presidentialisation' is also an emerging trend in national governments and the Union itself: EU policy-making is increasingly 'inter-domestic' and, consequently, key compromises and deals are made at the highest level – which explains the increasing dominance of the European Council over other Council formations.

The Barroso Commission has not been helped either by the virtual disappearance of core stakeholders of the integration process. In fact, compared with previous Colleges (especially those led by Jacques Delors), it has lacked the encouragement and support of a sufficiently large and like-minded group of Member State governments.

The Franco-German 'engine' began stuttering in the mid-1990s, and its revival by Jacques Chirac and Gerhard Schröder was short-lived, driven by specific interests and, at any rate, insufficient to 'carry' a Union of 25/27. Tony Blair's re-engagement with Europe proved limited and was soon overtaken by the Iraq issue. The Benelux bloc has almost crumbled. Italy has been too mercurial. No alternative centre of political gravity has emerged and enlargement may also have made things slightly more difficult, with some new Member States going through complicated learning processes.

As a result, the Barroso Commission has operated in a changing and shaky political environment, and without a safety net. Still, as an institution, it has emerged relatively unscathed from the three failed treaty referenda; it has kept the EU flag waving above the fray; it has identified the growing importance of energy as an overarching policy issue; and now it can (and must) shape a new role for itself, if it does not want to become a mix between a think tank and an executive agency of the Council.

To this end, it has to play to its intrinsic and historical strengths: being a single administration with a single legal structure, and acting as a catalyst/*fédérateur* between different interests – both national and sectoral.

State of play

It is still unclear exactly when and on what legal basis (Nice or Lisbon) the next Commission will take office. What seems relatively clear, however, is that it will be, once again, a numerous Commission: 27 if Lisbon applies, or 26 (plus the High Representative for Common Foreign and Security Policy) in the Nice framework. In either case, the Irish demand to maintain the one Commissioner per Member State rule transforms what was conceived as a temporary arrangement into a permanent one.

While some believe the two-thirds rule enshrined in the Lisbon Treaty (and previously in the 'Constitution') might have generated more problems than it solved, one cannot turn a blind eye to the fact that the guarantee being offered to Ireland in return for ratification creates a new situation which impinges on the Commission's overall functionality – and may require some changes in the College's overall set-up.

It also seems likely that the decision on the next Commission President will be taken – at least at the political level – in the wake of the June European elections, while the nomination of the individual Commissioners will occur only after the second Irish referendum, in October. If Lisbon is ratified, the appointment of the new High Representative and Commission Vice-President (HR/VP) and the new European Council President will also follow.

As a result, the Commission President-elect will have a few months to think carefully and thoroughly about the most appropriate set-up for the next College, adapt it (if necessary) to the eventual institutional and legal context, and put the right people in the right places. From the Commission's point of view,

this may represent a unique opportunity to mark the territory in advance and put forward innovative solutions.

It is also quite clear at this stage that, if and when the Lisbon Treaty enters into force, it will constitute the framework of the European integration process for many years to come. Institutional reform '*fatigue*' is palpable everywhere across the Union: no new 'big leap forward' is in sight and any further evolution will only be put on the table in response to external challenges and crises, rather than because of internal dynamics. Indeed, it may be that only crises will become catalysts for further change and integration, in line with Jean Monnet's original *solidarités de fait* – as the experience of the past few months has already demonstrated.

Prospects

In the second half of this year, the Commission's President-elect should therefore concentrate on a new, Lisbon-compatible set-up for the next College, although the implementation of the new Treaty will require time and adjustments (indeed, even the overall size of the College may change if/when Croatia and, possibly, Iceland join the EU).

Most importantly, the next Commission needs to adapt to the new internal and external context. This means improving its ability to deliver on policy (efficiency); overcoming the excessive compartmentalisation of recent years (coherence); and better promoting itself and its priorities to the outside world (transparency, communication).

As a bureaucratic organisation, today's Commission is the result of a long process of 'organic' growth; i.e. the accumulation of services and portfolios on the basis of increasing competences and *ad hoc* solutions. This cannot be changed overnight, of course, but a few 'bridging' solutions can (and should) be put in place to pave the way for a more flexible and less inward-looking structure. The Lisbon Treaty itself imposes innovation, but change is needed even without it.

The 'West Wing'

To start with, the President-elect could turn the creeping 'presidentialisation' of the recent past into an opportunity to raise the institution's profile (especially in anticipation of the arrival of both the European Council President and the HR/VP); to give more external visibility to the various facets of EU action; and to contain unnecessary internal fragmentation. By further strengthening the role and legitimacy of the Commission President, the Lisbon Treaty points in the same direction.

To this end, s/he should aim at shaping a sort of 'West Wing' inside the Berlaymont and bring under his/her supervision those functions which can ensure a more effective coordination of Commission work. These should include all 'horizontal' services – legal, linguistic and administrative – but also such key functions as public dialogue and outreach (publications, relations with EU citizens), liaising with the media and other EU institutions (the European Parliament and the Presidency), and coordination of the numerous crisis management units spread across various Directorates-General (DGs).

Last but certainly not least, the Commission's 'West Wing' should host a much strengthened section devoted to forward policy planning and strategy – the 'vision thing', to use another American political metaphor. This should not only rely upon the relevant units in the DGs or the current Bureau of European Policy Advisors (BEPA), but also attract new talent and know-how from unconventional areas and walks of life to support policy innovation and future-oriented solutions.

These services and functions need not necessarily all lie in the President's own hands. S/he could easily create a 'pool' of Commissioners in charge of some of them (with 27-plus, there will be no shortage of job requests to accommodate!), but under his/her overall supervision. All the other members of the College could and should chip in as necessary. The 'West Wing', in other words, would serve as a hub to the various spokes spread across the entire Commission.

A new role for VPs

In recent years, the Commission's Vice-Presidents (VPs) have played a primarily ceremonial role. The Lisbon Treaty, however, creates at least one VP – the 'double-hatted' HR in charge of both CFSP and external relations – with higher status and substantial prerogatives inside the College. Moreover, the HR/VP is likely to supervise a 'pool' of Commissioners in charge of relevant policy areas: one could well imagine, in fact, that enlargement, neighbourhood, development, humanitarian aid and peace-building, and (possibly, partially) trade policy will be somehow subject to the 'guidance' of the HR/VP, who will also be supported by a dedicated External Action Service and chair the new Foreign Affairs Council (a virtual third 'hat').

Many important details still remain to be thrashed out in this area, and other dimensions of the Union's external projection (e.g. the regulatory dialogues related to first-pillar policies) will not fall into the HR/VP 'pool'. Indeed,

Commission services still perceive the HR/VP as a sort of 'genetically modified organism' who will contaminate them irremediably. Yet, once again, a treaty obligation could be used by the President-elect as an opportunity, and formalisation of the 'one Commissioner per Member State' rule could encourage a new trade-off between equality among Member States and equality among Commissioners.

The President-elect could thus enhance the role of other VPs in order to 'match', at least in part, the HR/VP (who would otherwise be a *de facto* number two) and give more visibility to the Commission's role.

To start with, there is a compelling case for giving VP role and status to the Commissioner who sits on the ECOFIN Council, and his/her portfolio could also be enriched with banking supervision and financial regulation – thus showing that responding effectively to the current economic crisis is a top priority.

Furthermore, the next Commission could have a VP in charge of 'sustainability' to coordinate policies related to environment, climate change, energy, and infrastructure – thus, once again, giving visibility to another overarching priority for the coming years.

Finally – after the external, the financial, and the physical dimension – the President-elect could consider conferring the market and the social dimensions of EU policy-making on specific VPs. Currently, both are scattered across various portfolios, but a VP overseeing the Single Market would have a much weightier seat on the Competitiveness Council, while a VP in charge of 'human capital' (and sitting on the Employment and Social Council) would also help highlight the other – complementary – side of the Union's economic policies.

Pooling, tasking, and connecting people

In principle, each VP could coordinate a 'pool' of fellow Commissioners. Coordination and representation are, in fact, the two main features of the HR/VP's role as laid down in the Lisbon Treaty: it would be only logical to extend them to all VPs. Such 'pools' could operate as functional sub-units of the College, but without their own decision-making powers and without becoming straitjackets for individual Commissioners: some of them may even not fall neatly into any one pool.

In other words, 'pools' would lie somewhere in between the current 'groups' of Commissioners and the 'clusters' envisaged in the Commission opinion for the 2003-04 Intergovernmental Conference: the former are hardly visible and no more effective, while the latter would create mini-colleges inside the College itself. The pools' main tasks would be, instead, to prepare decisions, ensure a degree of policy oherence and support the VPs' representational role.

The President-elect could also consider tasking Commissioners with delivering policy reports and recommendations on emerging or urgent 'transversal' issues (without waiting for a Council mandate!): for instance, energy security, the 'green' economy, immigration and civil protection.

Such reports could reinforce the ability of the Commission as a whole to react more promptly to new challenges and come up with assessments and options aimed at articulating the EU common interest without necessarily impinging upon Member States' prerogatives. The ever-more numerous Communications released by the Commission rarely fulfil this task, while the ever-more frequent crises make it all the more necessary.

All this said, each new Commission is a sort of blind date: even with the Lisbon Treaty, the President-elect cannot choose his/her colleagues freely. Personalities also matter at this level – along with experience and expertise – and portfolios need to be allocated in light of the candidates' nationality, profile and seniority. However, having a sketchy rationale and tentative blueprint can help, and could also allow the President-elect to spread new approaches, habits and methods downstream – to the *cabinets* and services.

Tomorrow's Europe badly needs a Commission that is more responsive, more adaptable, and more interactive. But that change must begin today.

Antonio Missiroli is Director of Studies at the European Policy Centre. These issues will also be addressed in a forthcoming special issue of the EPC's multi-author journal, Challenge Europe.

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