

CHALLENGE EUROPE

# Yes, we should!

## EU priorities for 2019-2024

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# The European Commission: The need for a clearer set-up

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**MAIN RECOMMENDATION** ▶ The next European Commission should improve on the innovations introduced by the Juncker Commission by turning the Commission College into a more hierarchical structure.

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**WHAT TO DO:**

- ▶ Vice-presidents should become more powerful and their roles clearer defined.
  - ▶ Vice-presidents should coordinate small teams of commissioners in order to streamline work and ensure policy coherence.
  - ▶ Parts of the Commission's policy enforcement role, for example in competition policy, should be transferred to independent agencies.
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As shown by the other contributions in this volume, the next European Commission will have to deal with a number of internal and external challenges, from defending the rule of law to fighting climate change and supporting a sustainable transition to a low-carbon economy, from advancing the reform of the Economic and Monetary Union (EMU) and strengthening the European Union's (EU) social dimension to migration, and to dealing with the world's major powers, but also with the Union's neighbours, including with a post-Brexit United Kingdom (UK).

The structure of the next European Commission will have to take into consideration these and other challenges. Since there will likely be no appetite for substantial treaty changes in the coming years, this piece assumes that the current legal institutional framework will be maintained. Working under the same treaty rules, the future Commission will continue to struggle with some of the institutional challenges the Juncker Commission

**The institutional innovations of the Juncker Commission have transformed the executive into a better functioning one, but the transformation is not complete.**

**Given that problems regarding the rule of law in the member states will likely remain a major challenge during the mandate of the next Commission, it would be crucial to continue to manage that topic from a first vice-president position and thus give it the necessary political backing.**

**Building close working relations between the Commission's political leadership and the leadership of Commission DGs will be essential for the work of the future executive.**

**A more hierarchical and more political Commission would need to handle difficult negotiations, including with Eurosceptic national leaders, and would need at the top a respected and very senior political figure, one that would be on an equal level with the member state leaders.**

also faced, such as the consequences of the 'one country, one commissioner' principle. In addition, the future Commission president will have to confront the challenge of an increased number of Eurosceptic or populist governments nominating Eurosceptic Commissioners.

In general terms, the next European Commission should improve on the innovations introduced by the Juncker Commission by turning the Commission College into a more hierarchical structure, with powerful vice-presidents coordinating small teams of commissioners aiming to streamline work and ensure policy coherence. In the longer-term, parts of the Commission's policy enforcement role, for example in competition policy, should be transferred to independent agencies.

## Too many Commissioners

After successive rounds of enlargement, the number of commissioners in the College is higher than the number of possible weighty portfolios. The large number of commissioners makes a meaningful distribution of portfolios difficult and hampers the effective operation of the College by contributing to the complexity of the decision-making process and facilitating the fragmentation and '*siloesation*' of Commission services.

To address these challenges, different proposals for a more effective structure of the Commission have been put forward over the past decade.<sup>1</sup> President Juncker and his team drew inspiration from these proposals and structured the College in a more hierarchical manner. President Juncker redefined the role of vice-presidents, charging the seven vice-presidents (VPs) with the responsibility for high priority cross-cutting policy fields, such as the Digital Single Market, the Energy Union and Jobs, Growth, Investment and Competitiveness. The vice-presidents, including the High Representative of the Union for Foreign Policy and Security Policy (HR/VP), were entrusted with an enhanced leadership role and the responsibility to coordinate a team of Commissioners with relevant portfolios. This new role for vice-presidents, which was explained in an updated working methods document of the Commission, was meant to improve the Commission's ability to coherently tackle the challenges the EU is facing, by trying to break down the silos within the Commission and allowing for increased interaction between Commissioners, thus aiming to streamline the work of the institution.

The institutional innovations of the Juncker Commission have transformed the executive into a better functioning one, but the transformation is not complete. Under the Juncker Commission, the roles of vice-presidents were not always clearly defined and most of them did not have direct control over Commission services. The lack of direct

access to the Commission services limited the powers of the Vice-Presidents and was a source of frustration as well as a challenge to carving out a clear role for these positions. The limitations on and uncertainties surrounding their powers made leading the Commission's work difficult, especially when portfolio Commissioners were less cooperative.

## Need for clearer hierarchies and better defined roles

To overcome these shortcomings, the next Commission should be organised in a more hierarchical way. The vice-presidents, including the HR/VP, should have an enhanced leadership role, with responsibility for major cross-cutting policy fields, each leading a defined group of commissioners with relevant portfolios. The teams should be no bigger than three to five members to avoid the coordination difficulties we witnessed in the Juncker Commission.

This would also entail an expanded gate-keeper role for the VPs, with a veto right over proposals coming from the commissioners belonging to their teams. Structuring the Commission College in a clearer hierarchy would facilitate a more efficient delegation

of tasks, allowing for a better distribution of resources regarding issues that need urgent solutions. It would also make it easier to adjust the distribution of responsibilities between the president and the vice-presidents in future crisis situations, freeing up resources in the president's team and allowing for a renewed focus on long-term priorities.

While the next Commission should be organised in a more hierarchical way, this will not negate the principle of collegiality. While the teams of commissioners will be led by individual vice-presidents and ultimately by the president (and her/his cabinet), each commissioner will maintain a vote within the College.

## Clearer job descriptions

The next Commission should define more clearly the roles of the vice-presidents and of regular commissioners with respect to their powers and tools. In the Juncker Commission, the roles of the vice-presidents have not always been clear, which has affected the efficiency of the institution. To ensure a more efficient workflow, the vice-presidents should

be given direct control over Commission services (DGs and agencies), as well as over the coordination with the relevant commissioners and the Secretariat-General of the Commission (SecGen). This implies that vice-presidents should be able to direct Commission services to provide them with information and to develop proposals on a given topic.

Assigning vice-presidents and commissioners responsibilities for the same policy areas and thus duplicating their roles within the College should be avoided. Clearly defined portfolios and roles reduce the risk of frictions between

and within the different teams. This has not always been the case in the past: the partial duplication of roles in the energy team of the Juncker Commission is often mentioned as an example.

## Matching portfolios to abilities

Regarding the composition of the College, the next Commission president should focus on achieving a more even distribution of tasks and powers across portfolios, paying particular attention to ensuring that vice-presidents' roles are significant enough. This was not always the case in the Juncker Commission. An example of a 'lighter' vice-president portfolio was the one for the Digital Single Market, held by Andrus Ansip, whose role resembled that of Günther Oettinger, the Commissioner in charge of Digital Economy and Society.

For this to happen, the experience, professional skills, political abilities, and capabilities of the commissioners need to be at a higher level, especially for the VP role. While a strong cabinet of the president

can keep a tight grip on the institution, this cannot sufficiently compensate for 'weak' commissioners and even less so for 'enhanced' vice-presidents. While negotiating with the member states, the Commission president should clearly voice her/his expectations regarding the designated commissioners and reject unsuitable candidates. The next Commission president must strive to achieve a more even gender balance within the College while also ensuring an adequate geographical distribution of key roles. In this, he or she should work closely with the European Parliament (EP), which has already in the past demonstrated its powers by forcing the withdrawal of several unsuitable nominees. The Commission president can use this as a lever with recalcitrant governments.

## What vice-presidents?

The vice-president (VP) positions will depend to a great degree on the priorities of the future Commission. It is not the purpose of this short contribution to define those priorities or offer a full College setup, but some future challenges affecting the choice of VP portfolios are evident.

► **Role of first vice-president:** Given that problems regarding the rule of law in the member states will likely remain a major challenge during the mandate of

the next Commission, it would be crucial to continue to manage that topic from a first vice-president position and thus give it the necessary political backing. The appointment in the Juncker Commission of a First Vice-President for Better Regulation, Inter-Institutional Relations, Rule of Law and Charter of Fundamental Rights was a step in the right direction. The first vice-president also has an important role in deciding what is included in the Commission's annual work programme



and the College agendas. But the future first vice-president, with such a wide set of responsibilities, should also be provided with the proper resources to fulfil the role, thereby reducing over-reliance on the General Secretariat. Despite the high quantity of work, the cabinet of the First Vice-President Timmermans had only one extra staff member compared to the cabinets of other vice-presidents.

► VP for sustainable transition: The topics of climate change and the environment were not high enough on President Juncker's agenda, so the political profile and the resources available to the respective VP will undoubtedly need to be increased. One of the vice-president post should deal with the sustainable transition to a low-carbon economy and coordinate commissioners dealing with dossiers such as climate, energy, environment, sustainable development, and agriculture.

► VP for competitiveness: The EU will also need to increase its investment in the competitiveness of its economy. A vice-president position for competitiveness, to coordinate, among others, the single market, research, innovation and skills, as well as industrial strategy portfolios would be expected.

► VP for convergence, solidarity and a social Europe: The EU's work on employment and social affairs will also need to be strengthened and a political signal to European citizens should be sent

through the creation of a vice-president post with broader responsibilities, one that would also coordinate the work being done in the Commission DGs on issues such as employment and social affairs, education and skills or migration.

► High Representative for Foreign and Security Policy: The future Commission should maintain the integration of the position in the Commission structures and the HR-VP should continue to be one of the vice-presidents of the executive. This would be important to ensure a close working relationship between the European External Action Service (EEAS) and the Commission. While relations between the EEAS and the Commission have improved compared to the initial years of the EEAS and the mandate of the previous HP-VP, more should be done to improve working relations between the two bodies. The EU's foreign policy and external representation would also benefit from better relations and a better coordination between the next HR-VP and the next President of the European Council.

A better allocation of portfolios should also be accompanied by a better distribution of human resources in the cabinets, but also within the Commission more generally. There should be a clear link between the workload of each team and the human resources made available to it. This could contribute to a better functioning of the institution and reduce the human cost incurred by overworked staff.

## Dealing with centralisation

To ensure a proper coordination of efforts, the quality of the interaction between the Commission president, the first vice-president and the vice-presidents will matter greatly. An improved balance between the

coordination role of the vice-presidents and the horizontal responsibilities of the Commission president should be struck. The cabinet of President Juncker tended towards over-centralising decision-making and not

allowing the vice-presidents to properly coordinate their teams. The higher level of centralisation in the Juncker Commission created challenges regarding internal coordination and transparency, contributing to a sense of disillusionment among the staff.

To boost staff morale within the Commission's services, the communication between the commissioners and their cabinets and the services will need to improve. To fully benefit from the existing expertise within the Commission, the Commission services need to be engaged more on those matters in which they are specialised. Communication between future

commissioners and the higher echelons of the DGs also needs to improve, and the regular meetings that the commissioners have with the leadership of their services should become in all cases more than formal rituals. This should be made clear in the mission letters the commissioners will receive from the Commission president at the start of their mandate and should also be an explicit part of the job description of senior posts within the institution. Building close working relations between the Commission's political leadership and the leadership of Commission DGs will be essential for the work of the future executive.

## Dealing with the Eurosceptics

The increase in the number of Eurosceptic governments in the Union will be a potential challenge for the formation and the future work of the next Commission. Most of these governments will likely push for substantial portfolios for their nominees. Much will depend on how constructive the commissioners nominated by these governments will be. As noted above, the Commission president has the power to ask a member state to nominate a different person and can always work with the EP to back up such a request.

However, the next Commission president should avoid further isolating Eurosceptic governments by offering their Commissioner-nominees only light portfolios. The nominated Commission president should consider giving some of them weighty but not 'politically sensitive' portfolios (such as agriculture, regional development or transport), as this would send a message of engagement and would increase their sense of ownership in the European project. But, while engaging these governments constructively, the

president should definitely avoid assigning vice-presidential roles or sensitive portfolios (for example the post responsible for the rule of law) to commissioners coming from countries that have problems in those areas.

This will not necessary resolve the issue of having uncooperative, Eurosceptic commissioners. But a more hierarchical Commission with powerful Vice-Presidents would also be better able to constrain potential unconstructive positions from such individuals.

## A political vs the technocratic roles of the Commission

According to President Juncker, the Commission's composition, with VPs responsible for major cross-cutting policy fields, showed that "it will be more political than its predecessors". President Juncker's "political Commission" was meant to move away from the institution's technocratic image, becoming more pro-active and assertive. However, the Commission's political character will always be constrained by the opposition of the member states to a less technocratic role for the Commission and by its mixed political composition, which will remain a reality. The executive must also avoid becoming 'politicised' and thus avert a (further) strengthening of the inevitable ideological differences among the members of the College. Polarisation along lines of political orientation would negatively affect the work of the College, making it less likely to find compromises and enjoy the trust of the EU member states, which are governed by different political forces.

How political the future Commission will be depends greatly on who will be its future president. A more hierarchical and more political Commission would need to handle difficult negotiations, including with Eurosceptic national leaders, and would

need at the top a respected and very senior political figure, one that would be on an equal level with the member state leaders.

At the same time, a visibly political Commission will raise again the issue of the relation between the institution's political and technocratic nature. The Commission's political and managerial/technocratic functions have often been seen as being at odds with each other. The reinforcement of the Commission's political character will make the more managerial and regulatory activities of the Commission even more evident. This will increase the need to make a clearer separation between the two, at least in the areas where the technocratic function is most visible. The regular processing of tasks according to rules already set would benefit from being separated from a more politically-minded body. For example, separating the enforcement of EU competition policy from the Commission's competition policymaking by transferring it to an independent agency would have the benefit of demonstrating its independence from potential political pressure but also of shielding the Commission from accusations, for example from private actors or non-EU countries, that it is using competition rules for political purposes.

## Continuing the journey to a more effective Commission

Working under the same treaty rules, the next European Commission will have to deal with a number of significant internal and external challenges. Moreover,

compared to 2014, the political climate in Europe has worsened, with more populist forces coming to power in several member states. These challenges will need to be



taken into consideration by the future Commission president when setting up the next College of commissioners. A weak or partially dysfunctional Commission will not be successful in dealing with the multiple challenges facing the EU.

While the Juncker Commission has functioned better than some of its predecessors, the transformation is far from complete. The next Commission will have to improve on the innovations of the Juncker Commission, which were themselves based on the experiences of previous Commission colleges. This includes structuring the College in a clearer hierarchy, with powerful vice-presidents coordinating small teams of commissioners and a better balanced distribution of portfolios. Roles within the College should not be duplicated and the portfolios and roles of the vice-presidents and the regular commissioners will need to be clearly defined. This will streamline the Commission's work and ensure policy coherence.

At the same time, the next College should avoid centralising the decision process in the Berlaymont or in the cabinet of the Commission president too much, as was the case with the Juncker Commission. The College should draw more extensively on the Commission services at its disposal to ensure a higher quality of policy proposals.

The next Commission will have to deal with many external and internal difficulties, including increased levels of Euroscepticism in some of the member states. The next Commission President should engage the Eurosceptic governments and give their Commissioners designate portfolios that would send a message of engagement and responsibility to the countries "they know best". At the same time, the Commission should ensure it has the necessary means and processes in place to defend and pursue its mission if challenged by unconstructive actors. A more hierarchical Commission is critical to manage this risk.

The next Commission president should also organise the College and the DGs along the lines of the challenges it will have to tackle, from the need for a sustainable transition to a low-carbon economy, to the need to increase competitiveness, to an increasingly challenging global environment and to improving the lives and security of European citizens. Over time, parts of the Commission's technocratic and regulatory activities should be transferred to independent agencies, demonstrating and ensuring the independence of Commission decisions.

A political Commission with a clear hierarchy will be better placed to deal with the multiple challenges the EU will face in the years to come. Failing to structure the executive in a more efficient way will limit the Commission's ability to face those challenges and will lead to a further reduction in the influence of this European institution and of the EU as such.

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<sup>1</sup> See for example Missiroli, Antonio (2009), [The next European Commission: tips for the President-elect](#), Brussels: European Policy Centre; Missiroli, Antonio (2009), "[New treaty, new structure?](#)" in *Challenge Europe, The next Commission: doing more and better*, Brussels: European Policy Centre; Zuleeg, Fabian (2014), "[A more effective structure for the Commission](#)", Brussels: European Policy Centre.

<sup>2</sup> When Commissioner Oettinger took over the Budget and Human Resources portfolio in January 2017, his previous digital economy portfolio was added to the portfolio of Ansip.

<sup>3</sup> In 2004 the European Parliament forced the withdrawal of Italy's Commissioner-designate Rocco Buttiglione and in 2010 of Bulgaria's Commissioner-designate Rumiana Jeleva.