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# DISCUSSION PAPER

## The Juncker Commission past midterm: Does the new setup work?

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### Executive summary

To improve the ability of the European Commission to tackle the challenges faced by the European Union (EU), President Jean-Claude Juncker introduced organisational innovations at the start of his mandate in 2014: a new Commission structure, one organised in a more hierarchical way, followed later by a number of other innovations, such as new working methods for the 'Brussels executive'. They were meant to break down the silos within the Commission, allow for increased interaction between Commissioners and streamline the work of the institution.

Apart from the President, the Commission's new structure has at the top seven Vice-Presidents (VPs), who are responsible for major cross-cutting policy fields. 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 project team of Commissioners with relevant portfolios.

President Juncker also announced that his Commission would be more political. It would move away from its technocratic image and become more proactive, opinionated and assertive. Commissioners would be asked to participate in public debates more often, both at the European level and in their countries of origin.

With the Juncker Commission more than halfway through its mandate, it is time to take stock of the ways in which the introduced innovations have changed the way the Brussels executive works. While the Juncker Commission has also set a political agenda based on ten priorities, this Discussion Paper focuses on the institutional innovations. As a result of the changes introduced, the European Commission has been transformed into an institution that is now more openly making political choices, though the change is far from being complete and some flaws are still evident.

The innovations introduced by the Juncker Commission have generally increased its ability to prioritise and improved the quality and coherence of its work. Dividing responsibilities among Vice-Presidents and 'regular' Commissioners has allowed for a more efficient delegation of tasks, and the Commission has managed to act in a more coherent fashion. The current setup, with more powerful Vice-Presidents, also streamlined and brought more focus to the executive.

At the same time, there are still many internal challenges. The higher level of centralisation in the institution added challenges regarding internal coordination, transparency and speed of the decisions taken, contributing to a sense of disillusionment among the staff. The new role of the Vice-Presidents has not always been clear, which has affected the efficiency of the institution. From this perspective, the new structure introduced by the

Juncker Commission is likely to be a transitional one. To address the staff's demoralisation within the Commission, the communication between the upper ranks of the Commission and the services needs to improve. The latter need to be engaged and used in the matters in which they are specialised.

The future Commission President should also focus on achieving a better distribution of portfolios, according to their weight and even distribution. A better allocation of portfolios should also be accompanied by a better distribution of human resources across the cabinets, and within the Commission services more generally.

In recent years, the member states have also been exerting greater influence on the EU institutional setup, including inside the Commission. Although the Juncker Commission is active in the defence of its interest when interacting with the other EU institutions and the member states, there is room for further improvement, so that the Commission does not become a mere secretariat for the member states.

Finally, the political character of future Commissions will depend on the continued link with the outcome of the European elections, established in 2014 through the *Spitzenkandidaten* process. Abandoning this connection would send the wrong message to European citizens regarding the legitimacy of the European Commission. While the political character of the Commission has been reinforced, the more technocratic and regulatory missions of the Commission, such as the enforcement of EU competition rules, have become even more evident and there is a need to make a clearer separation between the two roles.

# Introduction

In September 2014, then President-elect of the European Commission Jean-Claude Juncker put forward his priorities and proposals for the portfolios of Commissioners, and presented a new Commission structure organised in a more hierarchical way, as well as several other innovations. The innovations introduced were meant to break down the policy silos within the Commission, allow for increased interaction between Commissioners and streamline the work of the executive.

With the Juncker Commission more than halfway through its mandate, this Discussion Paper looks at how the introduced changes impacted the way the 'Brussels executive' works. While the Juncker Commission has set a political agenda based on ten priorities, this paper will rather focus on the institutional innovations, by drawing on multiple data sources including individual semi-structured interviews conducted in the European institutions between September 2016 and May 2017, official documents, newspaper articles and secondary literature. What is the exact role of the Vice-Presidents? How influential are they? Have the innovations affected collegiality? Do the project teams work? Have they made the Commission more efficient? Has the Commission become more political, and if so, what are the implications of this development? Does this mean the Commission has been politicised? How have the Commission's relations with the member states and the European Parliament evolved? What are the lessons learned and what should be done in the future?

The Juncker Commission, as the two Barroso Commissions preceding it (2004-2014), had to deal with the consequences of the 'one country, one commissioner' principle<sup>1</sup> which, after successive rounds of enlargement, has led to a higher number of Commissioners in the College relative to the number of weighty portfolios. The high number of Commissioners made a meaningful distribution of portfolios difficult and created challenges regarding the operability of the College, made decision-making more complex and facilitated the fragmentation and '*siloisation*' of Commission services.

To address these challenges, different proposals were put forward for a more hierarchical structure of the Commission compared to the Barroso Commission.<sup>2</sup> Similar proposals resurfaced before the start of the term of the Juncker Commission in 2014.<sup>3</sup> President Juncker and his team drew inspiration from them and structured the new College in a more hierarchical manner.

## ***A political Commission***

To break down policy silos and improve policy coherence and the Commission's output, President Juncker introduced a new structure of the executive and sought to raise its political profile. Apart from the President, the new structure has at its top seven Vice-Presidents (VPs), including the High Representative of the Union for Foreign Policy and Security Policy (HR/VP), chosen for their political weight and origin. According to President Juncker the Commission's composition, with VPs responsible for major cross-cutting policy fields<sup>4</sup> (see Figure 1 below), "shows that it will be more political than its predecessors".<sup>5</sup> In a decisive moment for the state and future of the Union, President Juncker's political Commission was meant to move away from its technocratic image, becoming more pro-active, opinionated and assertive, with Commissioners participating in public debates more often, both at the European level and in their countries of origin.

The Commission President held that "the Commission is not just a troop of anonymous high officials" and that "the directors-general, [...], have to obey their Commissioners and not the other way around" and on another occasion, he added that "the Commission has to take responsibility by being political, and not technocratic". As part of the political character of the Commission, President Juncker also emphasised an increased reflection of the wishes of the European Parliament and the member states, which led it to withdraw a hundred proposals in the first two years of its mandate, present 80% fewer initiatives than during the previous five years, and to request the review of all existing legislation, to focus on "where Europe can provide real added value".<sup>6</sup> President Juncker also stated he wants to maintain the more political character

of the institution by, among other things, abolishing the electoral leave and allowing Commissioners to participate in the next European elections without having to suspend themselves from the Commission.

### ***The project teams***

The more political nature of the Juncker Commission was also reflected in the choice of Commissioners. Like the Commission President, several of the Vice-Presidents (Jyrki Katainen, Valdis Dombrovskis, Andrus Ansip) had been prime-ministers in their home countries, while others (Kristalina Georgieva, Maros Sefcovic) had been Commissioners in the Barroso Commission, or foreign ministers (Frans Timmermans, Federica Mogherini). The Vice-Presidents have an enhanced role and each of them is leading and coordinating a project team of Commissioners with portfolios relevant to their team. There are seven project teams, which deal with *Jobs, Growth, Investment and Competitiveness; Digital Single Market; Energy Union; Euro and Social Dialogue; Better Regulation and Interinstitutional Relations; Budget and Human Resources; Europe in the World.*

**Figure 1. The Juncker Commission College of commissioners**

<b>Name</b>	<b>Portfolio</b>	<b>State</b>	<b>Party<sup>7</sup></b>
Jean-Claude Juncker	President	Luxembourg	EPP
Frans Timmermans	First Vice-President, Better Regulation, Inter-Institutional Relations, Rule of Law and Charter of Fundamental Rights	Netherlands	PES
Federica Mogherini	Vice-President, Foreign Affairs and Security Policy	Italy	PES
Kristalina Georgieva (until Dec. 2016)	Vice-President, Budget and Human Resources	Bulgaria	EPP
Maros Sefcovic	Vice-President, Energy Union	Slovakia	PES
Jyrki Katainen	Vice-President, Jobs, Growth, Investment and Competitiveness	Finland	EPP
Valdis Dombrovskis	Vice-President, Euro and Social Dialogue and Financial Stability, Financial Services and Capital Markets Union	Latvia	EPP
Andrus Ansip	Vice-President, Digital Single Market	Estonia	ALDE
Vera Jourová	Justice and Consumers	Czechia	ALDE
Günther Oettinger	Budget and Human Resources	Germany	EPP
Pierre Moscovici	Economic and Financial Affairs, Taxation and Customs	France	PES
Marianne Thyssen	Employment, Social Affairs, Skills and Labour Mobility	Belgium	EPP
Corina Cretu	Regional Policy	Romania	PES
Johannes Hahn	European Neighbourhood Policy and Enlargement Negotiations	Austria	EPP
Mariya Gabriel (from July 2017)	Digital Economy and Society	Bulgaria	EPP
Dimitris Avramopoulos	Migration and Citizenship	Greece	EPP
Vytienis Andriukaitis	Health and Food Safety	Lithuania	PES

Julian King (from Sept. 2016)	Security Union	United Kingdom	none
Elzbieta Bienkowska	Internal Market, Industry, Entrepreneurship and SMEs	Poland	EPP
Miguel Arias Cañete	Climate Action and Energy	Spain	EPP
Neven Mimica	International Cooperation and Development	Croatia	PES
Margrethe Vestager	Competition	Denmark	ALDE
Violeta Bulc	Transport	Slovenia	ALDE
Cecilia Malmström	Trade	Sweden	ALDE
Karmenu Vella	Environment, Maritime Affairs and Fisheries	Malta	PES
Tibor Navracsics	Education, Culture, Youth and Sport	Hungary	EPP
Carlos Moedas	Research, Science and Innovation	Portugal	EPP
Phil Hogan	Agriculture and Rural Development	Ireland	EPP
Christos Stylianides	Humanitarian Aid and Crisis Management	Cyprus	EPP
Jonathan Hill (until July 2016)	Financial Stability, Financial Services and Capital Markets Union	United Kingdom	AECR

The project teams were set up with the aim of improving policy coherence and efficiency by breaking down the policy silos and overcoming the stove-piped organisation of the Commission, which previously posed challenges in terms of coordination. The composition of the teams varies according to the topic, which means that Commissioners belong to more than one project team and need to coordinate with more than one Vice-President. The Vice-Presidents also act as gate-keepers. They have a veto right over proposals coming from the Commissioners that belong to their teams, even before they reach the First Vice-President, former Dutch Foreign Minister Frans Timmermans.

The latter occupies a special place among the Vice-Presidents. He is responsible for *Better Regulation, Inter-Institutional Relations, the Rule of Law and the Charter of Fundamental Rights* and must guarantee that Commission proposals respect the principles of subsidiarity and proportionality. The First Vice-President must check that what is brought to the political level is political and has an important role in deciding what is included in the Commission's Annual Work Programme and the College agendas, which is part of what makes the Juncker Commission more political.

The Commission describes its new structure as being part of the ethos of *Better regulation*, thus also signalling an attempt to foster a cultural change within the institution. This is meant to make the Commission's decision-making more transparent, increase the involvement of citizens and stakeholders throughout the policymaking process, base the executive's actions on a better understanding of their impact and to reduce burdens on citizens and businesses.

### ***The ten priorities***

While the Barroso Commissions' priorities were sometimes considered blurred and too wide, President Juncker signalled a move away from micro-managing and proposed a more focused and more political approach based on ten priorities<sup>8</sup> (see figure 2 below). Several interviewees<sup>9</sup> have argued that the intensity of work on the priorities varies, depending on the changing realities. However, the fact that the priorities have not changed since 2014 opens them to criticism of not adapting to new realities (for example, a balanced EU-US Free Trade Agreement is still one of the priorities, despite the negotiations having stalled under the current US administration).

**Figure 2. The ten priorities of the Juncker Commission**

1. Jobs, growth and investment  
Stimulating investment for the purpose of job creation
2. Digital single market  
Bringing down barriers to unlock online opportunities
3. Energy union and climate  
Making energy more secure, affordable and sustainable
4. Internal market  
A deeper and fairer internal market
5. A deeper and fairer economic and monetary union  
Stability for the single currency, solidity of public finances and social fairness in implementing structural reforms
6. A balanced EU-US free trade agreement  
Freer trade – without sacrificing Europe's standards
7. Justice and fundamental rights  
Upholding the rule of law and linking up Europe's justice systems
8. Migration  
Towards a European agenda on migration
9. A stronger global actor  
Bringing together the tools of Europe's external action
10. Democratic change  
Making the EU more democratic

### ***The working methods***

To improve the efficiency of the Commission's work and, in view of the changes brought about by the new structure, to avoid duplication of efforts, new working methods were introduced. The document 'The Working Methods of the European Commission 2014-2019'<sup>10</sup> updates the previous one<sup>11</sup> mainly with provisions regarding the new role of the Vice-Presidents, and gives a good explanation of how the institution is supposed to work. As a rule, new initiatives are not included in the Commission Work Programme, nor placed on the agenda of the College unless this is recommended by one of the Vice-Presidents, with arguments that are in line with the October 2014 Political Guidelines and in line with the General Priorities. All initiatives tend to be structured along the ten priorities put forward by Jean-Claude Juncker in 2014. In the past, Commission staff could work on initiatives on which they wanted to focus, in an open-ended process wherein the first sign of potential trouble only appeared when a proposal went into inter-service consultations. The open-ended nature of the process also facilitated the leaking of drafts, which sometimes negatively affected the process. Now, the Vice-Presidents steer the work of the Commission and need to validate the process early on.

During the Barroso Commission, the work was mostly done in bilateral structures, not in thematic groups, as there was no special meeting among the Vice-Presidents. Now that there are project teams, a more collective approach is used in the early stages. Proposals are discussed and evaluated in orientation debates or project group meetings. This means that the political level of the Commission is involved in the decision-making process at an earlier stage, and thus has a bigger influence in shaping policy. However, this also has its downsides because many of these meetings do not benefit from a solid input from the services that could provide the necessary background to inform the discussion.<sup>12</sup>

In addition, aside from the weekly 'Jour Fixe' meeting between a Commissioner and the senior management of the services that report to him/her, the Juncker Commission introduced strategic 'Jour Fixe' meetings, which cover strategic, political and interinstitutional questions and are organised at least once every two months between a Commissioner, the senior management of the services that report to him/her and the relevant

Vice-President. There is also a clearer differentiation between the various roles of the Commissioners, so that, for example, on technical, economic issues, the other Commissioners can only challenge an issue if they have strong data contradicting the proposals made by their colleagues.

The Agenda Planning software, renamed 'Decide Planning', is used by the Commission to manage new initiatives and partially replaces 'e-Grefe', the old system for managing the decision-making procedures. The new platform was previously used for monitoring initiatives and statistical purposes, but now it also has a control function. An initiative that is put into the system needs to be validated by the cabinet of the respective Commissioners before arriving at the Commission's Secretariat-General (SecGen), where it is screened and comments can be added. A unit within the Secretariat-General decides which initiatives are major (legislative initiatives, policy documents – communications, green/white papers – evaluations of Commission initiatives, sensitive/political important matters) and need to be validated by the Vice-Presidents. The Vice-Presidents can approve the initiative, reject it or send it back for revision. In case of rejection, the Vice-President is expected to explain the reasons for the rejection. The initiative is then sent to the First Vice-President who can overrule previous decisions.

According to the current rules, the Directorates-General (DGs) of the Commission cannot start working on an initiative without formal validation from their Commissioner and Vice-President. Thus, the Vice-Presidents provide the political validation of Commission initiatives, and must give their agreement and political input both at the beginning of the process, before Commission resources are allocated to work on an issue, and at the end, after a proposal has been put forward. Consequently, the current rules of procedure allow for more moments to say 'no', with one higher official stating that "the default position of this Commission is 'no', the default position of the previous Commission was 'yes'<sup>13</sup>, and that the Commission is "effective when it comes to stopping things". However, it appears that the veto power of the VPs is not used very often. Less than fifty cases have been registered in more than two years. Some interviewees noted that, although the idea to control the process in this way is a good one, the cabinets are still reluctant to use this power.<sup>14</sup> Several of the refusals were in fact requests for proposals to be improved, but it also happened that two Commission DGs came up with the same proposal or even that the same initiative came from different parts of the same DG (Environment).

## **The Vice-Presidents and the first VP**

The first years of the Juncker Commission mandate have not been without hiccups and the new structure has not solved all the past problems related to, for example, the insufficient and unequally distributed weight and unequal distribution of some of the portfolios. It is also evident that an adjustment period was needed in the first year of activity, as the Vice-Presidents and Commissioners settled in and tried to define their roles, which has occasionally led to friction in the College.

The collegiality of the Commission has also been reworked. While President Juncker has stated that all Commissioners were equal – not least since they each maintain a vote within the College – there is a visible change in the role of the Vice-Presidents, from a more ceremonial one in the Barroso Commission to a more powerful one now. While the influence of the Vice-Presidents is limited by several factors, the structure of the Juncker Commission has created somehow clearer hierarchies within the College. The project teams are led by the Vice-Presidents and ultimately by the President and his cabinet.

It appears that the main reason why President Barroso did not propose a more hierarchical College back in 2004 was his wish to give a clear political signal that all Commissioners were equal in this first College after the 'Big Bang' enlargement, even if that was difficult to achieve in practice. Five years later in 2009, when the second Barroso Commission was put in place, the need to absorb the institutional changes brought about by the Lisbon Treaty has been the main reason to maintain the more horizontal organisation of the College. But the introduction of project groups was not new. The Barroso Commission had groups of Commissioners working on related policies, or Commissioners who had coordinating roles (for example, Vice-President Wallström oversaw *Institutional Relations and Communication Strategy* while

Viviane Reding was responsible for *Justice, Fundamental Rights and Citizenship*). The groups of Commissioners working on the multiannual financial framework (MFF), the fundamental rights group of Commissioners, and the Group of External Relations Commissioners (the RELEX Group) were some of the best known, though their role was limited. For example, the RELEX Group of Commissioners met only a few times, the High Representative/Vice-President Catherine Ashton, the regular chair of the meetings, being at times sidelined by the President of the Commission, who was chairing the RELEX Group meetings he was attending. That experience has been reflected in the current setup and the innovations introduced by the Juncker Commission appear to be, in part, a continuation and improvement of ideas tested in previous colleges.

The current setup with more powerful Vice-Presidents was also meant to streamline and bring more focus to the Commission, also adding a stronger steer from above. This marks an improvement over the previous system, under which work on the various crises affecting the EU, most notably the financial and sovereign debt crisis, fell under the responsibility of the cabinet of President Barroso, which was left with little time and resources to continue its work on other projects initiated by the Commission (such as sustainable development, energy and the like).

However, the influence of the Vice-Presidents within the Juncker Commission is mitigated by several factors.

First and foremost, their roles have not been clearly defined and most of them do not have direct access to the Commission services<sup>15</sup> but need to work through the Secretariat-General of the Commission and in consultation with the relevant Commissioner and the President's cabinet. This is done to avoid duplication of work and improve coordination and communication between the cabinets. In the previous Commissions, the Vice-Presidents had more direct access and responsibility over their respective Directorates-General or parts of DGs.

The clarity regarding one's role and mandate, and the influence that is associated with it also varies among the different portfolios. Among the Vice-Presidents, some of the positions, such as the one of the High Representative for Foreign and Security Policy (HR-VP), are not new and have somehow more clearly defined mandates. In the Juncker Commission, the HR-VP is better integrated in the Commission structures than her predecessor, while it leads and relies on support mainly from the European External Action Service (EEAS), an EU body which cooperates with the Commission, but remains outside of its structures. Some Commissioners, such as the ones for *Competition* or *Trade*, areas where the Commission has exclusive competences, also have clearer and more prominent roles than even some of the Vice-Presidents.

The lack of a well-established and clearly defined role proved to be a challenge for some of the former prime ministers in the College who were used to having clearer roles in their national administrations. The fact that Vice-Presidents sometimes struggle to get the support they want as they do not have direct access to the services of the Commission, which are in most cases smaller than the national bureaucracies they used to lead, has also been a source of frustration and a challenge to a clearer definition of these positions. The Commission's decision to consciously reduce the number of new initiatives, and thus the opportunities for political visibility, has had a similar effect.

Another mitigating element is the fact that President Juncker has shown to be supportive of 'regular' Commissioners as well, not only of the Vice-Presidents. In some cases, this has gone as far as having VPs complaining that they have been excluded from certain processes and that decisions were taken without them being involved early enough.

Third, as with past Colleges, there are differences in the VPs/Commissioners' professional skills and levels of experience, with some of them receiving more criticism than others. The negative aspects of this are partially compensated by the Juncker Commission's stronger focus on the President's cabinet, which keeps a tighter grip on the institution.



The fact that several Commissioners from big member states are coordinated by Vice-Presidents from smaller countries, a potentially politically sensitive issue, seems not to have been a problem. The distribution of portfolios and roles within the Commission was accepted by the member states with relative ease.

How well Commissioners cooperate among each other varies from one project team to another for a variety of reasons. The success of a project team depends on the scope of the areas covered. Many teams are too big and too dispersed, which makes coordination more difficult. For example, the Jobs, Growth, Investment and Competitiveness team has 16 members, besides the Vice-President in charge, while the Better Regulation and Interinstitutional Relations team has 19 members.

Apart from institutional constraints, the functioning of the teams is also influenced by the quality of the relations between the Vice-Presidents and regular Commissioners, which also depends on their individual personalities and personal relations. One of the cases most often mentioned where tensions occurred in the first months of the Juncker Commission is the energy team, where two commissioners with different political affiliations needed time to accommodate their relations and partial duplication of roles. Frictions have also occasionally arisen when a VP/Commissioner was seemingly encroaching upon the area of responsibility of another Commissioner, such as when the Vice-President for the *Euro and Social Dialogue* became active on the issue of EU-Ukraine relations, a topic (mainly) under the remit of the Commissioner in charge of *European Neighbourhood Policy and Enlargement Negotiations*.

In addition to the lack of a clear definition of the roles of the Vice-Presidents, the Juncker College also displays a certain imbalance regarding the weight of the portfolios. The partial duplication of roles in the energy team has already been mentioned. An example of a 'lighter' Vice-President portfolio was the one for Digital Single Market, held by Andrus Ansip, whose role resembled that of Günther Oettinger, the Commissioner in charge of Digital Economy and Society. However, 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.

At the other end of the scale, the First Vice-President's cabinet has a heavy set of responsibilities. Interviews revealed the substantial amount of issues that arrive on the table of the First Vice-President. Aside from overseeing Better regulation, Inter-institutional relations, the Rule of law and the Charter of Fundamental Rights, the First Vice-President has also taken on difficult dossiers such as the Turkey deal on migration and the rule of law situation in Poland, an overburden of tasks which sometimes affected the speed and quality of the decisions taken.<sup>16</sup> While the First Vice-President had the full backing of the College on the rule-of-law situation in Poland, he received more criticism when it came to the migrants' crisis, including from the external relations cabinets, which did not appreciate the Commission leadership's attempt to make migration the main issue defining the EU's relations with its neighbours. Despite the high quantity of work, the cabinet of the First Vice-President has only one extra staff member than the cabinets of the other Vice-Presidents.

## **The risk of politicisation**

President Juncker announced a more political Commission, one that must play an active political role while the EU is steering through difficult waters. One of the challenges of having a more political Commission is the increased risk of politicisation, of emphasising the ideological differences among the members of the College. Polarisation along lines of political orientation and ideological biases would affect the work of the College and its ability to take decisions. The EU executive would also be less likely to find compromises among and enjoy the trust of the different EU member states, which are governed by different political forces.

The composition of the Juncker College in terms of political affiliation takes into account the results of the European elections and of the political realities in the member states, while achieving a certain balance with a mix of politicians from the centre-right (15), centre-left (8) and liberals (5). Given that the President of the Commission comes from the centre-right, the centre-left politician Frans Timmermans was chosen to be the First Vice-President of the executive. While the First Vice-President and the President are supposed to have a good working relationship, the former being the 'right hand of the President', sometimes the two pull in different directions.

Commissioners remain politically involved to varying degrees. They have coordination meetings with their colleagues from the same political family (there are, for example, weekly meetings of Socialist Commissioners) and *ad-hoc* meetings with representatives of their European political parties. While there have been instances where the political diversity of the Commission was evident, including in what concerns the communication of specific policy outputs (for example, liberal Commissioners pushed for a substantial communication of the Services Package, while Socialist Commissioners emphasised other topics related to it), most often the issue has not gained prominence.

Many of the differences of opinion among Commissioners stem from the portfolios they are managing (for example, differences on environment issues between the Commissioner for Environment and the one for Internal Market and Industry), rather than from ideological differences. Moreover, the Political Guidelines of the Commission, the 'governing programme' of the Commission, are generally based on a trans-partisan European common ground.<sup>17</sup>

## Increased demoralisation

While there is rather wide agreement that the Commission has become a better streamlined and more focused institution, important challenges remain to be addressed. Several of the interviewees spoke about disillusionment and demoralisation within the European Commission. This appears to be caused both by external factors having to do with the state of the European project but also by internal considerations, linked to the functioning of the European institutions and the Commission in particular.

### The critical 'state of the Union'

The number of crises facing the EU in recent years, from the financial crisis, the euro area crisis, Brexit to the refugee crisis, and the decrease in popular support for the EU, have surprised and demoralised many Commission *fonctionnaires*. The Commission also suffers from the anti-establishment mood that has spread among European societies. Moreover, in the past, the EU's big projects, such as the euro or the 'Big Bang enlargement', helped create a clearer sense of purpose in the European institutions. This seems to be missing now, contributing to a reduced sense of confidence in the European project among the staff of the Commission.

### Internal factors

To these external factors, internal ones can be added. The start of the mandate of the Juncker College distressed many staff members in the Commission, who were told that the Commission would do less, not more. They felt undervalued, as if the new College thought of them as a "stubborn, insensitive bureaucracy".<sup>18</sup> The perception among parts of the Commission is that several of the Commissioners, including its President, who were top-level leaders in their member states, were more likely to believe that the Commission was doing too many things; now, the argument goes, these politicians have the control and push the European Commission to do less.

#### *i. Centralisation*

The centralisation of decision-making and the widening distance between the top leadership of the Commission and its services were also mentioned by several interviewees<sup>19</sup> as contributing to a sense of demoralisation among the staff of the Commission. This more political Commission has witnessed a centralisation of the decision-making process, with work often being done "in small political teams rather than drawing in the services".<sup>20</sup> This is sustained by the more hierarchical structure chosen in 2014, which gives more decision power to the upper echelons of the Commission, by the strengthening of the cabinet of the President but has also been required by the numerous challenges facing the EU and the Commission. The reinforcement of the SecGen, already started under President Barroso during the mandate of the

previous Secretary-General, Catherine Day, also contributed to the centralisation of the decision-making process in the Berlaymont building. This process involved the creation of thematic policy units and the addition of 80 new posts to support the Vice-Presidents, which allow the College to use the SecGen in ways not possible before. Consequently, proposals increasingly tend to come not from the DGs but out of smaller meetings, whether the weekly Hebdo meetings of the heads of cabinet, where the head of the President's cabinet is very active, the Secretariat-General, or the cabinets of the Commissioners. This is visible especially when the matter is urgent and/or high profile, in which situations the work is done in the Secretariat-General or the cabinets and not in the DGs, which leads to faster responses but sometimes it can also impact the quality of the output.<sup>21</sup>

The centralisation is further emphasised by the increased influence of President Juncker's cabinet, currently led by Martin Selmayr. A capable and influential head of cabinet, he is seen as showing the sort of strong control exercised in the Barroso Commission by Catherine Day. While there seems to be agreement that this is being done in agreement with President Juncker, the "Rasputin of the house"<sup>22</sup> also provokes accusations of "arrogance", "ruthlessness", of "not generating spontaneous solidarity but servility", and of "leaving a trail of animosity" behind him.<sup>23</sup> The irritation is sometimes visible even within the College, with some officials believing that the interference from the President's cabinet goes too far, for example when it comes to limiting the access of the Commissioners to the President. While the stronger cabinet of the President has moved the Commission out of its comfort zones, it has also streamlined decisions and improved policy coherence.

There is also criticism regarding the concentration of power by the President. Some think he lacks the necessary gravitas required by the position, as shown for example in some of his interactions with UKIP leader Nigel Farage<sup>24</sup>, or accuse him of postponing decisions in areas where he does not hold an interest in, as was the case with the Nature Directives.<sup>25</sup> The President is also criticised for showing a strong political-cultural bias that makes him too easily influenced by the interests of Germany and, to a lesser extent, France, even though he has also at times frustrated Berlin and Paris. Defenders of the centralisation, however, argue convincingly that for the Commission to become more of a political actor, it was necessary to show and strengthen leadership, to streamline the decision-making process and to further centralise the institution.

## ***ii. Lack of transparency and efficiency***

Centralising decision-making has also created challenges regarding coordination and information flows, with one high-level Commission official going as far as stating that "nothing that matters is done transparently".<sup>26</sup> Given that the system is geared towards the top, there are now less people in the know. Other Commission officials report that they spend more time on internal coordination, and information flows do not run smoothly, with some procedures still lacking. In the cabinets of Commissioners there is also discontent regarding large documents only arriving the evening prior to the day when they need to be approved, which affects the quality of the process and the results. Even the input of the cabinets seems to be sometimes put into question. A telling example is the Energy Union Package, a sizable part of which was reportedly written by the Secretariat-General, even though it falls under the remit of Vice-President Sefcovic and of Commissioner Cañete.<sup>27</sup>

The new rules of procedure, which have introduced several veto points, have also partially slowed down the process. After one year of using the new system, the Commission realised that there was a need to improve the speed of the procedure as it found out that there were delays on 25% of its initiatives, with some of them being stuck in a political discussion while others were inactive. Apart from the increased complexity of the process, one of the reasons of the mentioned delays<sup>28</sup> is the fact that there are no explicit deadlines for the cabinets of the Commissioners to respond to initiatives coming from the services. The Secretariat-General has deadlines (72 hours for the desk officers, 24 hours for the hierarchy) but the cabinets of Commissioners do not, with the platform lacking a way to signal what is the reason for the delay, and whether the proposal is under consideration or not.

## Communications

The Juncker Commission also reviewed and further centralised the communication structures of the Commission. Although the Commissioners maintain a communication adviser in their cabinets, they do not have a spokesperson anymore and must rely on the Commission's Spokesperson's Service, which has been centralised and is reporting to the Director-General of DG Communication. Besides the need to improve and better control communication, the official reason for this reduction of spokespeople talking for/on behalf of the Commission is the reduction in the number of new initiatives put forward by the Commission. If the Commission does less<sup>29</sup>, there are also fewer issues to communicate, the argument goes. While this has made communication more consistent and has reduced the cacophony of different voices speaking in the name of the Commission, it has also limited the ability of the institution to communicate its activities and has reduced the number of contact points for external stakeholders to talk to, thus making engagement with the Commission more bureaucratic and less direct and interactive. The Commission aims to communicate in Brussels only one or two stories per day. This has made its communication even more Brussels-centric as, for example, topics of interest for national communities are avoided because it is expected that the Brussels media would not be interested in them.<sup>30</sup>

At the same time, being a more political institution also involves a degree of volatility and an increased attention to what the media say, with president Juncker, a long serving politician, being quite prone to this.<sup>31</sup> The issue was evident, for example, in the November 2016 roaming package blunder, when the Commission President asked the services to withdraw the roaming proposal they put forward because of the criticism it received.

## Relations with the member states and the European Parliament

The last years have seen an increased role and political influence of the member states. The growing influence of national capitals is felt within the EU's overall institutional setup but also inside the Commission, with one senior Commission official mentioning that "we are just listening to the calls from Paris or Berlin" and that "the College moves as the (member states) pendulum moves".<sup>32</sup> In the short term, it makes it easier for workable solutions to be found, but in the long term it can lead to a loss of influence for the Commission and it can affect its role of promoter of the general interest of the EU. Some national capitals, on the other hand, are critical of the Juncker Commission as they feel that the institution is not taking their concerns seriously enough and/or argue that it is going too far. In capitals such as Berlin and The Hague, many feel that the Commission is acting too independently and wish for a more "technical Commission", expressing doubts about whether a political Commission can be an objective "guardian of the Treaties". Among the smaller member states there is an impression that the Commission has lost influence in the EU system and is thus no longer capable of defending their interests. However, if the Commission has lost influence, it is not necessarily the Council who has gained it, as the Council formations have also lost power, as shown by the response to the refugee crisis where the main actors were the heads of state and government (European Council) and the Commission.

Germany is the country most often mentioned as having clearly increased its influence within the Commission. However, the downsides of a more political Commission are also mentioned with respect to the increased influence of other national capitals. It could, for example, also be seen in the "because it is France" comment of President Juncker explaining the reason why France obtained extra leeway on deficits.<sup>33</sup> If the Commission is more political and less technocratic then also its technocratic decisions risk being seen through political lenses and thus as less credible and nonpartisan.

At the same time, the frequent inability of member states to agree to more than the smallest common denominator as well as the complicated pieces of legislation mirroring the diversity of interests in the Council are also deplored within the Commission. While many Commission officials understand that in the past the institution was often insensitive to the impact of its own actions on the member states, several interviewees also lamented the institution's loss of influence, while underscoring the need to engage more with the other EU institutions, as well as with national parliaments.

The member states are guarding their prerogatives, for example, by insisting that the double-hatted High Representative of the Union for Foreign Policy and Security Policy, who is also one of the Vice-Presidents of the Commission, does not speak for the Commission when addressing CFSP issues. Moreover, the increased practice of the European Council, of which the Commission President is also a member, to include 'policy requests' to the Commission in its conclusions waters down the Commission's monopoly on legislative initiative.<sup>34</sup>

If relations with the member states need to be improved, President Juncker's idea of sending the Commissioners to the member states to transmit the messages of the Commission has not passed without criticism. Many Commission staff members do not see their current Commissioners as the "preachers" or "evangelists of European integration"<sup>35</sup>, but rather as less than Euro-enthusiastic.

To prepare the Commission's position to be taken in the interinstitutional process, the Deputy Heads of Cabinet of the Commission participate in the Interinstitutional Relations Group (GRI Groupe des relations interinstitutionnelles). Every point on the agenda is discussed based on a GRI fiche that is circulated beforehand and on which the Vice-Presidents have the same control function. The secretariat of the GRI is provided by the Secretariat-General. The GRI is one of the places where the negative aspects of the bureaucratic character of the Commission become apparent, with one interviewee saying that the GRI is one of the strongest examples undermining the Commission's claim that it is more political.<sup>36</sup> The body is described as "very poorly run", with many participants arriving late, and with a poor quality of exchange. There is also frustration regarding the efficiency of the process, as many issues discussed in the GRI could be agreed through written procedure.

If there is room to improve relations with the member states, the fact that the president of the Commission has emanated from the European Parliament elections through the *Spitzenkandidaten* process has somehow improved relations with the Parliament. The Commission has developed a plan to further improve relations and tries to develop a strategic alliance with the Parliament.<sup>37</sup> At the same time, relations between the President and the Parliament seemed to have cooled down after Jean-Claude Juncker berated MEPs for their poor attendance at a speech of the Maltese prime minister.<sup>38</sup> The Vice-Presidents represent the Commission in the European Parliament, although the rule described in the Working Methods (according to which the VPs talk in the plenaries and the regular Commissioners in the committees) is not always respected, the informal agreement being that the Commission is represented by the Commissioners that can be present at a given moment.

## Conclusions

Europe and the challenges it faces have greatly evolved in the past years. This has not only impacted national politics but also the European institutions. The European Commission has been transformed into a more political institution that is now more openly making political choices, although the transformation is far from being complete and some flaws are still evident.

The innovations introduced by the Juncker Commission have generally improved the functioning of the Commission in terms of quality and coherence, and they have partially dealt with the institution's "inability to prioritise".<sup>39</sup> Dividing responsibilities among the Vice-Presidents has also made the delegation of tasks more efficient, allowing for a better distribution of resources towards issues that need urgent solutions. The Juncker Commission has also managed to act in a more coordinated fashion, and the use of project teams has qualitatively improved the work of the Commission, its policy coherence and efficiency. The current setup with more powerful Vice-Presidents also streamlined and brought more focus to the Commission, also adding a stronger steer from above.

At the same time, there are still many internal challenges. The higher level of centralisation of the system added challenges regarding internal coordination, transparency and speed of the decisions taken, contributing to a sense of disillusionment among the staff. To address the staff's demoralisation within the Commission, the communication between the upper ranks of the Commission and the services clearly needs to improve. The latter need to be engaged and used in the matters in which they are specialised. Communication between the 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 a formal ritual.

To ensure a clearer and more timely delivery of result, the cabinets of Commissioners should also commit to deadlines set internally.

The role and position of the Vice-Presidents has also not always been clear and this has affected the efficiency of the institution. From this point of view, the Juncker Commission is likely to be a transitional one. The next Commission should try to define more clearly the role of the Vice-Presidents, their powers and tools.

The future Commission President should also focus on achieving a more even distribution of portfolios, one that takes a serious look at the weights of the portfolios and distributes them more evenly. For this to happen, the political ability and capabilities of the Commissioners also needs to further improve, while national leaders should cease to see the Commission as a destination for politicians they do not want to have at the national level. 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. This could contribute to a better functioning of the institution and reduce the human cost incurred by overworked staff. Improvements regarding the management of human resources and a reassessment of the policy of a random rotation of the heads of units across DGs should also be considered.

While the Juncker Commission has adopted a clearer set of priorities at the beginning of its mandate, these priorities do not seem to have adapted fast enough to the rapidly changing realities. To perform and preserve a necessary level of public support for the European project, the Commission must focus on issues that really matter to the European citizens and where it can make a difference.

Commission President Juncker wants to maintain the more political character of the institution, by, among other things, allowing Commissioners to participate in the next European elections without having to suspend themselves from the Commission. The political character of a future Commission will also depend on the maintenance of the link with the outcome of the European elections. Despite the fall of the *de facto* grand coalition between the European People's Party and the Socialist and Democrats in the European Parliament, the main parties should reach an agreement to keep the *Spitzenkandidaten* process before the next European elections. Abandoning this connection would send the wrong message to the European citizens about the representativeness and legitimacy of the European Commission. Being more political has also raised the issue of the relation between the political and technocratic nature of the Commission. The reinforcement of the political character of the Commission has also made more evident the more technocratic/regulatory parts of the Commission's activities, thus also leading to more calls to make a clearer separation between the two.

In recent years, the member states have also been exerting greater influence on the EU institutional setup, including inside the Commission. Although the Juncker Commission is active in the defence of its interest in the interaction with the other EU institutions, there is room for further improvement on this issue, so that the Commission does not become a mere secretariat for the member states.

Introducing change in a complex political and institutional organisation like the European Commission was always going to be difficult. While it is evident that some of these challenges will also be faced by the next Commission, it is encouraging to see that some of the hiccups and problems identified have started to be addressed, and that the institution was functioning better in the second year of its mandate than it was in its first.

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*The views expressed in this Discussion Paper are the sole responsibility of the author.*

## Endnotes

- <sup>1</sup> After attempts to reduce the number of commissioners since the Treaty of Nice, the principle was reintroduced in the Treaties as a condition to re-run the Irish referendum on the Lisbon Treaty in October 2009.
- <sup>2</sup> Antonio Missiroli, The next European Commission: tips for the President-elect, European Policy Centre Policy Brief, April 2009, Available at [http://www.epc.eu/documents/uploads/747716379\\_The%20next%20European%20Commission.pdf](http://www.epc.eu/documents/uploads/747716379_The%20next%20European%20Commission.pdf) [05.07.2017] and Antonio Missiroli, "New treaty, new structure?" in Challenge Europe, The next Commission: doing more and better, European Policy Centre, June 2009, Available at [http://www.epc.eu/documents/uploads/1029713958\\_Challenge%20Europe%20Issue%2019.pdf](http://www.epc.eu/documents/uploads/1029713958_Challenge%20Europe%20Issue%2019.pdf) [05.07.2017]
- <sup>3</sup> Fabian Zuleeg, A more effective structure for the Commission, European Policy Centre Commentary, 7 March 2014, Available at [http://www.epc.eu/documents/uploads/pub\\_4230\\_a\\_more\\_effective\\_structure\\_for\\_the\\_commission.pdf](http://www.epc.eu/documents/uploads/pub_4230_a_more_effective_structure_for_the_commission.pdf) [03.07.2017] and Alain Berger et al., Proposal by "the Friends of the European Commission" for a new organization, Confidential document, Brussels, 23 May 2014.
- <sup>4</sup> Whereas President Juncker's expectations for the College and his political agenda were outlined in the mission letters he sent to individual commissioners and in the October 2014 'Political Guidelines for the next European Commission', the new rules of procedure were laid out in 'The Working Methods of the European Commission 2014-2019'.
- <sup>5</sup> Jean-Claude Juncker - President-elect, "Time for Action - Statement in the European Parliament plenary session ahead of the vote on the College", 22 October 2014.
- <sup>6</sup> Jean-Claude Juncker, President of the European Commission, State of the Union 2016, 14 September 2016, Available at: [https://ec.europa.eu/commission/state-union-2016\\_en](https://ec.europa.eu/commission/state-union-2016_en) [23.08.2017].
- <sup>7</sup> European People's Party (EPP), Party of European Socialists (PES), Alliance of Liberals and Democrats for Europe (ALDE), Alliance of Conservatives and Reformists in Europe (AECR).
- <sup>8</sup> Besides proposals coming from the services and Commissioners, President Juncker also comes up with new initiatives, such as the review of the comitology rules, an area where the Commission's monitoring and transparency has also improved.
- <sup>9</sup> Interview with Commission officials, January-February 2017.
- <sup>10</sup> European Commission, Communication from the President to the Commission, The Working Methods of the European Commission 2014-2019, Brussels, 11 November 2014, C(2014) 9004, Available at: <https://ec.europa.eu/transparency/regdoc/rep/3/2014/EN/3-2014-9004-EN-F1-1.Pdf> [10.05.2017].
- <sup>11</sup> European Commission, Communication from the President, The Working Methods of the Commission 2010-2014, Brussels, 10 February 2010, C(2010) 1100, Available at: <http://ec.europa.eu/transparency/regdoc/rep/3/2010/EN/3-2010-1100-EN-1-2.PDF> [15.05.2017].
- <sup>12</sup> Marine Borhardt, "A Political European Commission through a new organisation "This Time it's Different". Really?", Policy paper, Notre Europe- Jacques Delors Institute, 15 February 2017, p.10, Available at <http://www.delorsinstitute.eu/011-24531-A-Political-European-Commission-through-a-new-organisation-This-Time-its-Different-Really.html> [21.05.2017].
- <sup>13</sup> Interview with senior Commission official, December 2016.
- <sup>14</sup> Interviews with Commission official, November 2016.
- <sup>15</sup> This does not apply to the HR/VP and to the Vice-President for Budget and Human Resources.
- <sup>16</sup> Interviews with Commission officials, November 2016.
- <sup>17</sup> Interviews with Commission official, January 2017.
- <sup>18</sup> Interview with senior Commission official.
- <sup>19</sup> "Every time a service is not required to contribute when they should, it demotivates people" in the words of one interviewee, November 2016.
- <sup>20</sup> Interview with senior Commission official, November 2016.
- <sup>21</sup> Interview with Commission officials, December 2016, January-February 2017.
- <sup>22</sup> Interview with Commission official, December 2016 and George Parker and Alex Barker, "The power brokers behind Brexit: Nick Timothy and Martin Selmayr", Financial Times, 13 April 2017, Available at: <https://www.ft.com/content/8027f188-1f03-11e7-a454-ab04428977f9?mhqj=e2> [10.07.2017].
- <sup>23</sup> Interviews with senior Commission officials, November-December 2016.
- <sup>24</sup> In one of these interactions, during the first European Parliament plenary following the 23 June 2016 Brexit referendum, President Juncker was seen as being much too friendly towards UKIP leader Nigel Farage.
- <sup>25</sup> Interviews with Commission officials November-December 2016.
- <sup>26</sup> Interview with senior European Commission official, December 2016.
- <sup>27</sup> Interview with European Commission official, January 2017.
- <sup>28</sup> Interview with European Commission official, November 2016.
- <sup>29</sup> Several interviewees have disputed the assertion that the Commission does less things, pointing out that now the focus is on bigger issues and initiatives or on implementing and evaluating the measures already adopted in the previous Commission.
- <sup>30</sup> Interview with Commission official, November 2016.
- <sup>31</sup> Interview with senior Commission official, December 2016.
- <sup>32</sup> Interview with senior Commission official, December 2016.
- <sup>33</sup> Francesco Guarascio, "EU gives budget leeway to France 'because it is France' - Juncker", Reuters, 31 May 2016, Available at <http://uk.reuters.com/article/uk-eu-deficit-france-idUKKCN0YM1N0>, [05.03.2017]
- <sup>34</sup> Eva-Maria Poptcheva, Role and election of the President of the European Commission, European Parliamentary Research Service, Briefing, 11 July 2014, Available at <http://www.europarl.europa.eu/EPRS/140829REV1-Role-of-the-President-of-the-European-Commission-FINAL.pdf> [14.05.2017]
- <sup>35</sup> Interview with senior Commission official, December 2016.
- <sup>36</sup> Interview with Commission official, November 2016.
- <sup>37</sup> Interview with Commission official, December 2016.
- <sup>38</sup> Maïa De La Baume and David M. Herszenhorn, "Jean-Claude Juncker: 'The Parliament is ridiculous'", Politico Europe, Available at: <http://www.politico.eu/article/jean-claude-juncker-european-parliament-is-ridiculous/> [25.09.2017].
- <sup>39</sup> Interview with high-level EU official, December 2016.

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