



ISSN: 2036-5438

**A new Commission for a new era.
Is the parliamentarization of the European
Commission the way forward?**

by

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Perspectives on Federalism, Vol. 6, issue 3, 2014





Abstract

This contribution focuses on the need of fostering a European political space and more in particular on the role and the design of the Commission needed to attain that aim.

It is submitted that to increase true democracy in the European Union, there is a need of promoting ‘different in nature’ EU politics, more based on cross-national ideological majorities (or alliances) and less on national interests bargaining. The Commission seems to be well-fitted for that purpose and therefore it is at the core of my analysis and my reform proposals.

After explaining the so called Commission’s paradox (decline but growing role), the paper contends that, in a new era of closer Economic and Political Union, we need a strengthening and democratization of the European Commission and discusses how to attain it.

Firstly, it reviews two relevant recent steps forward: the indirect election of the Commission President in the 2014 European Elections and the new organization of the Juncker’s College.

Secondly, it turns to more medium-long term reforms which can reinforce the Commission and its democratization in the future: an intense parliamentarization of the Commission, the creation of pan-European lists for the European Elections and the merger of the Presidency of the European Commission and the European Council.

Key-words

European Commission, parliamentarization, politicization, European politics, European elections, democratic deficit



1. Introduction^I

This contribution focuses on the need of fostering a European political space and more in particular on the role and the design of the Commission needed to attain that aim.

It thus departs from two premises. The first one is that Europe's democratic deficit (Follesdal et al. 2006) is, to a large extent, caused by an excessive reliance on national politics and that, as MADURO says "without European politics other democratic developments will either be ineffective or even harmful in legitimacy terms" (Maduro 2012). In the European political process, national policies, priorities and timetables have too often and unduly prevailed over European perspectives, and consequently have impeded to fully interiorize and consider the consequences of current deep interdependence. If we wish to increase true democracy in the European Union (and to provoke an important change on the European citizen's perception), there is an imperative need of promoting 'different in nature' EU politics, more based on cross-national ideological majorities (or alliances) than on mere national interests bargaining (Koopmans et al. 2010).

The second premise is that the Commission has to be at the core of that change because it is the Institution called to defend the European interest and whose decisions should not be the outcome of mere national bargaining. It is also the Institution already having resources and technical capacity to deeply study the dossiers and it is supposed to have the independence and neutrality, in particular versus national interests, needed to lead and defend the common European perspective (Dehousse 2005: 175)^{II}. The more powers the Union has, the more likely the Commission will continue to grow in powers and tasks. The deeper integration is the higher demand on increasing democracy will be, therein included the democratization of the European Commission.

Therefore the paper focuses on the Commission's role and its evolution, in particular in recent times and makes proposals for its future. It points out at what we have called the Commission's paradox: a continuous subtle growth of the Commission's powers in a period dominated by increased intergovernmentalism. Although many factors tend to weaken, or at least constrain the Commission's performance, the Commission's role and tasks continue to expand with the transfer of new powers to the Union.



It is my belief that, for this new role and for a new era of closer Economic and Political Union, both the European Commission and its democratic legitimacy needs to be reinforced.

The 2014 European Elections, and in particular the political agreement on ‘indirectly’ electing the President of the European Commission by taking into consideration the elections results, are welcome and have already significantly contributed to a reinforcement of the President of the Commission and his visibility (Hix 1998). This is more true if we consider how the European elections campaign has developed, the role played by the candidates and their European political parties and, above all, the final outcome of the election process. The contribution will pay therefore attention to these developments and its consequences. However it will not stop there and will analyse the advantages and disadvantages of possible steps forward –with or without Treaty reform- to reinforce the Commission and its parliamentarization.

2. The Commission’s paradox: decline... but growing role?

In the last decades, particularly since the end of Delors’ period, the Commission has been perceived as a weaker actor, with less leadership and capacity to set the European Union’s political agenda, as an everyday more secondary actor entrusted with the execution and implementation of political decisions taken by other actors (Areilza 2014: 24-32; Chang M et al. 2013: 168). The economic crisis has exacerbated this vision. Is this perception totally right? Could we really say that the Commission has initiated a continuous and progressive decline and has every day less to say in the European and national politics?

On the one hand, it is true that in recent years we have witnessed an erosion of the Community spirit and method that was set in motion by the founding fathers. In particular, the European Commission, whose supranational nature must be located in the centre of the process of defense of the general European interest, has suffered a loss of leadership.

Several factors have contributed to this deterioration: the crisis and resignation of the Santer’s Commission, the appointment of second-best choices (lower profile candidates) as Presidents of the Commission, the ‘nationalisation’ of the Commission by imposing a formula of one Commissioner by Member State -often a member closely linked to the Government, something that could ultimately put at risk the independence of the College-,



an increase distrust by Governments on the Commission's role, a more combative and powerful European Parliament, the trend towards becoming more a reactive than an autonomous initiator (Ponzano et al 2012) ...

Furthermore, the progressive strengthening of the European Council, which the Lisbon reform formally elevated to the status of an institution, has had a major impact, emphasizing differences between large and small countries (Tallberg 2008) fostering the perception of the Union's decision making as an intergovernmental bargaining and shadowing supranational institutions such as the Commission and the European Parliament. The economic crisis has strongly contributed to confirm this trend. The scene has been stolen by the Heads of State and Government and the Eurogroup, who have gained protagonism.

Another of the Lisbon reforms relating to the European Council, the establishment of a stable presidency, has generated a growing confusion between the President of the European Council and the Commission President that hitherto constituted, with all their limitations, the voice of the Union in the eyes of many citizens.

Moreover the economic crisis -and certain vetos- have obliged to move certain agreements to the intergovernmental arena, beyond the Community framework.

All these factors put together pointed out at a progressive decline of the Commission. Intergovernmentalism has grown to the detriment of certain actors such as the Commission and this is problematic (Habermas 2013; Fabbrini 2013, Torreblanca 2014: 151-152), particularly if intergovernmentalism does not move forward to the Community method (Closa 2013). To a large extent, an imbalance between national governments and the Commission has been progressively developed and enlarged (Puetter 2013, Curtin 2014). This imbalance is calling for further reflection on a new design and role for the European Commission, and for a reinforcement of this Institution so that a better balance could be attained.

On the other hand, however, we should also recognize the important increased powers exercised by the Commission before, during (and after) the economic crisis^{III}. Even if, in recent years, the role of the European Council has become crucial and intergovernmentalism has been reinforced, the progressive transfer of powers to the Union is calling the Commission to play an increasingly influential role on many areas, therein included hardcore-sovereignty areas such as national economic policies, in particular -



although not only- with regard to those Member States who have benefited from rescue actions.

During the economic crisis, citizens have realized more than ever of the degree of interdependence among the different Member States and the impact of European decisions on their daily life (e.g. pensions, wages, employment, public services, health, education and social services,...). Even if in many of these areas there is no power of the EU to directly harmonize or even to regulate, it is crystal clear that European politics are now, through setting the framework that Member States have to respect, limiting to a large extent the margin of discretion of national actors and indirectly imposing certain outcomes in the national arena.

Even if shared with other Institutions, the Commission's role has grown during the crisis and it is impacting every day more in citizens' life. Citizens that, on the other hand, could argue that they have had until recently no say, or only a very indirectly say, on who is the President of the Commission, who are its members and which policy the Commission was going to follow. In a way, another imbalance has been created between the increasing Commission's powers and the few steps towards democratization and politicization of the Commission (increasing role of the European Parliament on the appointment of the Commission and closer accountability of the Commission before the European Parliament). It is submitted that this imbalance has strongly deteriorated the necessary link between the Union and the European citizen and has been very detrimental to the Europeanisation of the Union's politics.

There seems to be a large consensus on the need of more Europe to exit the crisis, to stabilize the situation and to avoid, or at least to diminish, risks for the future. Although the support to Euroskeptics or even Europhobes parties has grown in the recent European Elections, the great majority of the population voted for parties who support the European integration process and defend 'more Europe' solutions. They may differ on how to design this 'more Europe' and the rhythm to attain it but clearly support steps forward^{IV}.

There is no doubt that the crisis has already brought new significant transfers of powers to the Union and that more transfers are underway. The Commission is one of the important actors and beneficiaries of these transfers. If we look at the new Banking Union and banking regulation, the new powers of fiscal supervision or its role within the troika regarding rescue actions, it is impossible to deny that its role is growing, and it is



foreseeable that this role will continue to grow in the future if the Union's powers are reinforced (completion of the Banking Union, steps towards a Fiscal Union and Economic Union).

This growing role is calling again to a serious reflection on the Commission's design and pushing for its democratization. It is submitted that the enlarged scope of its powers, and therefore the impossibility of qualifying its decisions as merely technical, points out at a reinforced political role and advocates for a correlated increase in the democratization of the Institution to legitimate its actions.

Therefore, the decline that we have explained above is compatibilized with increased powers due to new transfers from Members States to the Union (and also communitarisation and reinforcement of existing EU policies).

Trying to answer the initial question, it is not simple. Paradoxically, the Commission has been subject to parallel weakening and reinforcing tensions. What matters is not so much which of those forces has won but that both detect imbalances and could be pushing towards a reflection and changes in the Commission's design and role. It is submitted that the correction of those imbalances need a strengthening and democratization of the European Commission (Pernice at al 2012). How to proceed is what will be discussed below.

3. Reinforcing and democratizing the European Commission

In this section, I will be analyzing both steps already initiated and new proposals to reinforce and democratize the European Commission, both in the short term and in the medium-long term, both attainable without Treaty reform and only after Treaty reform. Most proposals are directly focusing at the Commission' design and election, although I have opted to include as well some others which promote more broadly Europeanisation of the political space and in so doing could indirectly impact the European Commission.

The proposals are aiming at strengthening the legitimacy, effectiveness and visibility of the European Commission and reinforcing its capacity to set priorities. The ultimate aim is to strengthen the coherence between the new Commission's role and its design while looking for a new balance between the Commission and the other Institutions and a better integration between the national and European interests. The paper acknowledges trends



of new intergovernmentalism and deliberative intergovernmentalism (Puetter 2012 and 2013) but advocates for a reinforced role of the Commission within the agenda setting and the decision-making process.

A more direct democratic mandate is essential to increase the legitimacy of the Commission and its role as a political protagonist, without renouncing to its role as arbiter and promoter of consensus and majority through greater involvement with the work of the Council -European Council. Therefore, I propose a greater politicization of the European Commission as the key to a more dynamic transnational political space and closer linkage with citizens through the elections to the European Parliament. The new profile and legitimacy of the President (and the members of the Commission, as the case may be) will provide a more prominent political role and greater visibility.

Accordingly, it is submitted that:

Firstly, innovation in the 2014 European Elections, and in particular the political agreement on ‘indirectly’ electing the President of the European Commission by taking into consideration the elections results, is welcome. It is contributing to a significant reinforcement of the President of the Commission and his visibility, what could strengthen the Commission’s role and leadership. In order to fully understand the impact of this innovation, attention should be paid to: first, how the European elections campaign have developed and the role played by the candidates and their European political parties; second, how the European Council ‘takes into account’ the results of the European elections for its proposal of the candidate to President of the Commission and which is the European Parliament’s interaction with the European Council for this appointment; third, whether a reinforced President makes the difference and encompasses new dynamics for the appointment of the College and/or the internal organization of the Commission. Ultimately, it will depend on how all this new dynamics reflect on a change of perception of the European citizen and on the future Commission’s role, leadership and performance during the whole mandate. This contribution will pay therefore attention to the first steps of these developments and their consequences.

Furthermore, there is a need to identify other steps forward -with or without Treaty reform- to reinforce the Commission and its parliamentarization and to discuss its advantages and disadvantages. It comprises proposals such as a reduction on the number of the members of the Commission or at least a restructuring of its organization, a merger



of the Presidency of the Commission and the European Council, a further parliamentarization and politicization of the European Commission for the appointment of future Colleges or the creation of pan-European lists for future European elections.

Steps forward and proposals will be assembled in two groups. Firstly, I will deal with two relevant recent steps forward: the indirect election of the Commission President in the 2014 European Elections and the new organization of the College. Secondly, I will turn to more medium-long term reforms which can reinforce the Commission and its democratization.

3.1. Recent steps forward

a. The new model of indirectly electing the Commission President in the 2014 European elections

It is very relevant that the new Commission President, Jean-Claude Juncker, has been elected by indirect universal suffrage in the 2014 elections.

The new formula introduced by the Lisbon Treaty for the appointment of the President of the Commission, together with the agreement of pan-European political parties to designate their candidates, has opened a door, a first important step, for more democratization of the European Commission.

The process did indeed begin with a proposal by the European political parties of their candidates for Commission President at the last elections. The party and the candidate assumed a political program which was presented to and argued before the citizens. Debates between the candidates of the major parties with European parliamentary representation took place, were TV broadcasted and commented in the media.

It is true that the formula (“taking into account the outcome of the elections to the European Parliament”) was ambiguous enough to allow different interpretations. However, once the process was initiated and supported by the European political parties, it seems to me almost impossible that the European Council proposed and above all the European Parliament approved a candidate that had not been in the elections battle. Who would be that candidate, who could be said to have won the elections, might have been controversial, particularly if the result was an ‘electoral dead heat’ between the two main parties and candidates. Should it automatically be the most voted candidate in the elections? Should it be the candidate obtaining a stronger support by the recently elected Euro-parliamentarians? There was a certain margin for negotiation between the European



Council and the new European Parliament but no doubt that the power of this latter Institution had intensively increased with the new formula.

The most democratically respectful decision of the European Council was to give the most voted candidate the possibility of collecting majoritarian support in the European Parliament for his appointment. This was the suggestion to the European Council agreed by the larger European political parties after the elections. In spite of the formula ambiguity and some initial resistances by the European Council to accept the automaticity of this outcome, the European Council finally agreed to it.

Thus, the candidate of the most voted party, Jean-Claude Juncker for the European Popular Party, was proposed by the European Council. After a negotiation with other large political parties, he obtained majority support both in the European Council and the European Parliament and was appointed Commission President.

In this way a direct (or quasi-direct) link between the citizen's vote and the appointment of the President was created. This step represents in itself a qualitative leap with huge potential to generate a new dynamism and a very significant reinforcement of the elections to the European Parliament and the European political space. A new system to appoint the Commission President is now consolidated and it would be hard -not to say impossible- to step backwards. All actors must be conscious that, in future European Elections, the Commission President will be indirectly elected by the citizens as it has already been the case in 2014. This will reinforce the importance of the appointment of candidates by European political parties and the approval of their programs. Indeed, it is obliging candidates and parties to communicate a project and a program from a European perspective, and to defend the same arguments before the media and citizens of all Member States.

In my opinion, in future elections, it would be good for candidates for Commission President to be presented in the lists as MEPs. It is not indispensable (and could perhaps have the effect that some good candidates rule themselves out), but it would enhance and revitalize the European Parliament's role and visibility in the media and with the citizens (Arregui 2012).

On the other hand, this new system to appoint the Commission President does not radically change the system or the usual practice for the appointment of the other members of the Commission. Governments still propose names of the same political colour as the



national government, and the Council, by common accord with the President-elect, accepts this after due negotiation. This is what the Treaty currently says and this is how the new 2014 Commission has been appointed.

It is possible that Mr. Juncker as President-elect, for the additional legitimacy obtained, has had slightly more weight in the negotiation and a greater say in the profile of the other Commission members. However, until the Treaty changes or governments unlikely accept to change their usual practice, the impact is going to be limited.

What is crucial –and what measures the low intensity of the change- is that the Commission is not yet designed to be representative of the new majority held at the European elections but of the majority held at the European Council. In such a model, it might even be possible that the Commission President is surrounded by a majority of different partisanship^V. This co-habitation within the European Commission would be a new scenario of uncertain outcome and, in my opinion, reveals that a change might be needed in the future.

In any case, within this new model, the President should have ample leeway to organize the Vice-Presidents and the work of his team. The States would have to be willing to not hinder this exercise, for to do so would risk the new legitimacy becoming content-less. It is also particularly important in this first model that the Commission retains its powers and in particular, the monopoly over the legislative initiative.

Among the advantages of this new model, it is important to reiterate that the election by indirect universal suffrage of the Commission President is in itself, if properly communicated and implemented, a qualitative leap with huge potential to generate a new dynamism and a very significant reinforcement of elections to the European Parliament and the European political space. Indeed, it has already created new positives dynamics for the 2014 elections and the new Juncker Commission and this effect will presumably be stronger for future elections.

The politicization being moderate, being confined mainly to the figure of the President and not involving an alignment of the Commissioners with the political profile of the President (or the majoritarian alliance in the EP supporting the President), involves two advantages and two disadvantages. The first advantage is that it facilitates the appointment of the other Commissioners, avoiding conflict with national governments of different political persuasions. The second is that it is likely to promote a better cooperation of the



Commission with the Council-European Council.

By contrast, among the drawbacks two potential risks must be mentioned: first, it may be detrimental to the coherence of the team and the policies it promotes and to implement the political program which the political party and candidate presented in the elections as the Commission does not represent the new majority held at the elections but the majority at the European Council; on the other hand, there is a risk of not going far enough, that the change does not have important practical implications and that citizens perceive it as merely a cosmetic change (Weiler 2013). Therefore, for this model to work, it is essential to accompany it with a clear increase in the power and visibility of the Commission President and the institution he leads^{VI}.

b. A restructuring of the Commission organization as an alternative – a second best – to a reduction of the number of members of the Commission

In the latter years, there has been a discussion between two models for designing the Commission.

The first would be a Commission with fewer Commissioners than Member States, elected according to an equal rota. This is the model that the Lisbon Treaty appeared to choose for the period after 2014, establishing in Article 17.5 TEU that it will consist of a number of members corresponding to two thirds of the number of Member States, "unless the European Council unanimously decides to alter this number".

The second model is a Commission with one member per state, i.e. the model in place at present, although in principle on a temporary basis (Article 17.4 TEU). However, the Treaty also says that this temporary regime could be extended beyond 2014 with a unanimous decision of the European Council, with regard to which a political commitment was already given at the European Council in December 2008 to facilitate the adoption of the second referendum to ratify the Lisbon Treaty in Ireland in 2009. The political commitment has been confirmed and thus also the second model. The Juncker Commission -as the former Barroso Commission- follows therefore this second model.

I continue to defend the first model as being the best fit to the supranational character of the Commission, allowing it greater flexibility in decision-making, and facilitating a closer coordination and coherence in its actions and thus promoting greater visibility of the Commission and its members as a whole. A Commission with fewer members would gain



agility and executive strength, increasing the visibility and political weight of its President and the full College.

Advocates of the second model often invoke the need to have one Commissioner per State, so that all national sensitivities are present. However, I believe these sensitivities can be captured in other ways without compromising the effectiveness of the Commission. There must be a guarantee that the large blocks of interests of the Union are always present, but this can be obtained with a good design of the equal turn rota. I must, therefore, opt for the first model, and if it were politically feasible –which does not appear to be the case in the current scenario - establish it as the definitive model. It should be noted that this does not require amendment of any of the Treaties but a new unanimous decision of the European Council.

Alternatively, formulas should be adopted for the President to restructure the internal organization of the European Commission, the way it works and its decision-making, forming smaller and effective sub-teams (e.g.the President with his Vice-Presidents, Vice-Presidents with several Commissioners working on related topics). It is not ideal, but it could solve or at least alleviate many of the drawbacks of the current situation.

The Juncker Commission has been organized according to this alternative or second-best scenario. Several innovations are worthy to be stressed:

Firstly, seven vice-presidents have been appointed. They have been entrusted with the main challenges and projects for the European Commission and the European Union in the next 5 years as presented by Juncker in his action plan: Digital Single Market, Energy Union, Euro & Social Dialogue, Jobs, Growth, Investment & Competitiveness, Better regulation & the Rule of Law, and, last but not least, Better External Action. This is a clever means to link the priorities of the mandate with the internal organization and design of the Commission. It is also setting some benchmarks to assess the performance of the new Commission, of the internal teams and the progress on facing the identified challenges.

Secondly, the remaining members of the Commission will therefore be -at least to a certain extent- coordinated by the Vice-Presidents. With regard to the main challenges of the action plan, they will have to be supervised and co-ordinated by the Vice-President concerned and, within the limits of their portfolios, they will have to contribute to the goal pursued as required by this Vice-President. All this may imply a certain ‘functional



hierarchy' between the different members of the Commission, at least within the limits of the responsibility entrusted to the Vice-President concerned. Furthermore, it is also worthwhile to stress that a member of the Commission needs to count with the prior consent of the correspondent Vice-President before raising certain proposals to the College. This new organization aims at promoting coordination and coherence of the different members of the Commission.

Thirdly, there is one clear First Vice-President, in particular for all internal action that requires regulation or which raises a question directly affecting the rule of Law. This seems to be aiming at implementing the priorities of the action plan and coordinating the different proposals while supervising and increasing the quality of the regulation.

Fourthly, the new organization allows for a much better coordination of the whole external action as it implies a reinforcement of the supervisory powers of all the portfolios of the Commission dealing with external action by the High Representative of the Union for Foreign Affairs and Security Policy.

Fifthly, the new design may also be a source of conflicts that will likely be resolved by the Vice-Presidents and the President himself. It is still to be seen whether this reinforces the role of the President and/or Vice-Presidents.

However, although important, the innovations are limited. Each Commissioner continues to have one vote and to have, at least formally, equal status regardless of whether he is entrusted with a Vice-presidency or not. Moreover, the Commission keeps on meeting as a College and deciding by majority. And above all, the Commission continues to represent the majority held at the Council and not the new majority of the European elections.

Furthermore, it is soon yet to know how far the system will change certain dynamics. For instance, it is still to be seen whether more reduced meetings between the President and the Vice-Presidents will be often convened. The same applies regarding how the teams of several Commissioners under the coordination of one of the Vice-Presidents meet and work.

Overall, considering the limitations imposed by the political context, the new organization is a step forward in the right direction, an opportunity for more political, strong, coherent and coordinated action of the European Commission. Although it is a limited innovation, it can work as a first pilot experience and a means to develop a second-



best option within the limits of the current framework.

3.2. Medium and long term reforms

The former recent steps forward have already contributed to a parliamentarization, democratization and strengthening of the Commission and in general of the institutional system. They are limited innovations, possible without Treaty reform, but one should not underestimate them. Every journey starts with a first step.

However, it is submitted that changes are not sufficient for a true democratization and the needed reinforcement of the European Commission and thus further measures should be adopted in the future. The proposed changes point out to a scenario of greater integration, closer to a federal model. Clearly, this scenario would require a political will that does not currently exist, and of course a thorough reform of the Treaties.

a. An intense parliamentarization of the Commission

A model of intense parliamentarization/politicization consists not only in the Commission President being elected by indirect universal suffrage in the European elections, but also that the whole Commission were representative of the new majority at the European Parliament that has supported the Commission president. As very likely there would not be a single political party having the sufficient majority at the European parliament, a coalition would have to be formed to give support to the appointment of the President, the whole Commission and its program, and even to participate in the Commission.

This proposal builds on the moderate politicization initiated with the indirect election of the Commission President in the last elections. It now adds greater discretion for him to choose his team of government from members of his own party or the coalition that supports him (also being able, if deemed appropriate, to incorporate independent figures). In this way the new President could form his team in the same way that a government is usually formed after national elections. This would be a team with the President's full confidence, with a greater ideological affinity of its members and with more chance of advancing the program for government that the party and the President have argued for during the election campaign (or that the coalition that has supported him has agreed after the elections). Naturally, there may be some general requirements that limit his freedom of



choice (not various persons of the same nationality, a certain balance between large and small, including rotating turns, etc.) but it would no longer require the consent of the respective national governments. It would indeed seem appropriate, in any case, that the final chosen group and its program are given the formal approval of the European Council; and, of course, approval by the European Parliament would be necessary (a majority of its component members).

In this model, there might be more doubts about whether it would be necessary to completely maintain the Commission's monopoly over the legislative initiative. Undoubtedly, a power of legislative initiative should continue to reside with the Commission, and this also should remain the most common route for proposals of new European legislation. However, it is more arguable whether, if we attain this model of a new Commission (composed and elected like a national government) it can or should maintain a full monopoly. In all our national democratic systems, when there is a monochrome government with majority support in the national parliament, legislative proposals may originate not only from the executive but also from a particular group or number of parliamentarians. It is a mechanism that ensures the possibility that groups that are in a minority, but that have enough weight and representation, can at least have their proposals debated. This guarantee is not essential at present in the European Union since the Commission is never monochrome, and nor is it elected like a national government, but it might be useful if we change the model. Such power of initiative would not be shared with the States and their governments but rather with the European Parliament (with a sufficiently large group of MEPs), and only if the Commission rejects an initial request from them to draw up a proposal. The Commission would always maintain precedence and, once the proposal has been made, exclusivity. The possibility of proposals from other actors would therefore be residual, and would be designed more as a mechanism for very representative opposition groups to pressure the Commission to present a proposal to debate. In any case, there would have to be a proper specification of the consultations and powers of the Commission within the framework of this exceptional legislative procedure uninitiated by a proposal from the Commission. It would be more a case of a nuanced or attenuated monopoly than a breakup of the monopoly.

Among the advantages of this model of intense politicization, it is undeniable that the system would be a substantial change in the institutional model. It would represent a



definitive step toward creating a true European political space and it would bring the model of the appointment of the Commission and its profile closer to that of most of the state governments. It would enhance citizens' perception of the importance of their vote and their ability to influence the leaders who govern the EU and the policies that they are going to implement.

Its major weaknesses are the main advantages of the previous model of only moderate politicization. Firstly, in practice it would require a reform of primary law by double unanimity (all governments' approval followed by a ratification process involving national parliaments when not directly with citizens through a referendum). Indeed, it is inconceivable that Article 17.7 TEU would give adequate coverage to this model, given that it provides that the proposals of members of the Commission are to be presented by the States (in practice, the governments) and are to be selected by mutual agreement between the President-elect and the Council. Without reform of the Treaty, it is not foreseeable that each government would waive the exercise of this power to yield it to the Commission President. Secondly, it could increase the conflict between the Commission and the Council -European Council and hinder their work together (especially when the Council and Commission have opposing ideological majorities) (Dehousse 2005: 178-80). This would require some kind of "cohabitation" between opposites that is not always easy, but not impossible, as is demonstrated to us by the national experience of some states.

Another weakness -one may argue- is that this politicization of the European Commission could diminish its ideological independence and neutrality and be detrimental to the performance of some of its regulatory and enforcement tasks. However, there are several counterarguments for this statement. First, we must consider that the EU is much more than the regulatory organization it was in the first decades and the Commission is not only a regulator but also a key political actor in the legislative and executive decision-making process. In a new era of Economic and Political Union, without further democratization of the Commission, this Institution risks to be perceived everyday more as just a technocratic body and be marginalized of the important political decisions. Second, the new model does not substantially change the 'ideological character' of the Commission. Members of the Commission are already important national politicians. The difference with the model herein proposed is that they will represent the new majority held at the



European elections and not the one held at the European Council. Third, it is likely that the Commission composition will continue to be non partisan, non ideologically monochrome, as no European political party will likely obtain a sufficient majority to monopolise the Commission. Fourth, European agencies can perfectly maintain their independence regardless of the Commission's design just as national agencies in many of the Member States. The Commission could continue to exercise efficiently many of the regulatory and enforcement tasks directly assigned to it as national governments and administrations do at national level. If necessary, the possibility to delegate some of these tasks to new agencies remains open.

Overall, the advantages overcome the disadvantages and militate in favour of the new model.

b. Create pan-European lists to accompany the intense politicization of the Commission

The intense politicization of the Commission must be accompanied by a new system of electing of MEPs to reduce the 'nationalization' of the European electoral debate. There should be encouragement to talk about Europe, to debate on the European project and its policies, and to vote based on European issues. It is my understanding that this system should not be limited to a symbolic constituency of a few MEPs, but extended to a much more substantial percentage of all MEPs (around 30-50%)^{VII}.

A first advantage is that this new system would consolidate once and for all the European parties, which at present are only families with a certain ideological affinity but deeply fragmented by national interests. Moreover, from a practical point of view, this mechanism would promote that the candidates of each list would be sufficiently well-known figures outside their borders, and also with sufficient linguistic capacity, to spread their message to an electorate of 500 million Europeans. Finally, the voting of the European elections would become independent from that of the national elections, eliminating or at least mitigating the reward/punishment effect focused exclusively on domestic policy, while citizen interest in the European Parliament and Europe would increase^{VIII}.

There must be avoidance of the risk of small countries becoming under-represented, and that voters in small and/or peripheral countries increasingly lose interest in Europe if the main candidates are exclusively from certain countries (large/central) or if they feel that



their interests are excessively diluted. This can be remedied through a system of double voting, as is the German electoral system for the Bundestag. Thus, 50-70% of the European Parliament would be elected from national constituencies, for which we should create one or more areas for each Member State. The other 30-50 % would be elected following a proportional system based on closed lists with one constituency at the European level. Among the disadvantages of this, it should be noted that the proposed system, while ensuring a national and even regional representation, respecting minorities, could increase complexity and be perceived by small countries as detrimental to their interests. However, it is submitted that that with a strong enough information campaign and with a balanced negotiation regarding the design of the new system, these difficulties could be overcome.

c. Merge the Presidency of the Commission and the European Council?

Since the entry into force of the Lisbon reform, the new position of permanent President of the European Council has generated a lot of confusion with the Commission President, weakening the latter's visibility and hampering his prominence and leadership. Although a permanent presidency is better than the rotation of the past and should remain, the model of double presidency has raised questions and involves certain disadvantages. Moreover, the election by indirect universal suffrage of the Commission President has created a new political context that would be further modified by the proposed intense parliamentarization and the creation of pan-European lists. All this forces us to reframe the debate about the appropriateness of a dual presidency model and evaluate an alternative model of a single presidency according to which the Commission President would also preside over the meetings of the European Council.

The disadvantages of the double presidency model can be centred on three points. Firstly, the strengthening of the European Council and the design of its new presidency have contributed, in recent years, to tipping the balance towards the intergovernmental, and weakening the role of the Commission. Secondly, significant functions and prominence have been given to a figure that is the repository of an indirect intergovernmental legitimacy and whose political responsibility is diffuse or excessively dependent on the Heads of State and Government of the Member States. This can have a negative impact on the capacity to influence and control of the European Parliament.



Finally, as was to be expected, the President of the European Council is now to some extent in competition with the Commission President (and even with the High Representative in relation to foreign affairs), undermining the prominence and leadership of these two figures and the interests they represent. It has generated a great deal of confusion that distances the Union from its citizens.

To overcome these disadvantages, the creation of a single presidency has long been proposed from various quarters, such that the Commission President also chairs the European Council (Quermonne 1999, Moussis 2003)^{IX}.

The new single presidency, based in Brussels, would have the stability and visibility that is needed, as well as the technical know-how and support of the Commission. The serious problem of confusion at present would be overcome. Since this President would come from the European elections and would have the support of the European Parliament, this would help connect citizens with the Union. The new role of Commission President could also be a key stimulus if and when the European Council is capable –over and above the representation of national interests – of communicating also, to a greater extent, supranational perspectives and common interests. Thus, it could help correct the loss of influence of the Commission and balance the intergovernmental approach that has characterized recent years. The advantages that a single presidency model would bring in terms of transparency and of Commission-European Council interdependence are easy to foresee.

The reservations of the States in this regard are also evident. In this model, the President, far from being a representative of the Heads of State and Government, would have his own legitimacy further enhanced by his appointment being originated from the European elections. A European Council chaired by the President of a Commission resulting from European elections, i.e. with a clear political origin, is certainly a risky proposition. This model would guarantee interdependence with the Commission and good preparation and follow up of its work, but the difficulties would arise from the relationship of a politicized President with the Heads of State and Governments of different political hues. In reality, the drive towards democratization and politicization of the Union requires, in any case, taking risks of this nature. Indeed, the politicization of the Commission would in any case have an impact on its relationship with the European Council and the Council.

In my view, despite the difficulties, the single presidency system could be viable. The



Commission President could preside over the Heads of State and Government, with the possibility of monitoring the work, strengthening synergies with the Commission and avoiding the confusion of a dual presidency. The European Council would continue to be the necessary protagonist of the European government, but its presidency, associated with the Commission, could become a driving force, an original but feasible proposal, like the system of integration itself.

It should finally be noted that the Treaty does not appear to exclude this possibility, by specifying the incompatibility of the office of President of the European Council only with a national mandate. However, this is controversial, because some consider that Art. 15.2 TUE requires a revision. In any case, if the Treaty is reformed and this proposal of single presidency is promoted, it is advisable to clarify article 15.2 TUE.

4. Conclusions

It is submitted that to increase true democracy in the European Union, there is a need of promoting ‘different in nature’ EU politics, more based on cross-national ideological majorities (or alliances) and less on national interests bargaining. The Commission seems to be well-fitted for that purpose and therefore it is at the core of my analysis and my reform proposals.

If we look back at the latter years, the Commission has paradoxically been subject to parallel weakening and reinforcing tensions. What matters is not so much which of those forces has won but that both detect imbalances and could be pushing towards a reflection and changes in the Commission’s design and role. It is submitted that the correction of those imbalances need a strengthening and democratization of the European Commission. How to proceed is what this paper discusses.

In a new era of closer Economic and Political Union, a more direct democratic mandate is essential to increase the legitimacy of the Commission and its role as a political protagonist. Therefore, my proposals mainly focus on a greater parliamentarization/politicization of the European Commission as the key to a more dynamic transnational political space and closer linkage with citizens through the elections to the European Parliament.



Steps forward and proposals in that direction are assembled in two groups. Firstly, I examined two relevant recent steps forward: the indirect election of the Commission President in the 2014 European Elections and the new organization of the College. Secondly, I turned to more medium-long term reforms which can reinforce the Commission and its democratization in the future.

Regarding the new model of indirectly electing the Commission President at the European elections and the new restructuring of the Commission, both are welcome.

The new formula introduced by the Lisbon Treaty for the appointment of the President of the Commission, together with the agreement of pan-European political parties to designate their candidates, has opened a door, a first important step, for more democratization of the European Commission. It is in itself a qualitative leap with huge potential to generate a new dynamism and a very significant reinforcement of elections to the European Parliament and the European political space. Indeed, it has already created new positive dynamics for the 2014 elections and the new Juncker Commission and this effect will presumably be stronger for future elections.

The restructuring of the Juncker Commission with 7 Vice-Presidencies (one clear First Vice-President) entrusted with the main priorities of the action plan, is not ideal, but it could solve or at least alleviate many of the drawbacks of the current model of 28 members of the Commission, one by Member State. It is an opportunity for more political, strong, coherent and coordinated action of the European Commission. It can work as a first pilot experience and a means to develop a second-best option within the limits of the current framework.

The former recent steps forward have already contributed to a parliamentarization, democratization and strengthening of the Commission. They are limited innovations, possible without Treaty reform, but one should not underestimate them.

However, although important, these innovations are limited. Each Commissioner continues to have one vote and to have, at least formally, equal status regardless of whether he is entrusted with a Vice-presidency or not. Moreover, the Commission keeps on meeting as a College and deciding by majority. And above all, the Commission continues to represent the majority held at the Council and not the new majority of the European elections.



Therefore, it is submitted that these innovations are not sufficient for a true democratization and the needed reinforcement of the European Commission and thus further measures should be adopted in the future. The proposed changes point out to a scenario of greater integration, closer to a federal model. Clearly, this scenario would require a political will that does not currently exist, and of course a thorough reform of the Treaties. It comprises an intense parliamentarization of the Commission, the creation of pan-European lists and the merger of the Presidency of the European Commission and the European Council.

A model of intense parliamentarization/politicization consists not only in the Commission President being elected by indirect universal suffrage in the European elections, but also that the whole Commission were representative of the new majority at the European Parliament that has supported the Commission president. As very likely there would not be a single political party having the sufficient majority at the European parliament, a coalition would have to be formed to give support to the appointment of the President, the whole Commission and its program, and even to participate in the Commission.

The creation of pan-European lists implies that 50-70% of the European Parliament would be elected from national constituencies, for which we should create one or more areas for each Member State, whereas the other 30-50 % would be elected following a proportional system based on closed lists with one constituency at the European level. This change aims at reducing the 'nationalization' of the European electoral debate. It is a means to encourage to talk about Europe, to debate on the European project and its policies, and to vote based on European issues.

The election by indirect universal suffrage of the Commission President has created a new political context that would be further modified if the proposals of intense parliamentarization and the creation of pan-European lists are accepted. All this forces us to reframe the debate about the appropriateness of a dual presidency model and evaluate an alternative model of a single presidency according to which the Commission President would also preside over the meetings of the European Council.

Finally, it should be stressed that these changes aim at a new inter-institutional balance more than at a radical change of system. A new balance in which the Commission increase its legitimacy, visibility, protagonism as agenda-setter and coherent action to better play its



new role and, together with the European Parliament, promote ‘different in nature’ EU politics. Yet its role will continue to be different from a national government as the Council and the European Council will maintain their very crucial roles as decision-makers, political leaders and consensus-builders. Even if all these proposals are accepted, the European Elections and the new Commission may not dramatically change the direction of EU policies but certainly both would have much more influence on the future design of the policies^x.

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[†] This paper is partially based on the report “Proposals for the Future of Europe: The Road to an Economic and Political Union”, University Institute for European Studies, CEU ediciones, Madrid, 2014, that I have co-authored together with B BECERRIL and M MOLTO. The report was presented and discussed before an *ad hoc* working group and then before a larger study group, both chaired by former member of the Commission M OREJA. I am grateful to the preparatory discussions and the comments received during the preparation and drafting of the report. Some of the ideas of this paper were also presented at the Conference What Form of Government for the European Union and the Eurozone?, held in Tilburg (The Netherlands) on 5-6 June 2014. I am grateful for comments received during and after the conference.

[‡] “En d’autres termes, si la Commission n’existait pas, il faudrait maintenant l’inventer” (Dehousse 2005:175).

[§] For an overview of the measures proposed, adopted or implemented by the Commission to fight the crisis, see SZAPIRO 2013: 334-43.

[¶] However, the Eubarometer shows a substantial decrease in the European population support to European integration, something that should be a matter of big concern and which should not be underestimated.

[∇] This has not been the case of the new 2014 Commission because the European Popular Party, the most voted party in the 2014 Elections, and the Party to which Mr. Juncker belongs to, holds as well the majority of representatives in the European Council.

[∞] As S DULLIEN & JI TORREBLANCA, 2012:7, said”...citizens may revolt when they discovered that the EU government they elected had no real powers to introduce new policies or change the rules”.

[∑] This proposal, although covering a more reduced percentage, could also be found in a report of the AFCO Committee of the European Parliament, whose rapporteur was Andrew Duff MEP.

[∏] The need to change the incentives of MEPs and to make them less dependent on decision of their national parties has been stressed by several authors. See for instance, Hix 1997, Arregui 2012: 95 or Hix et al 2007. One of the main challenges of the democratization process is to transform the European elections on first-order elections, and abandon its traditional classification as second-order or even third-order elections (Reif et al 1980; Reif 1997).

[∑] Some others proposed making the President of the Commission a President of the Union but maintaining a rotating Presidency for the European Council and the Council (Pernice 2003).

^x However it is true that some Member States may see these changes are unacceptable or at least problematic in their national political orders.

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