

CHALLENGE EUROPE

The next Commission: doing more *and* better

June 2009

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Foreword

by Jacki Davis

As the current European Commission's term of office draws to a close, media attention is inevitably focused on who will be at its helm for the next five years and who is likely to be sitting alongside the President at the College table when the new Commission starts work.

But away from the spotlight, an intense debate is underway on how the next Commission should be organised; what portfolios should be kept as they are, what new ones might be needed or what old ones might be scrapped; and how the resulting jobs should be shared out in a 27-plus member College, given that the 'one Commissioner per Member State' rule now looks set to be made permanent.

This issue of *Challenge Europe* aims to contribute to that debate, with a series of articles by experts who work for and with the European Policy Centre analysing the challenges facing the Commission in the next five years and beyond; considering the implication of those challenges for the way the institution organises its work; and suggesting some possible solutions to a number of dilemmas.

The insights these essays provide are all the more valuable given that many of the authors previously worked within the institution, including at the highest level. All are intended to contribute ideas on how to address the key questions outlined above, while acknowledging that there is not necessarily one 'right' answer but rather a range of options which should be considered.

Chapter I focuses on the Commission's place in the European Union's institutional 'architecture', analysing its current status and role. It considers whether criticisms that the balance of power has shifted decisively away from the Commission and towards the Council and European Parliament are justified; what the Commission needs to do to regain, maintain or strengthen its role in the EU policy-making process; and what impact the Lisbon Treaty will have if it is finally ratified and enters into force.

Chapter II focuses on the 'horizontal' issues that the next Commission needs to address, most notably how best to ensure that it is equipped to deal with the many and serious challenges already facing the EU; has the flexibility to

be able to respond to emerging new challenges; and can ensure a 'joined up' approach to the increasing number of cross-cutting issues it has to deal with.

Chapter III examines in more detail how best to organise the Commission's work in key policy areas ranging from the economic and social agenda and climate change to the foreign-policy challenge, the justice, liberty and security dossier, better regulation, and communications.

This publication reflects the EPC's long-standing and continuing commitment to fostering discussion and reflection on how best to make European integration work, and is intended to contribute to the debate on the changes needed to make the next Commission as effective and efficient as possible.

Jacki Davis is Editor-in-Chief of *Challenge Europe* and Communications Director at the European Policy Centre.

I. THE COMMISSION'S ROLE IN THE EU'S INSTITUTIONAL ARCHITECTURE

Safeguarding the achievements of the EU's Founding Fathers

by Max Kohnstamm

The 9 May 1950 Schuman Declaration presented by the then French Foreign Minister, which led to the creation of what is now the European Union, contained one revolutionary element: the creation of a common High Authority to control Franco-German coal and steel production.

Some of the countries that participated in the negotiations which led to the establishment of the European Coal and Steel Community wanted to create a Council of Ministers which would have power over the High Authority: the forerunner of today's European Commission.

This would not have fundamentally changed the relationship between sovereign nations, which was a key goal of the proposed new arrangements. In the end, a compromise was reached to bring the ministries into the Treaty, but to maintain the central powers and capacities of the High Authority.

This meant no less than that competences of national sovereignty on the central points in the Treaty would, from then on, be communally executed – a genuinely revolutionary change of the context in which international relations between the Member States operated. As the Union developed and enlarged over the next 50 years, the position of the Commission remained unchanged.

Of course, the Founding Fathers of Europe did not all share the same opinions. For Jean Monnet, as President of the High Authority, these changes in context were of global significance. Only if the application of common and firm rules was maintained would the peace in Europe last and bring real benefits to its citizens. As Monnet says in his memoirs, this was a first step on the road to a new world order.

In today's world – which threatens to fall back into regulating international relations on the basis of balance of power dynamics and at a time of

mounting nationalism – common responsibility and common action are the only way to avoid a new catastrophe.

What does this mean for the role the new Commission will play? In my view, it is not the task of the next Commission to propose many new institutions, but rather to concentrate on executing the duties which are at the heart of its role. The current confusion does not create the possibility for new institutional arrangements.

It is therefore all the more important for the next Commission to keep, and defend, the powers given to it by the EU Treaties.

Max Kohnstamm is Honorary President of the European Policy Centre's Advisory Council. He was one of the 'Founding Fathers' of the European Union, working alongside Jean Monnet to build the European Coal and Steel Community and lay the foundations for today's EU.

Steering the right course through uncharted waters

by Antonio Vitorino

The new European Commission will be travelling in uncharted waters.

The entry into force of the Lisbon Treaty is of utmost importance to the future of the European Union, not least because it is essential to put an end to what seems an endless debate among the Member States about the EU's institutional framework. However this 'institutional fatigue' does not represent the end-point of the redefinition of the internal checks and balances of the Union.

Indeed, the debate over the Lisbon Treaty has shown that a significant number of questions are not solved by the EU's legal framework. To a great extent, therefore, the clarification of some key elements will depend on the political agreements between Member States and between the EU institutions that will have to be forged in the first few months of the new Treaty's concrete application – if it is finally ratified.

First and foremost, the creation of a new permanent President of the European Council and the 'double-hatted' High Representative/Vice President of the Commission in charge of foreign and defence policy will depend not only on the personalities chosen for these different jobs, but also on the practical concrete arrangements that will have to be defined.

In the short run, this will imply relevant adaptations of the work of the Commission. If we want to avoid any undesirable expressions of 'institutional jealousy', it will be essential for the new Commission to do its own homework and show flexibility to incorporate in its functioning the challenges that will derive from the new institutional set-up.

No one can doubt that there will be new dynamics in the relationship between the Commission, the European Council and the rotating EU Presidency, and that a great deal will depend on how the different institutions accommodate the new institutional framework in the way they fulfil their tasks from the outset.

The institutional framework will become more complex and, if the Commission wants to preserve its central role as guardian of the Treaties and as initiator of most European legislation, this will require not only a clear

perception of how to preserve its current institutional prerogatives but also of how to adapt its internal organisation to the new protagonists that will emerge.

This is of special concern in relation to the interface between the current Community framework for external relations and the new External Action Service. The debates that occurred last year on this issue show that a number of key questions remain to be clarified. Therefore, in the first months of the new legislature, both the incoming European Parliament and the new Commission will have to come up with clear ideas on how to make the 'double-hat' a win-win solution which delivers the much-awaited EU action on the global stage.

Nobody can anticipate in advance precisely how the new political dynamic will materialise as far as policy planning and public communication are concerned, but the Commission has a comparative advantage on two fronts.

On one side, the inter-institutional interface gives the Commission a prominent position as an 'honest broker' of the necessary political agreements between institutions and between Member States.

The Commission will undoubtedly have to share this role with the new President of the European Council in relation to those subjects that will have to be submitted to meetings of Heads of State and Government, with the representatives of the rotating Presidencies chairing sectoral Councils, and with the European Parliament. However, of all the EU institutions, it is the Commission that will continue to be the one that is able to bring together all these layers of negotiation in a structured way – and its internal organisation will have to reflect this complex dimension of its institutional role in a more transparent way.

At the same time, changes in the relationship between the Commission and national parliaments, as a consequence of the new subsidiarity control-mechanism introduced by the Lisbon Treaty, will require relevant adaptations in its internal organisation, building on what has already been done in this respect in recent years. A structured dialogue with national parliaments is a natural consequence of the Lisbon Treaty reforms, but at the same time this is a rather delicate political issue in relation to the respective positions of the Commission and the governments that represent Member States at Council level.

On the other side, the Commission's political strength lies in collegiality. Following the agreement last December on maintaining the system of one

Commissioner per Member State permanently as the price for a second referendum on the Lisbon Treaty in Ireland, the new College will have 27 members – and even more in future.

Although not all of them will have equally relevant portfolios, the Commission's room for manoeuvre will depend to a large extent on its internal cohesion. In the last few years, a tendency towards the 'presidentialisation' of the Commission has emerged and it is likely that this trend will prevail. This can provide added-value to the work of the Commission as far as policy coherence is concerned, but at the same time its capacity to operate will depend on keeping the entire College on board on a permanent basis.

Finally, it is likely that the new Commission will continue to be characterised as a 'Grand Coalition' between the most relevant European political families. Its political ability will depend on being able to count, simultaneously, on the confidence of the European Parliament and of the European Council.

I sincerely hope that the Parliament fully understands this key aspect of the Commission's institutional role when it is called on to vote on the President and the new College. In fact, the changes introduced by the Lisbon Treaty in this area give the Parliament a more prominent role in choosing the Commission President, but they do not change in substance the checks and balances between the Parliament and the Council in relation to the choice of the members of the Commission, including its President.

Beyond these institutional challenges, the new Commission will have a heavy political agenda in the next five years. For its own sake, it would be advisable to clarify its priorities for its five-year term at a very early stage.

Some of them flow naturally from work already underway, such as the legal framework for dealing with the current financial and economic crisis or the energy and climate change package. These two issues will be of utmost importance in defining the political profile of the new Commission and its engagements with the other EU institutions in the next legislature.

In this respect, no one can ignore the fact that some of the extraordinary measures that have been adopted by Member States in response to the crisis represent a distortion to some basic principles of the EU Internal Market and competition policy. The Commission has accepted this on the basis of their transitional and targeted nature. One key task for the new Commission will be to make sure that once we emerge from the current crisis, there will be

no attempts to reverse the long-term trend towards a well-functioning Internal Market or the Commission's key role in implementing a reasoned competition policy.

At the same time, the new Commission will be called on to come forward with a new set of policy guidelines for the post-Lisbon Agenda period. This will require a realistic assessment of not only what has been achieved to date, but also of the policy and institutional shortcomings that have been identified since 2000 – and most particularly since the Mid-term Review in 2005.

The European Union is a project of economic growth, social prosperity and solidarity and keeping it as such is the best way to consolidate much-needed popular support for the European project. The negative impact of the crisis on employment will have to be taken into consideration in the new policy guidelines. The need to adapt to new and more demanding international circumstances, most particularly in the wake of the current crisis, must be a key political objective for the Union as a whole and especially for the new Commission.

One final remark: in times of economic crisis and uncertainty, the Union should avoid becoming embroiled in confusing institutional bargaining over the new Commission. The sooner the European Council clarifies the rules governing the appointment of the next Commission the better.

Of course, we all know that there will continue to be a degree of doubt as to whether the Lisbon Treaty will come into force, pending the outcome of the second referendum in Ireland. But it is of utmost importance to avoid a prolonged period of uncertainty about the institutional set-up. It is therefore in the interests of both the Union as a whole and of individual Member States to prevent the negative consequences of a void in the European institutions.

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W(h)ither the European Commission?

by Stanley Crossick

The coming few months will be critically important for the EU, and in particular, for the European Commission and Parliament. The next Commission President is to be chosen by the European Council at the June Summit; parliamentary elections will take place in June; the new College of Commissioners has to be nominated by the European Council and approved by the Parliament; and the fate of the Lisbon Treaty will be decided.

It is therefore an interesting time to assess the Commission's current place in the EU's institutional architecture; whether criticisms that it is losing out to the Council and Parliament are justified and, if so, why; what it needs to do to regain, maintain or strengthen its position; and what impact the Lisbon Treaty is likely to have if it does come into force.

The Commission today

There are divergent views as to the current strength of the Commission in inter-institutional terms. That said, there is probably a broad consensus that, for over a decade, the Commission has not been the motor of European integration it was in the halcyon days of Jacques Delors.

A number of factors need to be taken into account when making this assessment. Comparisons with the past are dangerous for four reasons. First, a College of 27 Commissioners is inherently weaker than one of 15 or less. Second, the Commission is at its strongest when it is legislating, but much of its work is now focused on policy-making and it is disadvantaged when operating under the second and third (intergovernmental) pillars rather than the first (Community) pillar. Third, the Commission's strength is influenced by attitudes towards it among the leaders of the Member States. Fourth, its composition depends almost entirely on Member States' choices.

The Commission's standing is, of course, affected by the ability of its President, who has to be unanimously approved by the Member States. He (up to now there has never been a she) depends a great deal on support from Member States, in particular France and Germany: Jacques Delors would not have been such a success without his relationships with the then French President François Mitterrand and German Chancellor Helmut Kohl.

Views on President José Manuel Barroso are mixed. He is an excellent external communicator in several languages, but there are criticisms that he sometimes acts – or refuses to act – so as not to offend the influential Member States, with his re-appointment in mind.

The outgoing College of Commissioners is not impressive – there are rather more lightweights than heavyweights and there are clear signs that, more than six months before the end of their mandate, several are worrying more about their re-entry into national politics or election to the European Parliament than about Commission work. No less than four ran for election to the Parliament, and the original British, Cypriot and French Commissioners have already left the College for ministerial appointments back home. This affects both the quality of work and the Commission's cohesion and overall political standing.

The value of the Commission's everyday work should not be overlooked. This entails managing the common policies, proposing first pillar legislation, ensuring the Single Market is strengthened, overseeing the application of Community law, and a host of other routine activities.

However, the Commission has lost influence in relation to the Council and Parliament. Historically, the Parliament has broadly been an ally of the Commission, but since successive EU Treaties have increased its powers and standing, augmented by adept exploitation of those powers, it is more concerned to strengthen its own position. The Parliament has often been the power-broker with the Member States – a role traditionally filled by the Commission. The current Commission President does not help to build coalitions of Member States or press the Council to vote when this is essential.

The Commission has also lost influence since the onset of the financial crisis. It has failed to help drive or indeed coordinate the economic and employment policies of the Member States. This is, to some extent, hardly surprising, as responses to the challenges posed by the financial and economic crises had to be led by the governments, given the limited powers of the Commission in this area. However, Delors-style leadership is missing.

How does the Commission increase its influence?

The trouble is that the composition of the College is primarily in the hands of the Member States. The first way to increase its influence is to ensure that sufficient heavyweights are appointed. Some Member States still see the exercise as a useful way to reward senior figures for past services or remove individuals from

domestic politics. The new European Parliament should issue a warning that it will not approve a College which is not clearly stronger than the present one.

The Commission could also increase its influence by being more effective. One way of achieving this is to recognise that the old collegiality of decision-making cannot apply to a College of 27 or so. This means that each Commissioner does not require *cabinet* members to follow all the issues. The size of the *cabinets* should be reduced and they should be essentially staffed by ‘political’ advisors/experts in the respective portfolios and interlinked portfolios (for example, environment and energy). More than 300 *cabinet* members are too much for the system.

The next President, to be chosen in June, should make it clear that the Commission is guardian of the European interest and should not be reticent in urging action by Member States or criticising inaction. He or she will hopefully defend the Community interest against the Member States better than President Barroso has done in his first term (and, of course, Barroso could do this in a second term).

The Commission should try to ensure that a strong Commission-Parliament axis is restored and plays a prominent role in power-broking between the Council and Parliament, and between Member States.

The EU lacks good strategic thinking, and decision-making is not underpinned by sufficient public policy-debate (as compared with, say, the US). The Commission has its own internal think tank, BEPA (the Bureau of European Policy Advisers), but it is not influential. There is no reason why the Delors’ model cannot be restored: BEPA’s predecessor at the time of President Delors was led by an excellent thinker, with a highly-qualified staff which was effectively an extension of the President’s *cabinet*. An alternative and preferable model is for BEPA to play the role of a liaison and coordination group bringing EU- and national-level think tanks into the process.

The EU has so far developed a good reputation in working to meet the challenge of climate change. The Commission would increase its influence by playing a leading role in a field that will occupy us indefinitely.

At a more mundane level, the Commission must change the way it works with outside consultants, although this entails changes in the financial regulations. It has an appalling reputation in this area, both in the manner in which it deals with outside consultants and its failure to pay its bills on time (despite

exhorting governmental organisations to pay within 30 days). Consultants frequently mix with national decision-makers and opinion-formers, and ‘tales from Brussels’ are very damaging for the Commission.

What impact would the Lisbon Treaty have?

Assuming it is finally ratified, the principal changes in the Lisbon Treaty which affect the Commission’s status are:

- The Parliament’s powers are strengthened in terms of legislation, budget and political control. This need not weaken the Commission if the Commission-Parliament axis can be re-established but, if not, it could be weakened by a more assertive Parliament.
- The number of Commissioners would be reduced from 27 to 18 (two-thirds of the number of Member States) in 2014. This would avoid the increasing nationalisation of the College, enabling the Commission more effectively to represent the Union’s general interest. However, the European Council can change the size of the College by unanimity, and has already promised to do so as the price for an Ireland ‘Yes’ to the Lisbon Treaty second time around.
- There will be a ‘double-hatted’ High Representative of the EU for Foreign Affairs and Security Policy and External Relations Commissioner and Vice-President (EU Foreign Minister in all but name), who will chair the Foreign Affairs Council. He or she will be appointed by the European Council and approved by the Commission President. A new European External Action Service will provide back-up and support. The impact, coherence, visibility and effectiveness of the EU’s external policy will be enhanced. The effect on the Commission’s standing will depend on the relationship between the EU ‘Foreign Minister’ and the Commission President.
- There will be a permanent European Council President, for a renewable term of two-and-a-half years, who will replace the present six-month rotation between Member States on the international stage and (*inter alia*) chair EU Summits. Again the effect on the Commission will be determined by the way the two Presidents work together.
- The Parliament will have a right of veto over the Commission President’s appointment, which should lead to the appointment of a strong person and give the President greater democratic legitimacy – but might be horse-traded with other appointments.

- The Commissioners will be appointed by the European Council, but by common accord with the President-elect (and approval of the whole College by the Parliament). This should ensure the appointment of a strong set of Commissioners.
- The three pillars created by the Maastricht Treaty (I: Community; II: Common Foreign and Security Policy; and III: Police and Judicial Cooperation) will be merged. This will strengthen the Commission's influence, as it will have a greater role, given that the second and third pillars are intergovernmental. The efficiency of the decision-making process in the area of freedom, security and justice will be increased.
- Energy will become a shared competence. This means that a truly European energy policy can be developed by legislating to harmonise the functioning of the energy market, enhancing the security of the Member States' energy supplies, and promoting energy saving and the development of new and renewable forms of energy. This will certainly increase the Commission's status.
- The Commission will gain the right to issue opinions to Member States which have an excessive budget deficit. The sanctions procedure will be adopted by the Council of Ministers, on the basis of a Commission proposal, rather than merely a recommendation.
- Qualified Majority Voting will be extended to 33 new articles, increasing the Commission's chances of making successful legislative proposals.

Conclusion

The Commission is not what it used to be. This is for a variety of reasons, with responsibility shared between its President, the College and the Member States. There is every reason why a strong Commission, led by a strong President, could strengthen its influence. The Parliament's influence need not impede that of the Commission, provided that they cooperate.

The changes in the Treaty of Lisbon should strengthen the Commission's standing, although this will be seriously influenced by the composition and compatibility of the trio of Council and Commission Presidents and 'Foreign Minister'.

Stanley Crossick was the Founding Chairman of the European Policy Centre and is a member of its Advisory Council.

II. THE NEXT COMMISSION AND BEYOND: OVERARCHING CHALLENGES

New treaty, new structure?

by Antonio Missiroli

Over the years, different solutions have been found to the organisational challenges facing the European Commission [see Annex]. This only proves that there is no optimal set-up for a College – and an institution – whose role, competence and composition keep evolving over time. It also shows that the successive treaty reforms of the last two decades, in particular, have prompted a constant review process, driven as much by political and tactical imperatives as by strictly functional ones.

With the Lisbon Treaty – if and when it enters into force – such permanent readjustment may come to a temporary halt, as it looks unlikely that new rounds of institutional reform will be set in motion in the foreseeable future unless driven by a pressing need to respond to external challenges and crises.

Even in the latter case, however, the Member States will probably prefer to operate within the Lisbon Treaty boundaries, by adapting the existing provisions creatively and pragmatically rather than trying to change them once again – not least because of the intrinsic uncertainties of the treaty-ratification process.

As a result, the next Commission will probably still be a transitional one (as Lisbon will be implemented gradually and progressively), but it will also have the opportunity to try to sketch a number of solutions that may stand the test of time and lay the ground for a durable new structure.

Even without the Lisbon Treaty, substantial improvements to the current set-up are in order. In terms of the internal organisation of the College, three issues stand out:

- the enhanced role of the President (now far more than a '*primus inter pares*');
 - the allocation of portfolios and responsibilities among a growing number of Commissioners (in light of the 'one Commissioner per Member State' rule, now likely to be made permanent);

- the way in which collegiality may work under such new circumstances.

These will also have to be addressed taking into account the need to pool existing competences more effectively and give higher visibility to new policy priorities.

POTEC and the West Wing

Regarding the President's role, a process of creeping 'presidentialisation' has already been evident over the past few years, partly due to José Manuel Barroso's leadership style. The Lisbon Treaty will reinforce this further in legal terms.

Yet 'presidentialisation' is also an emerging trend within national governments and the Union itself: EU policy-making is increasingly 'inter-domestic' and, consequently, key trade-offs have to be made at the top level – which also explains the rise of the European Council over other Council formations, which will be also formally institutionalised by Lisbon.

So why not make the President of the European Commission (POTEC, to mirror America's POTUS) the cornerstone of a new architecture intended to strengthen coordination and coherence at the centre of the system, and to counter fragmentation and compartmentalisation? If matched with adequate checks and balances, this could generate better policy delivery and also raise the institution's profile at both the EU and the international level – with POTEC on a par with the Heads of State and Government in all relevant fora. This would also strengthen the Commission President in relation to the 'other' POTEC – the European Council President created by the Lisbon Treaty.

To this end, the next Commission President should aim at shaping a sort of 'West Wing' inside the Berlaymont and bring under his or her supervision those functions which can ensure a more effective coordination of Commission work.

These should include all 'horizontal' services – legal, linguistic and administrative – but also such key functions as public outreach (publications, relations with EU citizens), liaising with the media and with other EU institutions (the European Parliament and Presidency), and coordination of the numerous crisis and emergency management units spread across various Directorates-General (DGs).

The Commission's 'West Wing' should also host a much-strengthened section devoted to forward policy planning and strategy – the 'vision thing', to stick to American political metaphors. This should not only involve the relevant

units in the DGs or the current Bureau of European Policy Advisers (BEPA), but also attract new talent and expertise from unconventional domains and walks of life in order to support policy innovation and future-oriented solutions – especially in those new policy areas where original expertise, well beyond the traditional legal/economic ones, is in demand.

Needless to say, each individual Commissioner would retain his or her own spokespersons, *cabinet* and dedicated aides. But the ‘West Wing’ would coordinate the message, lay down common principles for action, and mediate or troubleshoot whenever necessary. By so doing, the Secretariat-General, the Legal Service and the other specialised units/directorates would be at the disposal of the whole College rather than only the President, thus playing to a quintessential strength of the Commission: namely, its being a single organisation designed to act in the Union’s common interest.

These services and functions should not all necessarily lie in POTEK’s hands. He or she could easily create a ‘pool’ of Commissioners in charge of some of them (at 27+, there will be no shortage of job requests to accommodate!), but under the President’s overall supervision. All the other members of the College would draw upon them and chip in as deemed necessary. The ‘West Wing’, in other words, would serve as a hub to the various spokes spread across the entire Commission.

Within this framework, it is entirely conceivable to have a Commissioner with a strong political profile liaising with the European Parliament on legislation proper, another with good communications skills filling in for POTEK as a sort of ‘top spokesperson’ and supervising the work of the Commission’s Representations in the Member States; one with think-tank and policy-planning experience in charge of the ‘vision thing’; and another coordinating crisis response, emergency management and civil protection across the board, with one, of course, responsible for administration and personnel. It is even conceivable, in perspective, to have a Commissioner coordinating the various aspects of immigration and visa policy currently dispersed across different DGs.

Vices as virtues

Over the past years, Commission Vice-Presidents (VPs) have played a mainly ceremonial role. Now and then, such posts have also been handed out as symbolic rewards or compensation to countries or individuals. The Lisbon Treaty, however, creates at least one VP – the ‘double-hatted’ High Representative in charge of both Common Foreign and Security Policy (CFSP)

and external relations – with higher status and substantial prerogatives inside the College. Moreover, the HR/VP is expected to be supported by a dedicated External Action Service (EAS), to chair the new Foreign Affairs Council (a virtual third ‘hat’) and, arguably, to supervise a ‘pool’ of Commissioners in charge of relevant policy areas.

These areas, in turn, could continue to reflect the main existing portfolios (enlargement, neighbourhood, development and possibly trade) or be framed in an innovative way, for example by combining functional and geographical competences under the ‘guidance’ of the HR/VP.

Accordingly, one Commissioner could, for instance, be in charge of ‘wider Europe’ (enlargement policy plus the Eastern Partnership); another responsible for development and good governance (including the implementation of the Mediterranean Union); and another for humanitarian aid and peace-building, possibly also representing the Commission as such on the Foreign Affairs Council.

Many important details still remain to be thrashed out in this area, while other dimensions of the Union’s external projection (for example, the regulatory dialogues related to first pillar policies) will not fall into the HR/VP ‘pool’ – and trade only partially.

Many in the Commission services still perceive the HR/VP as a sort of ‘genetically modified organism’ who is bound to ‘taint’ their purity. Yet, once again, a treaty obligation should be turned by the next POTECH into an opportunity, while the confirmation of the ‘one Commissioner per Member State’ rule could prompt a new trade-off between equality among countries and equality among Commissioners, as it would be virtually impossible (if it ever was in the past) to have 26+ College members with equal weight.

POTECH could thus enhance the role of other VPs in order to ‘match’ the HR/VP – who would otherwise be not only a *de facto* No. 2 but also one capable of resorting to his or her Council ‘hat’ whenever necessary or useful – and give more visibility to the Commission’s specific role. The total number of VPs may vary, but should not exceed the current five. More importantly, these posts should be shared out in such a way as to avoid the impression that the bigger Member States get most (if not all) of them: political balance, experience and possibly also seniority should instead be the guiding principles. Finally, each VP should also have his or her own portfolio and services. In order to avoid the explicit formation of a

two-tier Commission, however, such portfolios should be of a mainly ‘horizontal’ nature.

To start with, there is a compelling case for giving VP role and status to the Commissioner who sits on the ECOFIN Council, and this portfolio could also be enriched with banking supervision and financial regulation – thus showing that responding effectively to the current crisis is a top priority. Ideally, this VP could then also be chosen by the Member States to chair de Eurogroup.

Furthermore, the new Commission could have a VP in charge of ‘sustainability’ to coordinate policies related to environment, climate change, energy, and infrastructure, and sit on the Environment Council – thus, once again, giving visibility to another overarching priority for the coming years.

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

The current area of Justice, Liberty and Security (JLS) is a special case, where the spectacular rise in competences and legislative output of recent years may require a separation – also in terms of portfolios – between the two main sub-fields of Justice/Liberty and Security: one more related to rights, and the other to protection.

Such a division would also be in line with the distinctions made in most Member States’ governments, which are reflected in the JHA Council’s composition. Even here, however, a degree of ‘pooling’ remains necessary, as there are policy areas (such as judicial cooperation) in which separation may be tricky – and areas in which the residual scope of the third pillar or the Council’s competences in the area of counter-terrorism need to be factored in.

It also remains to be seen which Commission member would sit on the General Affairs Council, which the Lisbon Treaty separates from Foreign Affairs and External Relations. Last but not least, the VPs would not be the only College members with clout, since such portfolios as trade, agriculture,

regional policy or competition (with its ‘adjudicative’ powers that, in perspective, should preferably be placed in a dedicated institutional niche) would still retain special weight.

Collegiality at 27+

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

In other words, pools would lie somewhere in-between the current ‘Groups’ of Commissioners and the ‘Clusters’ envisaged in the famous Commission Opinion for the 2003-04 Intergovernmental Conference. The former are hardly visible and not very effective, while the latter would risk creating mini-colleges within the College itself.

The pools’ main tasks would be, instead, to prepare major decisions (which would still be taken in the College plenary), ensure a degree of policy coherence, and support the representational role of the VPs. As such, they could well be ‘codified’ – as a possible format, not as an obligation – in the Commission’s own Rules of Procedure: these are normally reviewed shortly after a new Commission takes office, and this will need to be done anyway, by dint of the new Treaty. It could thus be used to introduce new operating modes for the College, possibly including a more frequent and flexible recourse to task forces to float possible solutions to new problems which may arise during the Commission’s term of office.

Increasing the Commission’s internal adaptability and response capacity should indeed be one of the top priorities of the next term, as this could well become a crucial benchmark for EU effectiveness. This will require a readiness and ability to operate collectively – also in smaller formations – that has been lacking in recent years and which the ever-growing size of the College has hardly made easier (and could become even more difficult in future: with Croatia and possibly Iceland, it could easily amount to 29 by 2014). In turn, such new attitudes at the top need to be spread further downstream – to the *cabinets* and services – in order to bring lasting results.

This said, each new Commission is a sort of blind date: even with the Lisbon Treaty, POTEK will not be able to choose his or her colleagues freely and will have to juggle contrasting demands from the Member States and make the most of the names put forward by them (and accepted by the Parliament). Having a sketchy rationale and tentative blueprint, however, can be of some help.

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Better thinking

by Graham Avery

The key role of initiative

The European Commission's task as initiator of proposals is a key activity – even more important than its tasks as guardian of the EU Treaties, manager of its budget and executor of its programmes. In submitting proposals to the Council and European Parliament, the Commission can play a unique role as a 'motor' for the EU's development – a role for which no other actor in the institutional framework is so well-placed.

Traditionally, the Commission has considered that its exclusive right to make proposals in the areas covered by Community policies (the 'first pillar') is a prerequisite for the success of the 'Community method' and for the maintenance of its institutional role.

But this is not a correct description of the reality of EU decision-making. The Commission's special advantage is not its monopoly of initiative, but its independence of national and sectoral interests, and the crucial factor is the *quality* of its proposals. It is much better equipped with technical expertise to make comprehensive proposals covering the EU's 27 Member States, and anyhow, as a monopoly-buster in the economic field, it should not need a monopoly in the legislative field.

In areas where the Commission has no exclusive right of initiative, such as Freedom, Justice and Security (the 'third pillar') or the 'Open Method of Coordination', experience shows that proposals made by Member States are generally less effective, because they are perceived – rightly or wrongly – as being coloured by national interest. The Commission, however, has the duty to identify and promote the European interest, and although Member States may oppose its initiatives, they normally accept that they are designed for a common purpose. But unless its proposals are of good quality, well-prepared, and timely, then even in fields where it has the monopoly of initiative its role can be usurped by other actors.

In the Common Foreign and Security Policy (CFSP) (the 'second pillar'), the Commission's role as initiator is replaced by the High Representative for CFSP, acting through the Council Secretariat. This arrangement demonstrates how the EU requires a permanent independent actor in the field of

foreign policy, as elsewhere, and is – paradoxically – an acknowledgement of the need for an actor to replicate the Commission's role. In fact, the institutional arrangements in the Lisbon Treaty will bring the two actors together in the person of the new High Representative for CFSP, who will also be a Vice-President of the Commission.

Nothing is more powerful in the EU than a good idea launched at the right time, and no actor is as well-placed as the Commission to launch initiatives. That is why it needs to maintain and develop its capacity to 'think better' and to make independent proposals of good quality. Without that capacity, it will be relegated to the role of a secretariat employed for administrative tasks, rather than acting as a motor of European action and integration.

Interlinkage of policies

One of the prerequisites for success for the Commission is to exploit the interlinkage between the different areas of its work, both internal and external. The EU's energy policy needs to take account of transport and the environment; its trade policy needs to take account of agriculture and other sectors of the economy; the policy for free movement of persons within the EU needs to take account of external policy; and so on. Since the Commission brings together in a single organisation policies which are handled by separate ministries in national capitals, it is particularly well-placed to develop a 'horizontal' view of what is in the European interest.

That requires it to ensure the best possible cooperation and interaction between its Directorates-General (DGs). This, in turn, implies a regular internal debate on how proposals in one field can embrace other areas of policy and, from time to time, a comprehensive overview leading to the development of a 'package' covering a number of policies. A good example of this was the Commission's 'Agenda 2000' proposal in 1997 which covered important fields (budgetary framework, structural funds, enlargement, etc.) and set the agenda for the following years.

I use the words *cooperation* and *interaction* because they are both significant: what is needed is not simply coexistence – the avoidance of contradiction and incoherence between proposals – but also interplay between Directorates-General of a kind which can yield *synergy* between the different fields of policy and *value-added* for the development of European policies.

Viewed from this angle, the present situation and Commission practice do not give grounds for optimism.

One factor is the number of Commissioners, but (alas) this handicap will probably remain, since the planned reduction in the size of the College has been dropped in the hope of obtaining Ireland's ratification of the Lisbon Treaty. The increase in the number of Commissioners (15 years ago there were 17, now there are 27), coupled with the fact that there is now a one-for-one correspondence between Commissioners and Member States, has accentuated the tendency for them to be perceived as national representatives.

It has also led to a 'Balkanisation' of the Commission services: since each Commissioner wants to have his or her own Directorate-General – his or her own 'army' – the number of DGs has grown, their capacity to cooperate has decreased, and this 'compartmentalisation' has led to a loss of efficiency in the Commission's work.

President José Manuel Barroso, like his predecessor Romano Prodi, created a number of Groups of Commissioners whose work was supposed to improve the cooperation and synergy between Commissioners and their services. But in practice these Groups seem to have provided little value-added.

Perhaps the most signal failure has been in the field of external policy, where no less than four Commissioners and six DGs are directly involved. Here, the prospect of the new arrangements under the Lisbon Treaty, with the High Representative for CFSP being a Commission Vice-President, should have led to a better system of coordination.

An internal Commission report described the situation in 1999 in the following terms (and it has not much improved since then): "There is little or no sense of an overarching external relations' strategy. The mechanisms in place for policy coordination at the level of Commissioner and Director-General are seen as reasonably effective for resolving disputes, but lacking ambition to establish an overall strategy."

Working together: inter-service consultation

So can a better synergy be promoted between the areas of policy for which different Commissioners and their Directorates-General are responsible?

Firstly, the arrangements for internal ('inter-service') consultation between Directorates-General should be improved. At present, they do not optimise cooperation within the organisation. Inadequate account is taken of the views of other services whose input could improve the proposal being prepared. Dialogue tends to be limited to the exchange of notes signed by Directors-General, and insufficient time is left to discuss the real problems before the dossier is submitted to Commissioners.

The rules for inter-service consultation should be improved to provide for:

- earlier consultation (not at the last moment);
- better flow of information;
- real discussion (not simply 'paper consultation') in inter-service groups, formally or informally constituted;
- wider margins of negotiation for representatives of DGs;
- more frequent preparation of joint communications and proposals on matters which concern several DGs;
- regular use of the network of 'correspondents' within DGs responsible for work programmes, to identify upcoming issues for consultation.

But the underlying problem cannot be solved by inventing new procedural rules for inter-service consultation. What is needed is a *better administrative* culture within the Commission: unless officials at the working level have the reflex to consult colleagues in related fields of work, and unless this reflex is encouraged – and rewarded – by the higher levels of the organisation (Directors-General and Commissioners), the situation will not improve.

Working together: Commissioners and Directorates-General

One of the reforms introduced by Romano Prodi as Commission President was to improve communication and contact between Commissioners and their staff by locating them physically in the same buildings as their services. This innovation worked well, but President Barroso reversed it, placing all the Commissioners and their staff in the newly-renovated Berlaymont building. This has resulted in an increased sense of separation and isolation, with officials in the DGs meeting their Commissioners less often and an accentuation of the problems arising with Commissioner's private offices.

It is true that locating all Commissioners in one building means they do not need to go to another place to meet collectively or individually. But experience shows that most Commissioners only see each other regularly at

their weekly meeting. Having offices in the same building does not really make them more ‘collegiate’; rather, it divorces them from their permanent officials and creates a kind of ‘Planet Berlaymont’ syndrome.

The increase in the number of Commissioners has also increased the number of *cabinets* and accentuated the tendency for these private offices to take over permanent officials’ tasks. This is facilitated by the lack of clarity concerning the respective roles of *cabinets* and Directorates-General, and the tendency to pass responsibility higher and higher up the management tree until it reaches the Commissioner’s office.

Interaction between members of *cabinets* – all in the same building – tends to be a substitute for cooperation and consultation between DGs, which becomes a superficial formality if the decisive discussion of ideas takes place at a later stage.

The problem is not that *cabinet* members are unintelligent – on the contrary, most of them are very bright – but that they lack the experience and specialised knowledge of the permanent officials. They are also more prone to external influences related to their Commissioners’ nationality. Another well-known aspect of the ‘*cabinet syndrome*’ is the tendency for *cabinet* members to promote the advancement of their careers in terms of promotion and ‘*parachutage*’ into senior posts in the services.

Forward planning

At present, no part of the Commission is equipped to, or tasked with, developing an overall strategy for the institution or for EU as a whole. This is an extraordinary lacuna given that one of the Commission’s key roles is to develop a general view of the common European interest. Some Directorates-General have units of this kind dealing with their own policy area, although surprisingly no such unit covers the wide area of external affairs – another notable lacuna.

At first sight, the Bureau of European Policy Advisers (BEPA) attached to President Barroso may seem to have the task of developing a general strategy for the Commission, but in reality it has not performed this role. The Secretariat-General, which monitors the execution of the Commission’s work programmes, is not responsible for strategic planning. By default, the President’s *cabinet* may be supposed to have this task, but experience shows that a *cabinet’s* priorities are more limited in scope.

To a certain extent, the role was undertaken in the past by the Forward Studies Unit (*Cellule de Prospective*) created by former President Jacques Delors, but its activities were defined by the President's interests and it was not at the service of the Commission as a whole.

The Commission could improve the quality of its work, and particularly its capacity to formulate long-term strategies spanning the various fields of European policy, by creating a Forward Planning Unit equipped to dialogue both internally with the DGs and externally with organisations engaged in European policy research (think tanks, etc.). Such a unit would naturally come under the President's authority, but should dialogue with other services and communicate the results of its work to the Commission as a whole.

Management advice

Following the financial mismanagement that led to the collapse of the Santer Commission, Romano Prodi introduced a series of reforms, piloted by Neil Kinnock, which have now been generally assimilated. However, their basic aim was not to make the organisation more efficient, in the sense of improving its performance, but to avoid another financial debacle.

In fact, the accumulation of audit procedures in recent years has led to a decline in the organisation's efficiency in the sense of its capacity to deliver results in relation to its resources. Insiders complain that the financial controls are so complex that it is impossible to conduct a number of useful activities, particularly those involving external assistance, such as for the evaluation of results of EU policies, because so much manpower is required to manage them according to the rules prescribed by the internal auditors.

How does the Commission obtain advice on its management and use of personnel and, from time to time, the impulse for reform and adjustment?

The answer is that it has no regular system for monitoring its organisation and methods. This kind of review is best provided on a permanent basis, rather than by emergency action, and it needs to be conducted by experts who understand the environment in which the organisation has to work. Although the Commission sometimes employs management consultants from the private sector, they are not well-suited to understanding the tasks and constraints of an international organisation.

The Commission could improve the efficiency of its organisation and management by creating an internal unit for inspection and providing advice; this could also help to inject much-needed flexibility in the reorganisation and reallocation of resources within the Commission.

Neither the Internal Audit Service nor the Directorate-General for Personnel and Administration are appropriate for this kind of task, so the Commission should create a new specialised service – a Management Consultancy Group. In fact, such a service once existed – the *Inspection Générale des Services* created by Jacques Delors – but it was abolished as part of the Kinnock reforms.

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The case for a cross-cutting approach to sustainable development

by Peter Johnston

The appointment and structuring of the new Commission in 2009 is a historic opportunity to re-design the European institutions for the challenges of the 21st century. It will be a tragedy for Europe if this opportunity is missed.

The next Commission not only needs to include appointees of the highest calibre, but also needs to be structured differently. The new challenges facing Europe cut across the traditional sectoral compartments of government: climate and energy security, economic re-stimulation and sustainable growth; the continuing transition to a high-skill, knowledge society. They cannot be dealt with in a fragmented sectoral structure.

All these challenges require a better integration of education, research, innovation, investment and enterprise – led by clear mid- to long-term goals for a high-skill, high-employment and prosperous Europe in a resource-efficient and low-carbon society.

Structure and process matter

The current structures of the Commission, Council and European Parliament committees do not allow a sufficiently coherent policy response to the new challenges of energy and climate, research and innovation, economic recovery and the knowledge society.

Sectoral compartmentalisation of policy and regulatory responsibilities, as currently happens in the Commission (and most Member State governments) will not generate sustainable development. This was well illustrated in 2006-08 by the difficulties associated with the biofuels debates, and in developing and implementing effective policies for energy efficiency which build on the innovative potential of information and communication technologies.

The major policy challenges beyond 2010 will be transversal, cutting across the traditional sectoral policy compartments. Climate and energy policies must be integrated with regional and transport policies, and must draw increasingly on research and technology development (RTD) and on a more effective innovation system in the EU.

Effective re-stimulation of the European economy cannot simply seek to regenerate the old models of business and consumption. It must be transformative; it must accelerate the transition to a high-tech, high-value, skills-based society, with much greater energy and resource-efficiency, much greater diversity and decentralisation in energy supply, and radically lower carbon emissions.

The challenge of developing pan-European ‘smart’ electrical power grids illustrates the need for new structures: effective integration of renewable energies and greater flexibility and efficiency in power management must draw on RTD currently managed separately by the Directorates-General (DGs) for Research, Transport and Energy, and the Information Society; build on standardisation efforts coordinated by DG Enterprise; and mobilise investments in the private sector through the European Investment Bank as well as operating at the regional level through the European Regional Development Fund.

It must be enabled by competition policy and further liberalisation of electrical power supply and distribution with the active involvement of the DGs for Transport and Energy, Internal Market and Competition. A piecemeal approach will not generate the necessary investment, nor work fast enough.

Bringing impact assessments up to a strategic level

The Commission took an important step in 2003 with the introduction of obligations for comparative impact assessments of policy options. This mechanism has strengthened the obligations on the Commission services to work together and to take account of the effects of their proposals on the economy, growth and jobs, and the environment.

However, within just five years this obligation has become an administrative routine, pushed down to the level of minor increments to existing sectoral policies within the remit of individual DGs and Directorates. More than 100 impact assessments are now carried out and published each year (adding more than 5,000 pages to the EU paper mountain), but few look beyond incremental changes to existing policies, and major strategic policy initiatives escape the impact assessment obligation altogether.

For example, the debates on biofuels took place without a sufficiently broad assessment of their potential impact on land-use, biodiversity, food prices, and the overall impact on all emissions that contribute to climate change. The lock-in to Emissions Trading as the centre piece of climate policies

(despite its failure to cut emissions and establish a stable and effective price for carbon emissions), rather than innovations and investment, cannot be tackled within the current impact assessment provisions.

Simply re-packaging existing portfolios will not be enough

Simply separating energy and transport and combining energy and climate policy responsibilities will not be enough: effective climate and energy policies will require fiscal and investment stimulation measures, research and innovation, and regional policy follow-through.

The energy security and climate challenge is of such strategic importance for Europe and the world that it is already on the agenda of Heads of State and Government in the European Council and at the G20-G8. It cannot now be returned to the level of a competing policy with those of transport, enterprise and research, each as a separate area of responsibility with conflicting interests.

Re-shuffling the portfolios of Commissioners without tackling the sectoral compartments of the Directorates-General will also be totally ineffective. New ways need to be found to break up entrenched interests in the DGs. More effective policies will come from their collaboration, not from their territorial disputes.

Four recommendations

Europe's economic transformation in the period to 2020 requires a Vice-President for Climate and Energy Security, chairing a 'Green Transition' Committee of Commissioners responsible for climate and energy, enterprise and innovation, research and the information society, the Single Market, competition, regional policies, transport, and economic and financial affairs.

This Committee will need to be supported by a Task Force of Directorates and Units drawn from the sectoral DGs, but with sufficient independence to be able to work as an integrated administrative and analytical team, charged with assessing strategic policy options and reporting to the Vice-President.

There need to be fewer but better impact assessments at the strategic level. They need to become genuinely inter-service collaborations, subject to external peer review, using a much more consistent and capable set of assessment tools, bringing in a much wider range of expertise, and informing the 'Green Transition' Committee of Commissioners on a much more continuing basis.

The Council and Parliament will also need to reflect the cross-cutting nature of the new strategic challenges in a more flexible structure. The traditional 'sectoral' Councils may need to be dropped in favour of a focus on the major challenges, in which ministerial participation reflects the agenda and priorities for EU action.

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The case for a new approach to the ‘societal security’ challenge

by Alyson J. K. Bailes

It is a cliché that defence planners are prone to ‘fighting the last war’ – obsessed with a past trauma that in fact will not be repeated. The next Commission will face a wider security agenda than ever before and, the end-game on the Lisbon Treaty permitting, should gain new tools for tackling it.

It must try not to be captured by yesterday’s agendas, whether in terms of substantial threat analysis or inter-institutional competition. The ‘war on terrorism’ is already dead and buried, though terrorism sadly is not. The notion that the European Security and Defence Policy’s external missions are the cutting edge and the ‘sexy bit’ of an EU strategic personality maybe also need some re-thinking.

Europeans are trained to think of poorer parts of the world when they talk about a ‘responsibility to protect’. Intervention to cope with open armed conflict is, indeed, no longer likely to be needed within the EU’s own territory, or (with some luck) in the near-to-accession Western Balkans. But our lands are not yet immune from spill-over from the ring of conflict-prone areas that surrounds us from Morocco up to Moldova, nor has our largest Eastern neighbour yet been weaned from attempting economic and political blackmail.

Such concerns explain why NATO is starting to look homeward again and can be expected, in its new Strategic Concept, to re-establish the importance both of united strength and of an intelligent *détente* policy for managing Europe’s own needs. Moreover, both NATO and the EU have learned much from their overseas missions about the multi-dimensionality of security and the need to tackle economic, social, judicial and functional as well as military and political aspects of this when rebuilding stricken nations.

All these dimensions are just as relevant to Europeans as to the Congolese; only the levels of development and expectation – and often the vocabulary – are different. Abroad we talk of ‘human security’, at home of ‘internal’, or ‘homeland’, or possibly ‘societal’ security. The term ‘societal’ is uncommon outside Northern Europe, but has merit because it stresses that a functioning society – not just individual survival – is what an enlightened government should be trying to protect.

The same thought may be read into the EU's latest portmanteau term for law and order issues: 'Justice, Liberty and Security' (JLS). Combining fairness and freedom with safety is an eminently 'societal' prescription. But guaranteeing such safety for Europeans means more than just blocking man-made abuses like smuggling, crime and terrorism – the issues highlighted since 9/11. It also demands risk reduction, social preparedness and effective crisis response in fields like handling pandemics (for people and animals), natural disaster response, transport security, cyber-security and the functioning of other critical infrastructures.

The Commission has handled most of these issues separately for years, and more recently has developed a programme for 'civil protection' that potentially combines them all. It has a mechanism – and even funds! – for responding to non-warlike disasters of all kinds, and is increasingly viewing its civilian rescue missions abroad and within Europe as part of a single spectrum of experience and expertise. So where is the challenge?

First, we may expect problems of this sort to loom relatively larger in Europe's future. Climate change is one obvious reason, bringing new migration pressures as well as more violent natural events and diseases. Infrastructures are becoming more overstretched just as growing urban populations rely on them more, and they are open to deliberate interference as well as accidents, as seen recently in the cyber- and energy-security fields. The economic crisis could generate new unrest and disorder, including inter-ethnic tensions, but may also exacerbate some practical vulnerabilities if it leads (for instance) to excessive cost-slashing, poor maintenance and slower uptake of technical advances.

The 'societal' label fits these intra-European security risks not just because they arise in the course of normal industrial, economic and social processes. It also hints that individuals, civic groups, businesses and the media are part of the solution as well as of the target needing protection. Their preparedness, discipline, solidarity and resilience is vital to help governments restore normality as fast and economically as possible – the true measure of success in these cases where there is no war to win, and rarely an enemy to beat.

But this intimate connection with ordinary Europeans' lives is also part of the problem. People do not necessarily want to be helped, or even trained and told what to do, by 'Europe'. Solidarity commitment or no solidarity commitment, the instinct of most European political systems is to tackle

internal crises at the provincial level if possible or, if they demand a national and more-than-national response, to coordinate on an *ad hoc* basis with neighbours. The Commission's emergency aid has, in point of fact, been called on more by Southern and Central European states than by those in the West and North where Euro-scepticism is stronger.

Such hesitation is not just backward-looking. Internal emergencies need to be handled in a way that is sensitive to people's rights and the quality of life, not just life itself. Some countries' cultures welcome the use of military forces in civil emergencies while others recoil from it. Unfamiliar, foreign solutions are accepted only if eminently more effective – and Brussels has some way to go to prove that it can solve these conundrums better than countries (or regional groups) can for themselves.

Post-9/11 JLS measures have often, if not always fairly, been portrayed as insensitive to civil liberties. The split between European Security and Defence Policy (ESDP), 'pillar one' and JLS work has not only made it hard for Brussels to prove it can get a grip on multi-dimensional emergencies in a coordinated way, but has also discouraged debate on the sensitive question of whether and how to use military assets for 'societal' needs.

Under the Lisbon Treaty formula, Javier Solana's successor as 'Mr CFSP' would sit in the Commission as a Vice-President. Could that open the way to merging resources and lessons for a seamless approach to the EU's internal and external security combined? Or might the rest of the Commission get their act together more powerfully on internal security and safety, precisely to balance the 'interloper'?

More coordination and the breaking down of divisions is a clichéd prescription, but in this case seems essential: not just to show all Member States what added value Brussels can bring, but also to integrate citizens' liberties and their own active roles more productively.

The prize could be more than just efficiency gains. An EU excelling in societal security would be on the road to a real European society – a goal closer to the Founding Fathers' dreams than anything we are likely to see coming soon from the ESDP.

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Stop talking and start acting!

by Sylvie Goulard

Critics have suggested that the European Commission is too inward-looking, and that it needs to be better geared towards meeting outside challenges. But is this really true?

In my opinion, the criticism is unjustified. The EU as a whole has never been inward-looking: if you doubt this, just ask Jack Welch and Bill Gates, the two American business leaders who have direct experience of the consequences of the Commission's competition decisions.

Nor do the EU's development and trade policies support this notion. If they were asked, many European citizens would probably consider that the Commission – focused as it has been on successive enlargements, worldwide trade liberalisation and various neighbourhood/foreign policies – has dedicated too much time and energy to international matters and not enough to protecting their jobs and their living standards.

Whatever the reality, the perception of the Commission's actions in the economic and social arena is somewhat negative. This is, of course, to some extent unfair: the EU is not in charge of labour market policies – that is a matter for Member States – and in building the Single Market and the common currency, it has safeguarded many jobs and companies in Europe. Nevertheless, the citizens are not entirely wrong: the EU is facing the first major global crisis without being well-prepared.

Although the number of EU Member States has doubled in 20 years, this has not been accompanied by the adoption of any treaty aimed at *deep* reform of its institutions. It has not increased the common budget to be able to act in a crisis at the European level. It has not even reached the goals the EU and the Member States set themselves in 2000 in the so-called Lisbon Strategy. The 'knowledge' society was a nice concept – unfortunately, for the majority of those who are losing their jobs in many Member States, it remains a mirage.

Globalisation has brought many positive results, but the cake has not been shared in a fair way. There are some clear winners, but others who feel that they are – or will be, with their children – the losers. What did we miss? The Lisbon Agenda's goals were the right ones. It is the method – or more

precisely the lack of a method, the lack of any constraints and sanctions, and the downgrading of the Commission – which went wrong. The Member States' refusal to let the Commission play its necessary role has resulted in a failure to deliver on employment and education. They have destroyed trust in the whole system.

So the main challenge for the Commission is not to be less inward-looking, but rather to play its proper role again. This body was not invented by chance, but after EU Founding Father Jean Monnet's experience in the League of Nations. It is aimed at overcoming the main obstacle to international cooperation: the lack of delivery, fuelled by the lack of a common definition of the common interest.

I do not, of course, pretend to have *the* solution. In such a context, the Commission is not the only institution facing difficulties. The increasing number of Member States in the Council and the EU's heterogeneity after the end of the Cold War makes working in the common interest more complicated.

Many governments pretend loudly that they are 'Europeans', but fail to match their rhetoric with actions. They frequently use words that mean nothing: the "Lisbon Strategy" is not a strategy or, at least, it is lacking any convincing method to reach the goals that have been set; the "Common Foreign and Security Policy" is not common – at best, it is a good coordination of national policies. There are many other examples in the policies of the last decade of empty expressions which can only create fears and frustrations – and the lack of interest in the European elections in many parties around Europe deprives the citizens of a platform for regular debate on EU issues.

Let's tell the truth. The reason why many governments say that they are 'making Europe' without actually making it has something to do with narrow-minded national approaches: a genuinely common research policy would mean pooling our resources, accepting that we will not all get the jobs and agreeing to make sacrifices for 'our Europe' instead of simply waiting for subsidies and benefits. To be concrete, a common research and high school policy could, for example, mean agreeing to close a university (or university department) in one Member State in order to strengthen another located in a neighbouring country.

Neither can the European budget "give its money back" to each Member State. Fairness must be safeguarded, but some countries are richer than others and should pay more than they receive. Furthermore, the Union will

only speak with one voice the day we acknowledge the need for national leaders to remain silent.

As far as the Commission is concerned, let me give some very general tips:

1. The Commission is not the secretariat of the 'big' Member States and does not have to apologise for being supra-national. The vast majority of its civil servants deserve respect; they are honest and hard-working (at least as much so as national or local civil servants). The Commission has been created to defend a strong Europe, a united one.

If it was less in the hands of the big Member States and more courageous and future-oriented, it would regain public support. If it cannot always do this, it could at least 'name and shame' the national politicians who are reluctant to live up to their rhetoric, refusing to plan and prepare for the future because they fear they will not be re-elected. Even if it is not politically correct, the Commission should also dare to insist that experts are still needed in the decision-making process. Sometimes technocrats work better in the interests of the people than some demagogic politicians. We have enough examples of this in Europe right now.

2. Nor should the Commission be hostage to the 'small' Member States. Let's be honest: there are not 27 tasks, 27 'real' portfolios, in the Commission. Total equality of states is a notion recently invented by José Manuel Barroso. At the beginning of the European Economic Community, Belgian Prime Minister and EU Founding Father Paul Henri Spaak was more convincing in explaining that all Member States had to be treated with equal dignity, but that the institutions had to take into account the balance between the sizes of their populations. If ultimately, the Lisbon Treaty is not ratified, we could thank Ireland and the Czech Republic for helping to reduce the total number of Commissioners, in line with the Nice Treaty provisions.
3. If the Treaty is ratified, and the decision made under the French EU Presidency to retain a large Commission (may Schuman and Monnet forgive the French for they knew not what they were doing) enters into force, new steps are necessary. Former Commission President Romano Prodi proposed creating 'Clusters' of Commissioners, without giving further details.

One could also imagine a system in which each Commissioner could work in tandem with a deputy, with both of them chosen according to their competences and not according to the size of the country they come from

(and, of course, rotation should be respected). Another hypothesis could be to create some Commissioners without specific portfolios, who could be tasked with travelling around Europe and the world explaining what the EU is and does. There is such a lack of this at the moment that they would certainly have a lot to do: raising the EU's profile through media appearances, meeting trade unionists, NGO activists, students and young workers, etc.

The challenge we face now is the end of 500 years' domination of the planet by the Western world. It is the rise of huge powers. It is the risk of climate change, fundamentalism, terrorism. It is time to stop talking and start acting again.

Let us thank the post-war generation that gave us an integrated, peaceful, multilateral Union. What we have in our hands is a precious tool. The EU has unique know-how in cross-border regulation and stabilisation. The Commission should shed its inferiority complex. It should feel proud of what it has achieved, even if it also has to admit some ideological bias in recent years. It has to find the right balance once again between market and public policies; between growth and sustainability.

Above all, it should not only launch policies acceptable to EU Heads of State and Government, but also the ones the Union needs. This requires very tough Commissioners, capable of resisting pressures and inventing effective policies. The Member States alone will never share their powers spontaneously; they will try to delay urgent decisions. The Commission has been created in order to avoid this paradox: we need to believe that turkeys could, in fact, be persuaded to vote for Christmas.

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III. THE NEXT COMMISSION AND BEYOND: KEY POLICY AREAS

External action in the new Commission: overcoming the complexity challenge

by Richard Whitman

The optimal set of future arrangements to deal with external relations in the new European Commission is entirely dependent on whether the Lisbon Treaty is ratified or if it is stymied by a second Irish ‘No’ vote.

If Lisbon does enter into force, the implications for all aspects of the EU’s foreign policy – or ‘external action’, as it is dubbed in the new Treaty – are profound. It offers the potential for a significant enhancement of the EU’s foreign policy through greater synergies between external relations and the Common Foreign and Security Policy (CFSP).

However, it also presents three challenges for the Commission in the organisation of its work in this area in the future: the challenge of leadership; the challenge of organisation; and the challenge of representation.

The challenge of leadership

The Lisbon Treaty creates a challenge of leadership for the Commission in two senses: first, to play a leading role in implementing the external action aspects of the Treaty; second, to maintain its leadership role in all aspects of the Union’s external action but most especially in those areas where it has until now been *primus inter pares*.

The creation of the new ‘double-hatted’ High Representative/Vice-President of the Commission (HR/VP) will permit the streamlining of leadership and coordination across the full spectrum of the Union’s foreign affairs. The ‘straddling’ nature of this new position, with its roles and responsibilities within the Council as well as those within the Commission, not only represents a formidable challenge for the first incumbent, but also requires an adjustment by all the Union’s institutions – and most especially the Commission.

The Treaty affirms that “[w]ith the exception of the common foreign and security policy...[the Commission] shall ensure the Union’s external representation”. The Commission President will thus have a significant role in external representation when it comes to such important issues as trade or development aid. Channels of co-ordination will need to be established between the new position of President of the European Council, the HR/VP and the Commission President in areas other than the CFSP.

The logic of the Lisbon Treaty would suggest that the High Representative should be the normal first port of call for interested third parties. However, the EU’s partners will still have to keep at least three phone numbers if they want to deal with the Union: those of the Commission President, the European Council President and the HR/VP.

The Commission needs to establish a crystal-clear division of representational responsibilities between its President and the HR/VP. This would be best undertaken by establishing a ‘playbook’ that clearly delineates roles and responsibilities by issue and by third party to avoid ambiguity as to which of the two actors responds to what and to whom.

Under the Lisbon Treaty, the Commission can only submit joint CFSP initiatives with the HR/VP, although it fully retains the right of initiative in other areas of external action. Although this provision is intended to ensure that a single voice emanates from the Commission on CFSP issues, one could argue that the role of the Commission has been weakened by the Treaty in favour of the HR/VP.

However, it is also true that it could have the opposite effect, especially if one considers that the Commission has thus far been very reluctant to resort to the right of initiative in the ‘second pillar’. A High Representative with strong links to the Commission can bring this important actor back into the CFSP. Much will depend on whether he or she identifies with fellow Commissioners or with colleagues in the Foreign Affairs Council, with both equally, or with neither.

The Commission clearly has an interest in easing, rather than complicating, the role of the HR/VP as the holder of this post finds his or her feet.

The challenge of organisation

In his/her capacity as a Commission Vice-President, the High Representative will also shoulder the “responsibilities incumbent on it in external relations

and for co-ordinating other aspects of the Union's external action". It is not clear, however, which precise areas the High Representative will be directly responsible for: will it be only those covered by the Directorate-General for External Relations (DG Relex) or perhaps also other areas such as development, humanitarian aid, enlargement and trade?

This uncertainty, in turn, raises further questions about how the High Representative will interpret his or her remit, either adopting a narrow approach and focusing on the administrative management of EU external action or, conversely, concentrating on the diplomatic and political aspects of the job.

In the latter case, the High Representative will need to appoint deputies to deal with different policy areas; for example, foreign policy, European Security and Defence Policy (ESDP), European Neighbourhood Policy and parliamentary affairs. But even a narrow interpretation of the job will involve a vast range of duties, such as chairing the Foreign Affairs Council, attending the Commission's meetings, conducting the political dialogue with third parties and running the External Action Service (EAS).

Within the Commission, the High Representative will 'coordinate' the whole range of the EU's external action, including trade, cooperation and humanitarian aid and the external aspects of internal policies such as agriculture or the environment. According to the letter of the Treaty, it would appear that the High Representative will enjoy some authority over other colleagues dealing with external policies.

Meanwhile, the Commission President will retain responsibility for ensuring that the institution "acts consistently, efficiently and as a collegiate body". Hence, one pressing question is what would happen in case of disagreement between the High Representative and other Commissioners – would the Commission President have the final word?

Currently, the President chairs the Group of Commissioners with external relations portfolios, consisting of the Commissioners for External Relations, Trade, Development and Humanitarian Assistance, and Economic and Monetary Affairs. External Relations Commissioner Benita Ferrero-Waldner is the Vice-Chair of this group.

The group should be retained as the key strategic body for the Commission in defining foreign policy. However, it should be 're-branded' as the Commission External Action Forum, with the primary remit of ensuring

consistency within the Commission between all aspects of the Union's external action, including the CFSP/ESDP. Its meetings should be co-chaired by the HR/VP and the Commission President.

The Commission and HR/VP also face the challenge of creating the new EAS. It will clearly be in the Commission's interest to ensure that the birth and development of this service represents an enhancement of the Union's existing external action resources rather than a drain on organisational and political energy. There are many issues still to be resolved here,¹ but the Commission has much to gain from a successfully functioning service.

The main question in relation to how this service should be structured, which remains unresolved, is essentially that of what proportion of the existing Commission organisation should be incorporated within it.

The significance of this issue can hardly be overstated. A wide-ranging transfer of existing Commission personnel to the Service would reinforce the High Representative's personal standing within the Commission, but potentially at the expense of the President. Simultaneously and perhaps paradoxically, it would reinforce the impression that the new service is simply the Commission in another manifestation. On any hypothesis, Commission officials will predominate numerically in the new service – and the greater the number of Commission officials allocated, the more this predominance will be reinforced.

According to the Lisbon Treaty, the High Representative will, in addition to "co-ordinating other aspects of the Union's external action", be the Vice-President of the Commission charged personally with "responsibilities incumbent on it (the Commission) in external relations". Within the current Commission, the External Relations Commissioner is supported by the large Directorate-General for External Relations – a DG which would logically work, after ratification of the Lisbon Treaty, for the High Representative. It would be strange indeed if this DG did not provide a substantial contribution to the new EAS, together with corresponding (less numerous) officials from the General Secretariat of the Council responsible for external action and for military affairs.

The Lisbon Treaty does not provide guidance as to what may be the "relevant departments" to serve as recruiting grounds for the External Service. Implicitly, however, the non-incorporation of the DG for External Trade answers that question, because it respects the fundamental philosophy

of the Lisbon Treaty that existing competences will continue to be exercised by those who have exercised them until now.

There is no aspect of the Commission's responsibilities which more directly impinges upon the EU's external relations than trade policy, and the negotiations in the World Trade Organization which are at its heart. There are good administrative reasons why the High Representative should not take on direct responsibility for this complex field in addition to his or her many other tasks. But the fact that the day-to-day responsibility for this vital external policy area should be in the hands of another colleague in the Commission clearly reflects an institutional philosophy which emphasises the coordinating and representative role of the High Representative, rather than the executive and implementing aspects of the post.

The challenge of representation

As indicated above, the Lisbon Treaty introduces new actors and potentially new representational arrangements in the Union's external action.

The High Representative will also need to coordinate his or her activities with those of the Presidents of the Commission and the European Council. The latter, as chair of the European Council, might also want to monitor the implementation of European Council Conclusions, but it is difficult to imagine how he or she will be able to perform this duty effectively, especially if this post has limited staff and resources available.

From the letter of the new Treaty, it is clear that the monitoring of the implementation of the CFSP/ESDP will be the responsibility of the High Representative: he or she "shall ensure the implementation of the decisions adopted by the European Council and the Council".

How to "ensure implementation", and in particular, compliance by the Member States, is however a different matter. The High Representative may not bring a matter of non-compliance by a Member State before the European Court of Justice – he or she can only 'name and shame' those which do not comply with their commitments within the CFSP.

The High Representative also has responsibility for coordinating Member States' activities in international organisations and at international conferences. A new Lisbon Treaty provision envisages that those EU Member States that are also members of the UN Security Council (UNSC)

“will concert and keep the other Member States as well as the High Representative fully informed”. The Treaty also foresees that when a “Union position” is being discussed by the UNSC, the permanent and temporary EU Member States sitting at the UNSC “shall request” that the High Representative present the Union’s position in open public debates (as the EU Presidency does now). However, the ability of the High Representative to present a common EU position will still be dependent upon prior unanimous agreement among the Member States on the topic in question.

A specific provision of the Lisbon Treaty envisages the setting up of ‘Union delegations’, which would most naturally be based in the buildings of the current Commission representations throughout the world. The Commission’s interest must be to ensure that these delegations are able to combine their existing role as its ‘eyes-and-ears’ in third countries with the new range of functions and responsibilities with which they might be tasked.

In the absence of Lisbon

If the Lisbon Treaty does not secure ratification, the future arrangements for external action are less certain. Crucially, the failure to create the HR/VP post – upon which so many future organisation challenges for the Commission depend – would leave a reform agenda in abeyance.

If this happens, the Commission President should convene a task force to examine all aspects of the EU’s external action that come under its responsibility. This task force, which should report within a three-month timescale, would set out a series of options for the Commission as to how its foreign policy infrastructure might be reformed to ensure greater efficiency and effectiveness.

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Endnote

1. C. Adebaher et al (2007) ‘The EU Foreign Service: how to build a more effective common policy’ *EPC Working Paper No.28*, Brussels: European Policy Centre.

Beyond pillars: how to disentangle the JHA knot

by Elizabeth Collett and Ferruccio Pastore

The gradual dissolution of the three pillar approach and the exponential growth in both policy development and implementation are the two main factors which justify reflection on how to reorganise the European Commission's work in the area of justice and home affairs.

This is not an easy issue to address. While intellectually a number of options are available, politically a reshuffle of the Directorate-General (DG) is difficult to contemplate. This essay reassesses the rationale for a single DG for Justice and Home Affairs and the pros and cons of maintaining the status quo, sets out the main options for reform and suggests ways to make what has become an unwieldy policy area more manageable.

The rationale behind the current set-up

The Maastricht Treaty's entry into force in 1993 required a new bureaucracy to build and manage the newly created 'third pillar'. Until the Amsterdam Treaty, this mission was entrusted to a light and *sui generis* structure – the Task Force for Justice and Home Affairs (TFJHA) – headed by a *conseiller hors classe* (not a full Director General) under the political responsibility of the Commissioner for employment and social affairs in the first phase (Pádraig Flynn) and, from 1995, of an *ad hoc* JHA Commissioner (Anita Gradin).¹

The JHA Commissioner's wide portfolio of competences was defined with reference to a heterogeneous group of policy areas listed in the Maastricht Treaty,² which was used to set the perimeters of both legislative competence for the newly-established Justice and Home Affairs Council and executive competence for the TFJHA.

The rationale for grouping policy areas as diverse as 'asylum and immigration policy', 'combating drug addiction', 'international fraud', and 'cooperation' in the judicial, customs and police fields under a single decision-making umbrella in the Council was clearly both historical and institutional.

In European history, 'justice and home affairs' have together always represented core elements of national sovereignty. Separating these two components is a relatively recent innovation linked to the spread of constitutionalism and the separation of powers.

The same rationale was reflected in the reshaping of the Commission's bureaucracy, with the TFJHA mirroring its institutional counterpart in the JHA Council. Today, the relationship between DG Justice, Liberty and Security (JLS) and the JHA Council no longer fits as well, and Member States have to bring in two or even three ministers to cover the JHA Agenda adequately.³

Shortcomings of the current set-up

The early phase of Commission activity in the JHA field was particularly disappointing, both in terms of effectiveness and productivity. But after the Amsterdam Treaty entered into force in 1999, with the partial 'communitarisation' of the third pillar and with the creation (and gradual expansion) of a fully-fledged Directorate-General, JHA experienced rapid growth.

During the 1999-2004 legislature, a conducive political environment coupled with successful technical innovations (such as the adoption of a new 'scoreboard' method of planning and monitoring) made JHA one of the EU's most dynamic and productive policy sectors. A number of external shocks – most notably the terrorist attacks of September 2001 – made Member States more willing to push forward the security agenda in particular.

It became increasingly evident, however, that there were shortcomings in both the implementation of existing legislation and the effectiveness of the law-making process. The Commission's 2007 Report on Implementation of the Hague Programme gave a "rather unsatisfactory" general assessment and noted an even "lower rate of achievement" (38% of measures) compared to 2006 (53%).⁴

There are several explanations for this. First, it is natural for a mature policy field to lose some of its momentum after the initial phase: easy things are done first and the left-overs are thornier. Second, the sense of extreme urgency generated by the 2001, 2004 and 2005 terrorist attacks has since waned, and the increasingly-evident strategic failures of US responses have also induced a more cautious approach in EU policy-making.

The recent slow-down might also be explained by the Commission's structure and functioning, with the now-rebaptised DG JLS's portfolio one of the most heterogeneous among all DGs. Since the 1999 Tampere European

Council, there have been intensive, rhetorical and programmatic efforts to present the EU's Area of Freedom, Security and Justice (AFSJ) as well-balanced between its fundamental components. Most experts agree, however, that its development has so far been marked by a general predominance of security goals, approaches and measures, undermining the credibility of the 'liberty' component.

Charges of inappropriate and counterproductive 'securitisation' have been particularly strong in the relation to migration policies,⁵ and while the Council is responsible for the strategic shaping of the JHA/JLS agenda, it can be argued that the Commission's current bureaucratic set-up has not helped to substantially correct an allegedly security-centric agenda.

In fact, the conglomeration of competences and functions in the hands of a single Commissioner and one DG has probably contributed to preventing the development of a stronger political and cultural dialectic within the JLS sphere. The same Commissioner must simultaneously fight for fundamental rights in the name of liberty, and their curtailment in the name of security.

Furthermore, the current set-up has created more technical obstacles. Despite the rapid expansion in DG JLS staff, its in-house expertise remains inadequate to match the level of ambition: there are currently 465 staff working in JLS, compared with more than 600 in both DG External Relations and Employment and Social Affairs, and over 900 in DGs Agriculture and Energy and Transport.⁶ The development of synergies with other DGs in specific areas also remains low and uncoordinated.

The relative slowdown in policy-making in this sphere has also fostered (two decades after the original Schengen agreement) a revival in JHA inter-governmentalism. The so-called G5 of interior ministers has driven numerous priorities in recent years, while the Prüm Treaty was conceived outside the EU framework and is only now being 'reabsorbed' into the EU institutional and legal system. The Quaddro Group's statements on immigration in early 2009 highlight the possibility of regional blocs emerging on particular issues such as border control.⁷

This is one of the driving factors in the ongoing debate on the future institutional set-up for JHA/JLS. While this essay focuses on Commission reorganisation, it is worth noting that it has become equally difficult to manage within the Council as well.

Two options for reorganisation

It is striking that one of the leading fora so far to discuss and make proposals for the AFSJ's institutional and political future – the so-called 'Future Group' (itself an interesting experiment in institutional innovation) – has made little explicit reference to a reorganisation of policy areas in the Commission. In fact, there were actually two, complementary 'Future Groups' in this area: one on home affairs, including police cooperation, counter-terrorism, immigration, asylum, borders and civil protection;⁸ the other on justice, including fundamental rights, data protection, civil law, judicial cooperation and the fight against organised crime.⁹

While commentators have frequently called for institutional changes, few political leaders have pushed for this. Severing sensitive policies will not be an easy 'sell'. Nevertheless, two very different reform hypotheses (not mutually exclusive, in theory) are worth considering.

1. Separation of the Justice and Home Affairs portfolios

This solution is, at first glance, the most elegant and has gained support in the Council, as indicated by the decision to create two separate 'Future Groups'. However, the division is clumsy and there are evident overlaps, not least concerning counter-terrorism policies. The Future Group itself also refers to a number of "horizontal" challenges, not least the so-called "external dimension".

Proposals to separate justice from home affairs are generally based on the declared goal of enhancing the political relevance and autonomy of the justice dimension, particularly in relation to the protection of fundamental rights in the AFSJ.¹⁰

The European Parliament's working group on institutional reform has effectively embraced and reinforced these arguments by adopting a formal proposal to split the current Committee on Civil Liberties, Justice and Home Affairs in two separate committees respectively in charge of justice and home affairs. This was opposed by the Socialist and Liberals, who argued that security and justice policies were necessarily interdependent, especially within the framework of an AFSJ based on fundamental rights as proclaimed by the Nice Charter.¹¹

Placing rights in a different portfolio from security considerations would resolve some of the dilemmas facing a Commissioner who may have to

pursue contradictory goals. But one question which would still need to be resolved is the positioning of judicial cooperation. Criminal matters would seem to be closely linked to the security dimension, but civil law – and the protection of children in particular – would be better served in a ‘rights’ portfolio. In any case, splitting justice from home affairs would not address how to deal with the issue which has seen the most innovation and political focus in recent years: immigration policy.

2. Decoupling legal migration and integration from JHA

In national administrations, the institutional location of immigration differs from Member State to Member State. It may be part of the home affairs’ portfolio, as in the UK, Germany or Italy; part of the justice ministry, as in Sweden and the Netherlands; alongside foreign affairs, as in Luxembourg; with employment, as in Spain; or in its own separate ministry, as in France.

This dilemma is reflected in the development of immigration policy at the European level. A key aim of the Hague Programme has been to forge an economic migration policy, such as common rules for highly-skilled and seasonal workers.

The challenge here is that entry into the EU for employment purposes is intrinsically linked to key labour market issues within the Union. Issues such as a failure to recognise qualifications or inability to ‘take’ social security contributions home are all employment-related, and policies to address changing societies, poverty and social exclusion all overlap significantly with immigration policy, particularly migrant integration. The divide between DGs Employment and JLS is needlessly artificial and, at minimum, a mechanism for improving cooperation is needed.

Similarly, since 2005, the external relations’ dimension of immigration policy has expanded exponentially. The Global Approach to Migration sets out an agenda for working with third countries, both within existing frameworks – Neighbourhood Policy, Mediterranean Union, Euro-Africa – and new formats for cooperation such as ‘mobility partnerships’.

Currently, much of the JLS immigration cooperation is ‘inserted’ into agreements using standard wording, rather than being negotiated. There is also a thematic focus on linking migration and development policies more strongly, but currently, this integration is very superficial, particularly within DG Development,¹² and the funding streams for migration and development

are within EuropeAid (co-managed by DGs Development and External Relations and not JLS).

Paradoxically, while immigration policy can benefit from strengthened links with other portfolios, weaker connections to the JLS portfolio may also lead to more balanced policy-making. Within JLS, a great deal of focus has been placed on border control, security and combating illegal migration. While border management overlaps strongly with other areas of JHA policy, this has sometimes led to an over-emphasis on criminality and terrorism when developing other areas of immigration policy. This is particularly true of recent legislation on asylum.

Secondly, it is arguable that immigration policy is now too large to continue functioning effectively within such a large Commission portfolio. Recent reorganisations within the DG mean it is already functioning semi-independently, split into two Directorates – Immigration & Asylum (B), and Migration and Borders (C) – both headed by the Deputy Director-General.

In fact, in most Member States it has been recognised that migration has evolved far beyond the traditional boundaries of justice and home affairs. But the idea of formally shifting a cluster of administrative competences on migration – including, at a minimum, legal immigration and integration – from DG JLS to other DGs (Employment being the obvious candidate) does not seem to fit in the current mainstream institutional and political agenda.

However, given the strategic importance of economic immigration and inter-ethnic cohesion for the future of European societies, the long-term goal of reinforcing the expertise, autonomy and authoritativeness of DGs dealing with these structural issues should be the goal of a determined, although balanced and gradual, reform strategy. This would have several advantages.

A Commissioner focused on immigration alone would be able to devote more political energy to ensuring that the whole policy area maintains a strong strategic unity, and would hopefully have the staff and standing to cooperate with other policy areas more deeply. This could reduce policy duplication, overlap, and competition between different DGs on particular issues, and allow for more coordination of funding, currently spread over a wide range of funds according to horizontal themes.

Public opinion has also consistently supported a stronger role for the EU on immigration issues, with three-quarters of citizens supporting the idea of a

common immigration policy in Eurobarometer surveys over the past five years. A visible profile for the Commission would strengthen the EU's credibility both internally and as a global actor.

However, logical as this may seem, it is not such an easy proposition. Given the large number of policy areas into which immigration policy strays, it raises questions about how such a DG would work in practice. Furthermore, Member States wish to retain tight control over immigration policy and the message communicated by creating a DG Immigration would be unpalatable for many.

One potentially more acceptable 'half-way house' would be to incorporate legal immigration policies into DG Employment, and make the logical link with both the economic and social impacts of migration. However, this would enlarge an already weighty portfolio and would not necessarily resolve the external relations coordination issues.

There is another possible option: could immigration policy be mainstreamed into each relevant DG through the creation of small units of specialists? Immigration experts are currently scattered through several units in numerous Directorates. Consolidating them, at minimum, into single dedicated units in each DG would at least make coordination easier. Without a strong mechanism for coordination, however, this would merely be window dressing.

Recommendations

The two reform hypotheses outlined above are based on clear-cut and permanent administrative rearrangements. Albeit different in their content, fundamental inspiration and implications, they are both aimed at technical reinforcement of Commission action in some key areas. Leaving aside the broader political assumptions and implications of each proposal, it is important to stress two aspects.

First, from a technical and institutional point of view, the two proposals are not equivalent: separating the Justice and Home Affairs portfolios would imply an increase in the overall number of Commissioners (unless the two resulting DGs are placed under one super-Commissioner thereby reducing the overall significance and impact of the change). This 'proliferation effect' (which would also result from creating a DG Immigration) is obviously inconsistent with the strategic trend towards containing, if not reducing, the number of Commissioners.

Second, from the point of view of the reform method, the fundamental goal of reinforcing the Commission's expertise and authority on key issues can also be pursued by more gradual means than the immediate and full implementation of either proposal. This could include a clearer delineation of policy areas within DG JLS by creating Directorates to deal with Asylum and Integration (both now under the much-overstretched Directorate B (Immigration and Asylum)).¹³ Alternatively, semi-formal institutional arrangements allowing for greater internal coordination between different DGs, such as multi-Commissioner task forces or reinforcing the coordination powers of the Commission's Vice-Presidents in specific policy areas, could be considered.

In the current political climate, it is impossible to imagine creating a DG Immigration in the next Commission. Instead, DG JLS should consider how best to work with other policy areas and lay the groundwork for a possible split in the 2014-19 Commission. Consolidating migration expertise in DGs such as External Relations, Development and Employment, and placing them under one Director based in JLS would allow that expertise to be fully utilised, while 'ring-fencing' immigration as a policy area. A single director would improve coordination, while their position in separate DGs would allow for the development of the cross-cutting aspects of immigration policy.

The next five years could be used to consolidate immigration as a multi-dimensional policy area and improve coordination, and work out what to do with such inherently multi-dimensional policy areas such as asylum and borders. By 2014, the substantive work in these two areas should be completed, making this a less critical decision.

But if the Commission shies away from big decisions now, in a year of uncertainty in terms of Treaties and institutional arrangements, there is a smaller reform which can be considered immediately.

EU integration policy grew out of an understanding that integration and immigration go hand in hand.¹⁴ But five years on, it is clear that integration policies have not benefited from their connection with immigration policies, and suffer from the arbitrary fragmentation which occurs when considering integration as distinct from social inclusion and anti-discrimination.

A simple, but essential, solution would be to move integration policy to DG Employment and put it with the social inclusion units already dealing with

mobility. For the more cautious policy-maker, this is the minimal solution, but one which would already improve policy-making in a critical yet overlooked area.

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Endnotes

1. Emek M. Uçarer (2001) 'From the Sidelines to Center Stage: Sidekick no more? The European Commission in Justice and Home Affairs', *European Integration Online Papers* (EIoP), Vol. 5, No. 5, 2001, <http://eiop.or.at/eiop/texte/2001-005a.htm>
2. Article K.1, Title VI of the Maastricht Treaty.
3. While configurations vary for each meeting, only Ireland and Malta are consistently represented by just one minister.
4. European Commission, 'Communication from the Commission to the Council and the European Parliament, Report on Implementation of the Hague Programme for 2007', 2 July 2008, Brussels, COM(2008) 373 final.
5. The bibliography is immense. For references and an analysis of recent trends, see F. Pastore (forthcoming), 'Migration and Security. Conceptual and practical linkages in the international sphere', in J. Doornik (ed.) *The Future of European Migration Controls*, Amsterdam: Amsterdam University Press.
6. European Commission, 'Distribution of officials and temporary agents by Directorates-General and categories (all budgets)', as of 1 April 2009, http://ec.europa.eu/civil_service/docs/bs_dg_category_en.pdf
7. The Quaddro Group consists of Greece, Malta, Italy and Cyprus, and seeks to encourage other Member States to combat illegal migration in the Mediterranean. Their formal contribution to the January JHA Council meeting can be found at: <http://register.consilium.europa.eu/pdf/en/09/st05/st05689.en09.pdf>
8. Future Group [Home Affairs] (2008), 'Freedom, Security and Privacy - European Home Affairs in an open world', *Report of the Informal High Level Advisory Group on the Future of European Home Affairs Policy* ("The Future Group"), June 2008, available for instance at web page: www.statewatch.org/news/2008/jul/eu-futures-jha-report.pdf+jha+future+group&cd=2&hl=en&ct=clnk&gl=uk
9. Future Group [Justice] (2008), 'High-Level Advisory Group on the Future of European Justice Policy, 'Proposed Solutions for the Future EU Justice Programme', June 2008, attached to doc. 11549/08 JAI 369 of the Council, available at web page <http://register.consilium.europa.eu/pdf/en/08/st11/st11549.en08.pdf>
10. For concurring arguments, see H. Lieber (2008) 'Checks and Balances: dividing the Directorate-General for Justice, Freedom and Security in two - an Interior and a Justice branch', *CEPS Policy Brief*, No. 158, April 2008, http://shop.ceps.eu/BookDetail.php?item_id=1645
11. F. Panzetti (forthcoming) 'Aspettando Lisbona e Stoccolma: lo Spazio di libertà, sicurezza e giustizia alla vigilia di una nuova fase', in *Rapporto 2009 sull'integrazione europea*, Centro Studi di Politica Internazionale e Fondazione Istituto Gramsci, Bologna: Il Mulino.
12. C. Boswell (2008) 'Evasion, Reinterpretation and Decoupling: European Commission responses to the 'External Dimension' of Immigration and Asylum', *West European Politics*, 31:3, 491-512.
13. See an updated map of internal articulations of DG Justice, Liberty and Security at web page: http://ec.europa.eu/dgs/justice_home/organigramme_en.pdf
14. European Commission (2005), 'A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the European Union'. COM(2005)389 final.

New structures, fewer silos in economic and social policy-making?

by Fabian Zuleeg

The distribution of European Commission portfolios must achieve a delicate political balance. Demands from big, powerful countries for significant portfolios need to be accommodated without offending the sensibilities of smaller Member States, and the available jobs need to be matched to the preferences of Member States, the Commissioners themselves and the Commission President. Individuals must also be acceptable (or at least tolerable) to the European Parliament as well as to other Member States.

The portfolios also have to match the Commission's administrative structures. All portfolios require some money and personnel, but their size varies greatly. Commissioners who end up with a small Directorate-General covering areas without far-reaching legislative powers or a significant budget clearly have less muscle-power and limited opportunities to influence EU policy.

Add to this the institutional dimension – and in particular the need to find jobs for everyone under the 'one Commissioner per Member State' formula envisaged as the price for an Irish 'Yes' to the Lisbon Treaty second time around – and it becomes an ever more intricate puzzle.

Structure matters

But does it really make a difference how many people the Commission's many tasks are shared between and in what way? After all, what happens at EU level does not look that different from what happens in the Member States.

But Commissioners are unlike ministers in national governments, who are reliant on the head of government for their positions. The Commission President has the formal power to reshuffle portfolios or ask Commissioners to resign, but lacks the political strength to use it, and Commissioners have, to a greater or lesser extent, an independent power-base back in their own country.

Their in-between status – not quite ministers but also not quite senior civil servants – means that they have extensive powers, but are not subject to the same electoral pressures as national politicians. They are more akin to strong

‘barons’ with their own fiefdoms, who jealously guard their turf and generally respect each other’s territory.

This leads to the creation of silos, where each Commissioner and his or her Directorate-General pursues their own agenda, often with little reference to the policy goals pursued by other parts of the system. While attempts are made to connect the different areas, for example, through inter-service consultation, even when it works, it makes the system slow and cumbersome.

In the economic and social arena, Commissioners and their staff are often regarded as ‘champions’ of their policy area or of the underlying policy ideology – for example, championing the interests of businesses, sectors such as manufacturing, agriculture or ICT, the environment, regions, social protection or free trade.

Different Commissioners championing different interests can lead to a situation where policies made by a certain Commissioner or a certain Directorate-General are (or at least are seen as) only serving the interests of certain stakeholders. This inevitably leads to turf wars, contradictions and incoherence.

This is aggravated by the changing nature of economic and social policy. It becomes increasingly difficult to categorise policies as clearly falling into specific portfolios. Does policy on the transferability of qualifications fall under education, research, Single Market or the Lisbon Strategy? What about health and care services provided across borders? Or fiscal stimulus programmes aimed at investing in green technology and skills? The silo structure of the Commission requires a categorisation of policies which will inevitably create uncertainty and contradictions.

A blank slate?

A fragmented and ‘Balkanised’ Commission will find it increasingly difficult to deal with Europe’s future challenges. This is especially true for policies which aim to achieve sustainable development – simultaneous progress in the environmental, economic and social fields.

These challenges are complex and multi-faceted, as well as being interconnected. For the EU to be able to address them effectively requires coherent responses across a wide range of portfolios.

If it were possible to start with a blank slate, the future Commission's portfolios and structures would be very different. Instead of trying to rearrange existing portfolios and structures, the new Commission would be designed around the key policy challenges and desired outcomes. Through a process similar to the current budget review, which is attempting to review the way EU money is spent to make it fit better with Europe's long-term challenges, the Commission's structure should also come under scrutiny.

In the economic and social field, this would mean a strong focus on the big challenges Europe faces: globalisation and the need to remain competitive in international markets, the long-term impact of the economic and financial crisis, demographic change, the sustainability of Europe's economic and social models, income inequalities and social exclusion, as well as climate change and resource scarcity.

Addressing these challenges effectively requires strong Commissioners with portfolios which have sufficient 'weight'. This would imply a smaller number of Commissioners – potentially, in the economic and social field, as few as seven or eight:

- competitiveness, research and innovation, including transport and regional policy;
- climate change and energy;
- environment and natural resources, including agriculture and fisheries;
- 'Social Europe', including employment, health and education;
- Single Market, focusing on the four freedoms and the business environment;
- competition and consumer affairs,
- trade;
- economic policy, dealing with macroeconomic issues and structural reform.

This could be supplemented by a Commissioner tasked with future strategic issues (such as the budget review or the future of the Lisbon Strategy), one or two Commissioners focused on the organisation of the Commission (administrative services/budgeting and communication/links with the other EU institutions), and one or two Commissioners dealing with emerging issues which overlap different policy areas (e.g. immigration and mobility). Together with Commissioners dealing with external affairs and justice and home affairs, this would suggest a Commission of around half the current size or alternatively a Commission with senior and junior Commissioners dealing with the same portfolios.

This radical approach would mean that many established portfolios – for example, enterprise and industry, agriculture and regional policy – would be either merged with other portfolios or split up. The same would have to be done for the internal structure of the Commission, impacting on some of the largest Directorates-General.

In the real world...

Such a radical approach is clearly unrealistic. Not only would it mean a complete reorganisation of the Commission, but it would also not meet the requirement for each country to have its own Commissioner. Such wide-ranging portfolios might also be perceived to be too threatening – Commissioners with such far-reaching powers as well as legal competences and control of substantial budgets might be seen as having too large a profile by some Member States.

But a similar, if not quite as effective, result could be achieved by grouping portfolios together according to strategic objectives and providing each of these clusters with leadership and strategic direction. This would require a new, more strategic role for the Vice-Presidents and a clear strategic vision articulated and enforced by the Commission President. Even such a more limited re-organisation would require splitting up 'champions' for specific interests, industries and sectors, and the creation of new, outcome-focused portfolios and bureaucracies.

The initial reaction will be that it cannot be done. The scale of the task, as well as the need to overcome internal and external vested interests, makes such a reorganisation daunting indeed. But at the very least, the next Commission could move in the right direction.

The creation of meaningful, cross-cutting portfolios such as climate change and competitiveness, would be a signal of intent. At the same time, some of the smaller portfolios need to be scrapped. Appointing Commissioners to pursue progress in areas where so far Member States have resisted change – for example, in relation to the sustainability of public services – would also signal that the Commission intends to make a difference in these areas.

Limited progress likely

The reorganisation we are likely to see will be much more limited. Some new posts will be created in recognition of newly-emerging policy priorities

and the less meaningful portfolios will in turn disappear. But the vast majority of the Commission will be characterised by continuity – not in personality but in portfolio and administrative structures.

But even with limited changes in the structure of the new Commission, the President could put his or her stamp on developments more effectively.

When choosing new Commissioners and designing new portfolios, each Commissioner could be set a high-level goal which would be their main task for their term of office. For example, the Single Market Commissioner could be tasked with an overhaul of financial regulations; the Commissioner for Economic and Monetary Affairs with a return to sustainable budgeting in the Member States; the Climate Change Commissioner with implementing the Climate Change package (including specified milestones to reach in his or her term); the Trade Commissioner with delivering a new global trade deal; and so on.

Such goals would make Commissioners clearly accountable to the President for delivering results and make the strategic direction of the Commission clear from the outset.

There is also a need to start working on changing the culture in parts of the Commission. No one in the institution – be they civil servants or Commissioners – should see themselves as representing or championing a particular interest. Rather, the focus should be on outcomes, such as, for example, jobs and growth. While some championing of specific interests is inevitable, at the very least the institution's structures should not encourage this kind of partisanship.

In the long run...

Over time, the Commission's structure and portfolios should become increasingly policy- and issue-led. Europe is facing a range of significant challenges. It can even be argued that we are now facing a "perfect storm" and – even in the best-case scenario – a very difficult situation. Making the EU's bureaucracy more efficient and effective to deal with these challenges is an important first step.

If the Commissioners' portfolios, and indeed the whole structure of the Commission, continue to be determined by political considerations, the effectiveness of policy delivery will continue to suffer.

But at European level, things are never that simple. History matters and change is difficult. The first consideration is what works politically and that often proves to be a slightly amended version of what worked in the past. Economic considerations such as effectiveness and efficiency matter far less.

The policy environment is, however, changing, and expectations for the Commission to deliver are higher than ever before. A new structure – and indeed a new way of working – will be needed to meet tomorrow's economic and social challenges.

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The litmus test: meeting the climate change and sustainability challenge

by Jørgen Henningsen

Mitigation of, and adaptation to, future global climate change have rightly been identified as the major – albeit not the only – challenge within the broader framework of sustainable development. The EU in general, and the European Commission in particular, has rightly been seen as the major driver of climate-change policy and to some extent also the broader issue of sustainable development.

In light of this, and in view of the fact that the big lines of climate-related policies up to 2020 have been decided in recent months, one might be led to conclude that the next Commission will have a less demanding climate agenda than the outgoing one. That would be a grave mistake.

EU climate policy has up until now been less successful, less ambitious and less consistent than is normally assumed and, irrespective of the outcome of the Copenhagen Conference in December 2009, the new Commission will face a continued, challenging climate agenda.

It looks less and less likely that Copenhagen will deliver an agreement that is sufficiently ambitious to trigger the 30% emissions' reduction to be undertaken by the EU in the event of comparable commitments by other industrialised countries. But even a 30% reduction across the EU as a whole (relative to 1990, not today) would only require domestic cuts of 10% over the next decade, mainly thanks to big falls in emissions in new Member States since 1990 and the possibilities to 'buy' emission rights via projects in developing countries. This is far from the 'real' 30-35% domestic reductions required every decade between now and 2050 to put the EU on track to achieve the long-term goal of a maximum 2°C increase in average global temperatures – and it is a challenge that cannot wait.

The next Commission will also have to address the failure of the Emissions Trading Scheme (ETS) to deliver on its promises in the current 2008-12 trading period, and the considerable risk that the 2013-20 trading period will not deliver either. This is particularly critical since the ETS is normally considered the flagship of EU climate policy, and the economic crisis is increasing the inherent weaknesses of the ETS (most notably, low CO₂ prices).

Policy consistency is also a problem. As demonstrated in the Annex to the Commission's 'Second Strategic Energy Review', full implementation of agreed policies (on renewables, energy efficiency, etc.) will deliver significantly bigger cuts than required by the 20% emissions reductions' target which has already been agreed.

What does this mean? How will specific policies impact on future CO₂ prices? Is there reason to believe that, over the course of the next decade, Member States will decide that the easier-to-achieve 20% reduction target will take priority over the more cumbersome energy efficiency or renewables policies? Probably yes, if one can draw a parallel from other EU policy areas.

The above-mentioned examples demonstrate that the EU will hand the new Commission a bigger task on climate change (as well as on sustainable development in general) than is immediately obvious. How then should the next Commission organise itself to best address this challenge?

Policy integration must be the basis of the answer. This was launched as a new idea in the Third Environmental Action Programme in the mid-1980s and was boosted by the Brundtland Report in 1987 and pushed strongly in the Fifth Environmental Action Programme in 1992. It has, however, never really taken hold in the Commission for a number of reasons, including the insufficient attention paid to this issue by Commission Presidents and Secretary-Generals.

Climate change is an excellent example of the need for policy integration in order to achieve sustainability. In fact, climate policy is all about energy policy, transport policy, external relations, taxation, agricultural policy, etc. rather than environmental policy as such.

The idea of combining energy and climate policy in one Directorate-General, as is already the case in ministries in several Member States, makes sense. Climate change is already – and will become even more – the real driver of energy policy. There are signs that this may happen before the end of this Commission. But it would be a mistake to believe that this would, by itself, take care of the weaknesses of climate policy development in the past.

It is tempting to elaborate this a bit further by asking what the new Commission's major 'project' will be. The 1980s saw the launching of the Internal Market as a major step forward and the focus in the 1990s was on

enlargement and launching the euro – all developments that have significantly contributed to the EU's identity. The current decade has seen little that compares with the projects of the past – with a capsized constitution and a limping Lisbon Treaty as the 'major' projects. These are certainly important means to ensure the EU remains operational, but not something that adds to its identity.

There will only be a few months left of the current decade by the time the President of the next Commission takes office, but it will be long enough to launch 'energy and climate policy' as the next big EU project. This would, of course, be controversial, but so were the White Paper on the Internal Market, enlargement and the euro. Also, in contrast to previous 'big projects', an energy-and-climate-policy decade would be much more outward-looking, offering the EU a proper place in a new world order, characterised by a G3 rather than the G2 (the US and China) now in the process of occupying the international agenda.

If the President of the next Commission is tempted by this idea, a number of preparatory steps will have to be taken.

Over and above the internal reorganisation of the Commission, the President would have to ensure a powerful Commissioner in charge of the project and sufficient support from a solid core of Member States. A Vice-President post for the Commissioner in charge is obvious, and the relationship between the Energy and Climate Change Commissioner and the External Relations Commissioner must be clear from day one. The Commission will also have to reflect on the internal capacity required to carry this project forward.

Energy and climate policy are subjects that should be developed on the basis of proper insight into relatively complicated scientific, technical and economic elements. Neither DG Environment nor DG Transport and Energy (TREN) have in the past been required to establish the necessary 'chief scientist', 'chief engineer' or 'chief economist' functions necessary to underpin work in the DGs. A strong example of the lack of knowledge is the virtual absence for years of staff with proper insight of the oil sector in DG TREN.

Finally, it is important to stress that creating a stronger cross-sectoral policy development function will not succeed unless this work is carried out by staff with both the necessary intellectual capacity and the specific knowledge

required. The Commission's current staffing policy, which tends towards considering everybody as a 'generalist', is not supportive in this respect.

The Commission as a whole might benefit from a large-scale pilot programme in the climate/energy policy area by establishing a special, sizeable unit or small Directorate with the single task of developing a solid basis for energy and climate policy in the coming years, covering activities across all relevant DGs.

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Doing even better on ‘better regulation’

by Pavel Telička

There can be differing views about the performance of the Barroso Commission over the past four-and-a-half years. But one of the areas that deserves a positive mention is the ‘Better Regulation Policy’ introduced by President José Manuel Barroso and Vice-President Günter Verheugen.

Many of us will still have fresh in our memories the front pages of many European newspapers with pictures of the President and banner headlines about 64 EU “laws” being “scrapped”. The fact that not a lot has happened since these bombastic headlines appeared might create the impression that this was destined to be yet another empty political declaration with an ultimate PR objective, rather than anything more substantial.

However, while the initial phase could have been more dynamic, better thought-out in advance, more focused and, in some respects, more convincing too, it needs to be said that the Commission has gradually managed to get its act together and made up for its slow start.

While one could argue with the wording of some of the Commission press releases on this issue, and even certain formulations in the ‘Commission Communication on the Third Strategic Review of Better Regulation in the European Union’ which are probably over-optimistic, the outgoing Commission has been the first to make a serious attempt at regulating better and cutting unnecessary administrative burdens.

It is also the first to achieve positive results. Although comment columns and press release headlines indicating that better regulation is a “European success story” and “cutting administrative burdens is now under full steam” are possibly exaggerated, it is widely recognised that in better regulation (unlike in other areas), the Commission – together with a limited number of the Member States – not only developed a concept, but has also shown a certain leadership as well. It is crystal clear that the Commission is well ahead of the Council and, with all due respect to efforts of individual MEPs, ahead of the European Parliament as well.

The Commission based its better regulation efforts on four ‘pillars’ – simplification and greater accessibility; reducing unnecessary administrative burdens; ever more thorough impact assessments; and better enforcement.

It moved quickly to establish an Impact Assessment Board with a relatively independent and strong mandate inside the institution and a high-level group for tackling the reduction of administrative burdens – the so-called Stoiber Group. Although there is not a direct link between the two, it is in the field of administrative-burden reduction and especially in impact assessment where the most significant progress has been achieved. It is also in this area that the work had the most positive impact on the law-making and administrative culture of the Commission.

Taking into account that the current Commission's term is coming to an end, are there reasons to be optimistic as regards the better regulation agenda or should we rather be concerned? What will the challenges for the new Commission be?

The major challenge will be to confirm in practice that better regulation is a long-term policy, not just a one-term priority. This is especially important as the economic environment is changing for the worse as a consequence of the financial crisis and subsequent recession.

While the crisis has shown that regulation has been underestimated in some areas of the financial sector, there is no apparent reason for more regulation *per se*. But this is exactly what is, to a certain degree, happening now.

Will the Commission have the internal ability and – especially – the external courage to fight off an eventually unnecessary regulatory drive? It will have to, otherwise all the work carried out so far will have been wasted and a great deal of credibility lost.

Continuity and intensification should be the general objectives. But this will not be an easy task and will require making better law-making a top priority, taken into account widely and across all the Commission's portfolios and services. This is not yet the case today.

A significant positive change has occurred in the Commission's law-making culture, but there is still some way to go. Very positive examples and experiences are mixed with a lack of understanding and willingness. The condition *sine qua non* for any further positive development in a difficult environment is that the newly-designated President declares better regulation to be one of the top priorities for the next Commission and invites the Council and the European Parliament to join forces in this task.

In this context, the President-designate should invite the institutions to revisit the Inter-Institutional Agreement on Better Law-Making. Safeguards also need to be proposed to ensure that high-quality draft proposals which meet the requirements of modern legislation and avoid unnecessary burdens, accompanied by solid and convincing impact assessments, will not be changed to the contrary during the legislative process.

In fact, the Commission President should make it absolutely clear that not only is this a top priority for the next College, but that it is also a personal responsibility. Such a signal would provide the necessary leadership and must be enforced by the Commissioners throughout the next term.

The question that immediately comes to mind is whether the Commission should follow the experience of this Barroso Commission and leave responsibility for better regulation with the Vice-President for Enterprise and Industry, or choose a different model.

Notwithstanding the substantial effort that Günter Verheugen has put into better regulation, this is not the set-up that should necessarily be pursued. While overall responsibility should lie with the President, and all Commissioners should be tasked with better regulation efforts in their portfolios, there should also be a designated Commission Vice-President with the responsibility for better regulation as a full-time job. He or she should ensure the effectiveness of the process within the institution and work to improve the system, possibly in line with the practice in some Member States where there are ministers for legislation who chair legislative councils and are tasked with ensuring good regulation.

It goes without saying that the Commission should review the results achieved so far, and elaborate and publish a programme for better regulation for the whole of the next five-year term, with operational action plans for each year. There is no reason why such a programme could not become a reality in the first semester, as there is already a good basis for action. Interaction with the other institutions and the review of the Inter-Institutional Agreement should be based on such a programme. It should also outline internal roles, responsibilities, procedures and, above all, priorities.

Although it may seem revolutionary at first sight, it would be advisable to explore to what extent the budget could be structured in such a way as to

foster better regulation (avoiding unnecessary administrative burdens, simplification and ensuring thorough enforcement).

This is not unknown and while generally I see few reasons to look overseas for inspiration, this is one area where that might actually be helpful.

There are no reasons to change or compromise on the four basic pillars of better regulation policy, but clearly the results achieved so far are not balanced. Impact assessment has made solid progress and even the resistance to opening the board to external monitoring or membership was significant. It has also helped to change the culture in some services, although less in others.

In fact, the across-the-board approach and thorough evaluation of the better regulation performance of different DGs is in deficit. Should the position of Vice-President for Better Regulation be established, anchoring the Impact Assessment Board with this member of the College would, in my view, be beneficial. The headache with impact assessment really is how to ensure awareness of its importance throughout the legislative process. Should the Council and the Parliament set up their own structures; should they be outsourced; and can the Commission be more helpful here? Clarity on these and other questions is now more necessary than ever.

The Commission can do much better on the enforcement of legislation. In this respect, revisiting the application of the infringement procedure in Article 226 with a view to strengthening existing practices and making them public should not be taboo. There is a lack of a coherent approach throughout the institution. In this respect, the EPC recommendations in its Working Paper of June 2006 remain very valid.¹

Last but not least, will the efforts to reduce administrative burdens continue? Should they not include the public sector as well as private companies (although the latter - especially small- and medium-size enterprises – should continue to be the main focus)? Can we make the current process more efficient, consistent and ensure it penetrates the Member States? Can we reverse the trend of ever-increasing unnecessary administrative burdens? The answer to these questions and others is, or should be, Yes.

The Stoiber Group was set up on the initiative of the Commission President. It now has nearly two years of experience and it would be only natural for the President to ask the group (of which I am a member) to provide

horizontal recommendations based on its experience, even before the end of this Commission's term.

The Group's work is one of the bright sides of the better regulation policy. It has a great deal of expertise, but still limited influence on what legislation is identified for evaluation. It has come forward with some of its own initiatives, but the basis for action has been identified by the Commission itself, and it has not always been clear what criteria were being used for this and how the measurement has been evaluated.

The Group has no mandate to review new legislation, whether it entails unnecessary burdens or not. I am sure that it would have a number of relevant views on how to make the advisory process more independent, professional and consistent. The Commission could then come to a conclusion as to whether it still has a need for this structure and whether the work could be taken over by an internal institution or a permanent independent body – in other words, if it should not professionalise this work.

The Group has had a mixed experience with the services and has experienced some resistance within the Commission. It has no budget for outsourcing or choosing its own administrators, but all-in-all, together with the Commission, it managed to recommend cuts worth dozens of billions of euro. Will these proposals survive the legislative process? This remains to be seen. The group has neither the power nor the mandate to secure that. This should change.

Administrative burden-cutting will continue to be vital, both for restoring confidence and to help get through the current recession and support sustainable growth in the long term. The current culture inside the Commission does not, in my opinion, make it reasonable yet to rely only on internal structures. There should be a successor to the Group, with maybe a semi-permanent status but a more independent position; a strengthened mandate; the administrative capacity to identify legislation, current and future, for evaluation; and (though still advisory) stronger 'enforcing' and monitoring capacity.

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Endnote

1. See some more concrete and operational recommendations in the EPC's *Working Paper* No.25: 'Making Europe work: improving the transposition, implementation and enforcement of EU legislation' (June 2006): www.epc.eu

The case for a Council of Advisors on Science and Technology

by Marie-Hélène Fandel

In his Inaugural Address in January 2009, US President Barack Obama vowed to “restore science to its rightful place, and wield technology's wonders to raise healthcare's quality and lower its cost”. He also spoke of the need to “harness the sun and the winds and the soil to fuel [our] cars and run [our] factories.”¹

These pledges echoed his campaign promise to usher in a new era of innovation, and restore US scientific and technological standing in the world. They contrast with the approach of the Bush administration, which had been criticised by some for allegedly distorting scientific facts and leaving a legacy of “stagnant or declining federal support” in significant parts of the US “scientific enterprise”.²

By April 2009, a genuine ‘science dream team’ had been assembled. It included the nomination of John Holdren, a respected Professor of Environmental Policy at Harvard's Kennedy School of Government, as Director of the Office of Science and Technology Policy, which advises the President on the effects of science and technology on domestic and international affairs and is based in his Executive Office. Many refer to him as the *de facto* scientific advisor to the West Wing.

He was also selected to serve as co-chair of the President's Council of Advisors on Science and Technology (PCAST), an advisory panel focusing on science and technology, along with Harold Varmus, President and CEO of Memorial Sloan-Kettering Cancer Center and co-recipient of the Nobel Prize for Physiology for his pioneering studies of the genetic basis of cancer. Two Nobel prize winners in chemistry are also members of PCAST: Mario Molina, who received one in 1995 for his role in elucidating the threat to the earth's ozone layer of chlorofluorocarbon gases, and Ahmed Zewai, who was awarded one in 1999 for pioneering work on the observation of exceedingly rapid molecular transformations.

Other highly respected scientists have also taken prominent positions inside the new administration, including Steven Chu, a Nobel Prize winner in Physics who is now Head of the US Department of Energy.

The return of science in US policy-making has generally been received positively. But it has also prompted many observers to reflect more broadly on what role science should play in policy-making, and whether such enthusiasm for science could have positive or detrimental effects on the US economy and society.

Although the US administration's science team is of exceptional quality, it is not unique. Since the 1960s, the British prime minister and his cabinet have benefited from the advice of a chief scientific adviser. The position is currently held by John Beddington, a Professor of Applied Population Biology at Imperial College London, with expertise on the sustainable use of renewable resources, who recently warned that the growing world population would cause a "perfect storm" of food, energy and water shortages by 2030.³ Many other governments in the EU also benefit from the advice of chief scientists and chief medical officers.

Science and the new European Commission

In the light of recent developments in the US, should the European Commission President follow suit by strengthening the advice he or she receives on science and technology issues? Would the knowledge and expertise of a group of exceptional science and technology advisers help policy planning in the EU and raise its 'science profile' in the coming decades?

The advent of a new European Commission provides an opportunity to consider ways of strengthening the scientific advice available to its President. This is important for a number of reasons.

Firstly, it is necessary because of the magnitude of the challenges facing the EU. Environmental degradation and the fight against climate change have been at the forefront of EU policy action in recent years. Europe is also striving to reduce its dependence on external energy, increase its capacity for producing alternatives to fossil fuels and boost clean technologies. The ageing of the population is already testing European economies' capacity to generate wealth, and health; health-information technologies could help significantly to manage this demographic change and its financial, economic and social impact on Europe.

All these challenges lie at the intersection of, on the one hand, science and technology, and, on the other, the environment, health, security and economics. Strengthening the science and technology advice available to the Commission

President could be a way of collecting insights and intelligence on issues where, for example, medical sciences, physical sciences, life sciences and engineering can make a difference. There is also the more general question of Europe's capacity to boost innovation and remain competitive at the global level, and reduce the much-decried 'innovation gap' with the US and Japan.⁴

Secondly, the emergence of new global players including China and India as technological powerhouses over the past decade has significantly changed the centres of innovation across the world. The ICT revolution has contributed to increasing the pace of innovation and technology penetration at the global level; and 'frontier technologies' are increasing the role of ethics in policy-making, as science is pushing the boundaries of what the public deems acceptable or not (for instance, cloning animals for food purposes).

This is raising a series of question relating to the EU's approach to science and whether or not its 'precautionary principle' is having a detrimental effect on Europe's capacity to innovate.

What role for the EU?

When thinking about strengthening the scientific advice available to the President, there are some important constraints in EU policy-making that need to be borne in mind.

EU policy-making involves a large array of overlapping competences between the EU, Member State, regional and local levels.

Member States retain wide room for manoeuvre when it comes to boosting innovation through government spending. The EU budget for science and innovation is relatively small: just €50 billion over six years through the Seventh Framework Programme for Research & Development⁵ (approximately 6% of the total EU budget for 2007-13). It is also unable to put together an EU-wide recovery plan comparable to that of the US, which includes some \$20 billion for research and development as well as significant investments in broadband networks, clean energy and health-information technologies.⁶

Nevertheless, the EU still has a lot to offer. Firstly, it is best placed to develop initiatives to boost innovation right across the Union, strengthen Europe's capabilities in sciences and technology, and use those capabilities to address the challenges the EU faces. Its Single Market enables science and

technology applications to be developed on a large scale – and it is in this market that Europe needs to develop synergies, economies of scale and the capacity to compete at global level.

The Commission has an important role to play in ensuring that new scientific and technological applications reach the market and that any barriers to the free movement of goods within the EU are justified and not a pretext for limiting competitors' market access.

Secondly, the Commission President has an important personal role to play in providing both direction and a vision. Climate change is a case in point: he or she can and should demonstrate leadership in this area by proactively proposing solutions on the basis of scientific advice.

What is already being done?

There are many existing 'pools' the Commission President can tap into, including a number of scientific committees which provide the Commission services with the scientific advice required to prepare policies and proposals in relation to consumer safety, public health and the environment.

These include the Scientific Committee on Health and Environmental Risks, which advises the Directorate-General for Health and Consumer Protection on issues such as the toxicity of chemicals that might be harmful to human health. Directorates-General also benefit from advice from chief economists and chief advisers on, for instance, medical matters.

In addition, EU agencies have been set up to handle specific technical and scientific tasks. These include the European Centre for Disease Prevention and Control (ECDC), which was established in 2004 to help strengthen Europe's defences against infectious diseases such as influenza, SARS and HIV/AIDS.⁷ One of the ECDC's aims is to develop authoritative scientific opinions on the risks posed by new and emerging infectious diseases.

The Commissioner for Science and Research and the Directorate-General for Research are partly responsible for allocating funding and shaping EU framework programmes for research. Members of the President's *cabinet* advise him on recent scientific and technological developments and benefit from intelligence and research from groups such as the Joint Research Centre (JRC) in Ispra, the Bureau of Economic Policy Advisers (BEPA) and the European Group on Ethics.

What more could be done?

A new structure for providing scientific and technological advice should not duplicate what already exists, but complement it with a strong focus on improving the Commission's ability to deliver effective and efficient policies and raising the profile of science in EU policy-making.

Many of the existing knowledge 'pools' are away from the centre of action and focus on very technical issues. The new structure should be closely linked to the Commission President, functioning as his or her 'Council of Advisors on Science and Technology'.

It should bring together scientists of exceptional calibre, similar to those in the US administration, and retain a large degree of independence (i.e. it should not be formally linked to any *cabinet* or Directorate-General). This would help to ensure that even unconventional views could be voiced. This group of scientists should be consulted in a transparent manner, and their nationality should not be a condition for their selection.

The number of advisers should be limited, possibly to around five, and their main goal would be to help shape the President's vision on the challenges ahead and identify the greatest threats to human well-being and possible remedies.

The two key questions they should focus on are what technologies are necessary to delay and minimise the impact of climate change and how can they be applied; and what can science and technology do to help Europe cope with an ageing society.

These advisers would provide insights and intelligence on science and technological progress, and help strike the right balance in cases where the science is disputed. They could also be called on for advice on how to improve the EU's approach to science.

The Council's high visibility might also be helpful in fostering a culture of innovation and raising the profile of science in EU decision-making.

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Endnotes

1. www.whitehouse.gov/the_press_office/President_Barack_Obamas_Inaugural_Address/
2. "Open letter to the American people" signed by 61 Nobel laureates, http://obama.3cdn.net/6667d14fd1301d9e8e_dbg0mvxzz.pdf
3. http://news.bbc.co.uk/2/hi/uk_news/7951838.stm
4. European Innovation Scoreboard 2008: 'Summary of the situation in the 27 Member States', 22 January 2009, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/18&format=HTML&aged=0&language=EN&guiLanguage=en>
5. European Commission 'Modernisation of EU research funding on the right track', 29 April 2009, <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/665&format=HTML&aged=0&language=EN&guiLanguage=en>
6. See US Department of Energy, 'A Historic Commitment to Research and Education', 27 April, 2009, <http://www.energy.gov/news2009/print2009/7347.htm>
7. ECDC was established by the European Parliament and Council Regulation 851/2004 of 21 April 2004 and became operational in May 2005.

Communicating Europe

by Jacki Davis

Ever since the Laeken Summit Declaration of December 2001, EU leaders have repeatedly emphasised the need to “reconnect” the Union with its citizens. It was this, in part, which prompted Commission President José Manuel Barroso to create a new Communications portfolio in 2004 – and to underline the importance he attached to the post by giving it to one of his Vice-Presidents.

It also reflected the need to make the Directorate-General for Communications more accountable by giving it a political ‘boss’ for the first time; reduce the burden on the President by having a senior Commissioner with recognised communications skills who could replace him at some public speaking engagements; find jobs for all (then) 25 Commissioners in the newly-enlarged EU – and the fact that the new team included an ideal candidate for the post: Margot Wallström, widely regarded as one of the stars of the Prodi Commission.

But, partly to make it a job worthy of a Vice-President and partly in recognition of the fact that it was something of a ‘poisoned chalice’, given the uphill struggle the Commission faces to improve its public image and the difficulties involved in embedding communications in its culture, President Barroso sweetened the pill by combining it with a related, more substantial, dossier – relations with the other EU institutions.

This was initially expected to be a major focus of Commissioner Wallström’s work, as the EU began preparing to implement the Constitutional Treaty once the ratification process was completed. But after the French and Dutch ‘No’ votes in their 2005 referenda, this work was put on hold and the focus moved onto engaging the public in the European debate and giving them a greater sense of ‘ownership’ of EU policies. This was done through the Commission’s Plan D for Democracy, Dialogue and Debate, and its successor, the Debate Europe initiative.

There are some who argue that there will be no need for a Communications Commissioner in the next College. They maintain that:

- the dossier was created partly because President Barroso’s predecessor, Romano Prodi, was a poor communicator, but is not needed if the President has good communication skills;

- its holder will always work in the President's shadow - an uncomfortable position for a Vice-President and an inevitable source of frustration;
- he or she cannot have any serious influence because communications is a tool, rather than a policy proper in its own right, and DG Communications has a relatively tiny budget at its disposal;
- if the Lisbon Treaty is ratified later this year, the need for such a strong focus on communications will diminish.

There is some justification for all these arguments in the current set-up, except the last, which is, in fact, one of the key reasons why this portfolio should not be abolished now. It risks being taken as a sign that the Commission no longer thinks communicating with the public is all that important – reinforcing the impression, particularly if, and when, the Lisbon Treaty is finally ratified, that the EU is once again taking public opinion for granted.

There are also other good reasons to maintain a strong focus on communications in the next Commission.

Firstly, developing a new culture in which communications becomes an integral part of the policy-making process in the Commission remains an uphill struggle and strong political leadership will be needed to build on the progress made to date.

Secondly, this is a highly sensitive political issue, not least because of the repeated accusations that the EU is spending taxpayers' money on pro-European 'propaganda' – and it requires political leadership to answer such charges.

Thirdly, while many national governments do not have a Minister for Communications, there is a clearly a special need to focus on this at EU level given the 'disconnect' between the Union and its citizens.

What portfolios?

But does the future holder of this portfolio need to be a senior Vice-President? Not necessarily. What matters is that he or she has recognised communications skills, is of sufficient calibre to command respect within the institution, and wields sufficient power to ensure colleagues take notice of what he or she says – and conferring the title of 'Vice-President' on the holder will not in itself ensure that this happens.

So what will? One of the keys to wielding real influence in any administration is the ‘power of the purse’, and while the budget at Commissioner Wallström’s disposal is relatively small, each Directorate-General also has its own budget and staff for communications.

As in other areas, changes are needed to ensure EU spending matches its priorities. One way to do this - and enhance the power and influence of the Commissioner responsible for communications - would be to centralise control over all the funds available for communications efforts, and allocate these each year in line with the priorities for the coming 12 months. This would not only ensure a better use of the limited funds available, but would also enhance the Commissioner’s clout, as fellow College members would have to beat a path to his or her door to try to secure the funding they want to promote their activities.

Another way to beef up the portfolio would be, once again, to combine it with other responsibilities. But are inter-institutional relations really the best fit?

Given how important this is for the Commission (indeed arguably even more so under the new institutional set-up envisaged by the Lisbon Treaty), and the need to show the Parliament and Council that it takes them seriously, the holder of the inter-institutional relations portfolio almost certainly needs the standing that the title of Vice-President confers. But being an effective Communications Commissioner does not – indeed, it might be better to give the job to a more junior Commissioner with the necessary skills, not least to help to avoid the otherwise inevitable tensions between the holder of this portfolio and the Commission President.

One possible solution might be to create a new portfolio – a Commissioner for ‘Citizenship’. This would combine responsibility for communications with some of the responsibilities currently held by the Commissioner for Education and Culture for promoting ‘active’ citizenship and those held by the Justice, Liberty and Security Commissioner relating to EU citizens’ rights and obligations.

This might raise hackles among national governments wary of giving the Commission a high-profile role on sensitive ‘citizenship’ issues, but such opposition could be countered by pointing to the existing EU competences in this area and the emphasis placed on citizens’ rights in EU treaties and legislation.

Access to information about what public administrations are doing in our name – and how they are spending our money – is clearly a fundamental

right for all citizens. Promoting ‘active’ citizenship includes ensuring that communications is – as Commissioner Wallström has always insisted – a two-way street, building on the initiatives launched to date to develop tools for dialogue and debate between EU citizens and between EU citizens and policy-makers through the Plan D and Debate Europe initiatives.

Appointing a Commissioner for Citizenship would also send a powerful signal to the public that this is a key priority for the Commission, encourage more joined-up thinking in this area – and help to avoid the holder of this portfolio being dubbed the ‘EU Propaganda Commissioner’ by Euro-sceptics and media critics.

It might also help to resolve the other conundrum posed by the current division of responsibilities for communications within the Commission, with the Spokesperson’s Service formally part of DG Communications but in fact reporting to the President, not the Commissioner responsible for communications.

This may appear illogical given the need for a consistent approach to communications issues, but has been justified on the grounds that the Spokesperson’s Service is responsible for communicating with the media, while DG Communications is responsible for communicating with the wider public. In reality, it reflects the fact that the head of the Spokesperson’s Service is also the President’s Spokesman, and needs his or her support and trust to do the job effectively. In turn, he or she needs to manage the Spokesperson’s Service to ensure the Commission delivers coherent, consistent messages to the outside world.

Broadening the responsibilities of the Commissioner in charge of the communications portfolio to include wider citizenship issues would make this less of a problem: it would become much clearer where communicating directly with the citizens stops and communicating via the media begins.

Under this scenario, the Spokesperson’s Service would report to the President, and DG Communications would be transformed into DG Citizenship and take over some responsibilities from DG Education and Culture and DG Justice, Liberty and Security. But it could – and logically should – lose responsibility for the Commission Representation Offices in the Member States, which could be moved to the Secretariat-General. This would ease the burden on the holder of this new, wider-ranging portfolio and would make sense, given that the Representations’ role today is not as

focused on communications as it was in the past – they increasingly provide political intelligence to the Commission on developments in the Member States and sometimes help to negotiate compromises on difficult dossiers.

Taken together, these proposals would ensure that the new Commission continues to focus on communications at the highest level; that there is the necessary political leadership to build on the progress to date; that the Commissioner responsible for communications has genuine clout within the College; and that the resources available for communications are used as effectively as possible. They would also ensure much more joined-up thinking on all issues related to citizenship, and give this important issue a higher profile both within the Commission and in the outside world.

What role for communications?

However, the Commission should also be clear where its communications responsibilities begin and end, and not over-reach itself by setting unachievable targets.

Accusations that the Commission is spending taxpayers' money on 'propaganda' by providing information about its activities are unjustified – its critics would surely shout even louder if the Commission made no attempt to explain its actions to European citizens or answer questions about what it is doing in their name. It has a responsibility to do this in as professional manner as possible.

But ultimate responsibility for explaining and defending the EU's actions inevitably lies in the hands of politicians in the Member States: it is their voices that the public will listen to most, and it is their job to defend the decisions they sign up to in Brussels and explain what impact they will have at the national level. As long as national politicians continue to use military terms when talking about the EU – 'fighting' for national interests, 'defending' red lines, etc. – they should not be surprised if the public perceives the EU as some sort of enemy force which must be fended off at all costs.

So how can politicians be persuaded to stop using the EU as a 'whipping boy', blaming it for everything 'bad' that happens and claiming credit themselves for everything 'good'? The only way this will ever happen is if they recognise that it is in their interests to do so – that attacking Brussels one day for short-term political advantage and then seeking public support for decisions taken at EU level the next only makes their job more difficult in the long run.

To ensure that the debate over Europe focuses on what the EU can most usefully do to address the key challenges we face and what its priorities should be – instead of sterile debates about the general merits or otherwise of membership – they need to recognise the vital need for consistency between their short- and long-term approaches to talking about EU issues.

In the meantime, the Commission must avoid a tendency towards over-defensiveness which it has been unable to shake off completely since the downfall of the Santer Commission in March 1999, which left the institution feeling defeated and demoralised. It has to acknowledge that communicating with 27 Member States with different pasts, priorities and preoccupations is never going to be an easy task, and focus on explaining itself and its actions in a clear, effective and professional manner.

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Annex: The evolution of the Commission

by Joana Cruz

“Il y a toujours un exercice difficile de répartition des porte-feuilles, puisque...le président de la Commission n'est que le primus inter pares”
Jaques Delors, 1994

Walter Hallstein (1958-1967)

The first European Commission President, Walter Hallstein, designated three Commissioners to organise a secretariat which would be in charge of technical issues. He then asked a group of experts to organise the Community's work both according to the major sectors of activity and corresponding to the number of Commissioners: nine. Each Commissioner was given control of a sector of activity, taking into account his areas of specialisation, together with two other colleagues. He also supervised another administrative sector linked to his specific policy area.

First College: from January 1958 to September 1962

Portfolio(s)	Commissioner	Nationality
President	Walter Hallstein	West Germany
Vice-President Agriculture	Sicco Mansholt	Netherlands
Vice-President Economics and Finance	Robert Marjolin	France
Vice-President Internal Market	Piero Malvestiti (Served until 15 September 1959)	Italy
	Giuseppe Caron (Served from 24 November 1959)	Italy
Overseas Development	Robert Marjolin	France
External Relations	Jean Rey	Belgium
Competition	Hans von der Groeben	West Germany
Social Affairs	Giuseppe Petrilli (Served until 8 February 1961)	Italy
	Lionello Levi Sandri (Served from 8 February 1961)	Italy
Transport	Michel Rasquin (Served until 27 April 1958)	Luxembourg
	Lambert Schaus (Served from 18 June 1958)	Luxembourg

Second College: from September 1962 to June 1967

This initial specialisation of Commissioners, linked also to their nationality, continued to determine the allocation of portfolios in the second Commission and beyond. For example, three successive Italians held the Internal Market portfolio, the overseas portfolio was repeatedly given to a French Commissioner, and Luxembourg's Commissioner kept the transport dossier.

Portfolio(s)	Commissioner	Nationality	Groups of Commissioners by 1965
President	Walter Hallstein	West Germany	Administration: Walter Hallstein Sicco Mansholt Robert Marjolin Lionello Levi Sandri
Vice-President Agriculture	Sicco Mansholt	Netherlands	Hans von der Groeben Lambert Schaus Henri Rochereau
Vice-President Economics and Finance	Robert Marjolin	France	Hans von der Groeben Sicco Mansholt Lionello Levi Sandri
Vice-President Internal Market	Giuseppe Caron (Served until 15 May 1963)	Italy	
	Guido Colonna di Paliano (Served from 30 July 1964)	Italy	Jean Rey Lambert Schaus Guido Colonna di Paliano
Overseas Development	Henri Rochereau	France	Henri Rochereau Hans von der Groeben Lionello Levi Sandri
External Relations	Jean Rey	Belgium	Robert Marjolin Guido Colonna di Paliano
Competition	Hans von der Groeben	West Germany	Robert Marjolin Jean Rey
Social Affairs Vice-President from 30 July 1965	Lionello Levi Sandri	Italy	Sicco Mansholt Henri Rochereau
Transport	Lambert Schaus	Luxembourg	Henri Rochereau Guido Colonna di Paliano

Jean Rey (1967-1970)

The Rey Commission was the European Community's first single Commission, following the Merger Treaty of 1965. The main challenge was to ensure that the smooth fusion of the three executive colleges (High Authority of the European Coal and Steel Community, the European Atomic Energy Community Commission, and the European Economic Community Commission). President Rey followed the Hallstein model in organising the Commission's work, the only difference being that some Commissioners were given responsibility for two Directorates-General. Portfolios were distributed according to personal preferences, Commissioners' areas of specialisation and Member States' requests. There were 14 members of the College as a result of the merger: Italy, West Germany and France had three each; Belgium and the Netherlands two; and Luxembourg one.

The agriculture, social affairs and development aid portfolios were given to the same people as in the previous Commission; the economy, finance and transport dossiers went to Commissioners from the same country as in the second College; the external relations' portfolio was split in two; and budgetary issues were entrusted to Albert Coppé, the only former member of the High Authority.

Portfolio(s)	Commissioner	Nationality	Notes
President Secretariat General, Legal Service and Spokesman's Service	Jean Rey	Belgium	
Vice-President Agriculture	Sicco Mansholt	Netherlands	
Vice-President Social Affairs, Personnel and Administration	Lionello Levi Sandri	Italy	
Vice-President Research and Technology, Distribution of Information and Joint Research Center	Fritz Hellwig	West Germany	
Vice-President Economic and Finance, Statistical Office	Raymond Barre	France	
Vice-President Energy	Wilhelm Haferkamp	West Germany	
Budgets, Credit and Investment, Press and Information	Albert Coppé	Belgium	

Portfolio(s)	Commissioner	Nationality	Notes
Internal Market and Regional Policy	Hans von der Groeben	West Germany	
Competition	Maan Sassen	Netherlands	
Development Assistance	Henri Rochereau	France	
Industrial Affairs	Guido Colonna di Paliano	Italy	Resigned 8 May 1970 not replaced
Foreign Trade, Enlargement and Assistance to Developing Countries	Jean-François Deniau	France	
Transport	Victor Bodson	Luxembourg	
Foreign Relations	Edoardo Martino	Italy	

Franco Malfatti (1970-1972)

In the 1970-1972 Commission, President Franco Malfatti split the portfolios between nine Commissioners. This was done in close collaboration with its members in a matter of a few hours, reflecting Malfatti's lack of experience and knowledge of Community procedures. The rationale which lay behind the distribution of portfolios in previous Commissions appears to have been lost. With the exception of Sicco Mansholt, responsible for agriculture, and Raymond Barre, responsible for economy and finances, Commissioners' specialisation and expertise played a less important role, with Member States' preferences becoming more important. The tradition of key portfolios being held by Commissioners of the same nationality each time also appears to have ended: social affairs was no longer in the hands of an Italian and the transport portfolio did not go to a Luxembourgish. Some sectors of activity were also merged, but while links were obvious in areas such as industrial affairs and research, others seem to have been dictated by functional reasons, such as putting transport, social affairs and budgetary matters together.

Portfolio(s)	Commissioner	Nationality
President Secretariat General, Legal Service and Spokesman's Service	Franco Malfatti	Italy
Vice-President Agriculture	Sicco Mansholt	Netherlands
Vice-President Internal Market and Energy	Wilhelm Haferkamp	West Germany
Economic and Finance, Statistical Office	Raymond Barre	France
Competition, Regional Policy, Press and Information	Albert Borschette	Luxembourg
Social Affairs, Transport, Personnel and Administration, Budgets, Credit and Investment, Press and Information	Albert Coppé	Belgium
External Relations and Trade	Ralf Dahrendorf	West Germany
External Relations and Development Aid	Jean-François Deniau	France
Industrial Affairs, Research and Technology, Joint Research Centre	Altiero Spinelli	Italy

Sicco Mansholt (1972-1973) *ad interim*

When President Malfatti resigned from his post to stand for election in Italy, Sicco Mansholt – the father of the Common Agriculture Policy and the best known of all the Commissioners – took over as President. No significant changes were made to the portfolios, with the exception of the appointment of an Italian to succeed Mansholt as Commissioner for Agriculture.

Portfolio(s)	Commissioner	Nationality
President Legal Service and Spokesman's Service Security Office	Sicco Mansholt	Netherlands
Vice-President Internal Market and Energy	Wilhelm Haferkamp	West Germany
Economic and Finance, Statistical Office	Raymond Barre	France
Competition, Regional Policy, Press and Information, Distribution of Knowledge	Albert Borschette	Luxembourg
Social Affairs, Transport, Personnel and Administration, Budgets, Credit and Investment, Press and Information	Albert Coppé	Belgium
External Relations and Trade	Ralf Dahrendorf	West Germany
Development Aid and Enlargement	Jean-François Deniau	France
Agriculture	Carlo Scarascia-Mugnozza	Italy
Industrial Affairs, Research and Technology, Joint Research Centre	Altiero Spinelli	Italy

François-Xavier Ortoli (1973-1977)

The Ortoli Commission was the first after the European Community took in new Member States for the first time. During the first month of Ortoli's term of office, there were several disagreements over the allocation of portfolios. A minor crisis occurred over the External Affairs portfolio, which Ortoli split between the second French Commissioner, Jean-François Deniau (Development Cooperation and Budgets), and the British Commissioner, Christopher Soames (External Relations and Trade). A second reorganisation involved splitting up the harmonisation of legislation, and responsibility for banking, insurance and trade barriers into three separate departments.

Portfolio(s)	Commissioner	Nationality
President Legal Service and Spokesman's Service, Security Office	François-Xavier Ortoli	France
Vice-President Social Affairs	Patrick John Hillery	Ireland
Vice-President Economic and Finance, Credit and Investments	Wilhelm Haferkamp	West Germany
Vice-President Taxation, Energy	Henri François Simonet	Belgium
Vice-President External Relations and Trade	Christopher Soames	United Kingdom
Vice-President Parliamentary Affairs (with President), Environmental Policy, Transport, Consumer Protection, Press and Information	Carlo Scarascia-Mugnozza	West Germany
Development Cooperation and Budgets	Jean-François Deniau (Served until 1973)	France
	Claude Cheysson (Served from 1973)	France
Research, Science and Education, Statistical Office, Joint Research Centre	Ralf Dahrendorf	West Germany
Competition, Personnel and Administration	Albert Borschette	Luxembourg
Agriculture	Pierre Lardinois	Netherlands
Internal Market, Customs Union	Finn Olav Gundelach	Denmark
Regional Policy	George Thomson	United Kingdom
Industry and Technology	Altiero Spinelli	Italy

Roy Jenkins (1977-1981)

The Jenkins Commission was distinctive because the President gathered around him an inner circle of three Commissioners (François-Xavier Ortoli, Étienne Davignon and Finn Olav Gundelach) on the basis of their good reputation in the European political circles.

Portfolio(s)	Commissioner	Nationality
President Legal Service and Spokesman's Service, Security Office	Roy Jenkins	United Kingdom
Vice-President External Relations	Wilhelm Haferkamp	West Germany
Vice-President Employment and Social Affairs	Henk Vredeling	Netherlands
Vice-President Agriculture and Fisheries	Finn Olav Gundelach	Denmark
Vice-President Economic and Finance, Credit and Investments	François-Xavier Ortoli	France
Vice-President Enlargement, Environment, Nuclear Safety	Lorenzo Natali	Italy
Taxation, Consumer Affairs, Transport, Relations with the European Parliament	Richard Burke	Ireland
Energy, Research, Science	Guido Brunner	West Germany
Competition	Raymond Vouel	Luxembourg
Internal Market, Customs Union, Industrial Affairs	Étienne Davignon	Belgium
Development	Claude Cheysson	France
Regional Policy	Antonio Giolitti	Italy
Budget and Financial Control, Financial Institutions, Staff and Administration	Christopher Tugendhat	United Kingdom

Gaston Thorn (1981-1985)

At the start of the Thorn Commission, the allocation of portfolios and the inclusion of a new Greek Commissioner created some friction, when, for example, Belgian Commissioner Étienne Davignon was given two portfolios: Industry and Energy. There was considerable continuity in the membership of the new Commission: of the 14 members, only six were newcomers, including the President himself. The strongest and more experienced Commissioners, such as Ortoli, Natali and Davignon, were allowed more freedom to drive through their own programmes of action.

Portfolio(s)	Commissioner	Nationality
President Legal Service and Spokesman's Service, Security Office, Cultural Sector	Gaston Thorn	Luxembourg
Vice-President Budget and Financial Control, Financial Institutions and Taxation	Christopher Tugendhat	United Kingdom
Vice-President Economic and Financial Affairs	François-Xavier Ortoli	France
Delegate of the President; Personnel and Administration, Statistical Office, Office for Official Publications	Richard Burke (after the retirement of Michael O'Kennedy in 1982 to contest the Irish general election)	Ireland
External Relations including Nuclear Affairs	Wilhelm Haferkamp	Germany
Industrial Affairs and Energy	Étienne Davignon	Belgium
Mediterranean Policy, Enlargement, Information	Lorenzo Natali	Italy
Regional Policy and Coordination of Community Funds	Antonio Giolitti	Italy
Development	Claude Cheysson (to May 1981)	France
	Edgard Pisani (after Cheysson's nomination to the French Government in 1981)	France
Agriculture and Fisheries	Finn Olav Gundelach (to 1981)	Denmark
	Poul Dalsager (after Finn Olav Gundelach's death in 1981)	Denmark

Portfolio(s)	Commissioner	Nationality
Internal Market, Industrial Innovation, Customs Union, the Environment, Consumer Protection and Nuclear Safety	Karl-Heinz Narjes	Germany
Transport, Fisheries, Coordination of Questions related to tourism	Giorgios Contogeorgis	Greece
Personnel, Administration and the Statistics Office	Michael O'Kennedy (until 1982)	Ireland
Employment and Social Affairs	Ivor Richard	United Kingdom
Relations with the European Parliament and Competition	Frans Andriessen	Netherlands

Jacques Delors (1985-1995)

1st mandate 1985-1990; 2nd mandate 1990-1995

Jacques Delors served two five-year terms as Commission President, but with three Commissions under him (generally known as Delors I, II and III). There was considerable continuity of membership and political balance in all three. In distributing portfolios amongst Commissioners, Delors made an effort to assert his independence from the Member States by seeking to break their hold on certain portfolios, which prompted some tensions, illustrated by his clash with French Commissioner Claude Cheysson. The Delors I Commission (1985-1988) grew in size in January 1986, when Spain and Portugal joined the European Communities.

Portfolio(s)	Commissioner	Nationality
President	Jacques Delors	France
Vice-President Agriculture and Fisheries	Frans Andriessen	Netherlands
Vice-President Budget, Financial Control, Personnel and Administration	Henning Christophersen	Denmark
Vice-President Internal Market, Tax Law and Customs	Lord Cockfield	United Kingdom
Vice-President Social Affairs, Employment and Education	Manuel Marin	Spain
Vice-President Industry, Information Technology and Science and Research	Karl-Heinz Narjes	Germany
Vice-President Cooperation, Development Affairs and Enlargement	Lorenzo Natali	Italy
Mediterranean Policy and North-South Relations	Claude Cheysson	France
External Relations and Trade Policy	Willy De Clercq	Belgium
Environment, Consumer Protection and Transport	Stanley Clinton Davis	United Kingdom
Fisheries	António Cardoso e Cunha	Portugal
Credit, Investments, Financial Instruments and Small and Medium-sized Enterprises	Abel Matutes	Spain
Energy & Euratom	Nicolas Mosar	Luxembourg

Portfolio(s)	Commissioner	Nationality
Economic Affairs and Employment	Alois Pfeiffer	Germany
Institutional Reforms, Information Policy, Culture and Tourism	Carlo Ripa di Meana	Italy
Competition, Social Affairs and Education	Peter Sutherland	Ireland
Relations with the European Parliament, Regional Policy and Consumer Protection	Grigoris Varfis	Greece

The Delors II Commission served from 1989 to 1992.

Portfolio(s)	Commissioner	Nationality
President	Jacques Delors	France
Vice-President External Relations and Trade Policy	Frans Andriessen	Netherlands
Vice-President Internal Market and Industrial Affairs	Martin Bangemann	Germany
Vice-President Competition and Financial Institutions	Sir Leon Brittan	United Kingdom
Vice-President Economic & Financial Affairs and Coordination of Structural Funds	Henning Christophersen	Denmark
Vice-President Cooperation, Development and Fisheries	Manuel Marin	Spain
Vice-President Science, Research, Development, Telecommunications and Innovation	Filippo Maria Pandolfi	Italy
Energy, Euratom, Small Businesses; Staff and Translation	Antonio Cardoso e Cunha	Portugal
Audiovisual and Cultural Affairs	Jean Dondelinger	Luxembourg
Agriculture and Rural Development	Ray MacSharry	Ireland
Mediterranean and Latin American Policy	Abel Matutes	Spain
Transport and Consumer Protection	Karel Van Miert	Belgium
Regional Policy	Bruce Millan	United Kingdom
Employment, Industrial Relations and Social Affairs	Vasso Papandreou	Greece
Environment, Nuclear Safety and Civil Protection	Carlo Ripa di Meana	Italy
Budget	Peter Schmidhuber	Germany
Taxation and Customs Union	Christiane Scrivener	France

The short tenure of the Delors III Commission, from 1993 to 1994, was designed to bring the Commission's mandates in line with those of the European Parliament.

Portfolio(s)	Commissioner	Nationality
President	Jacques Delors	France
Vice-President Internal market, Industrial Affairs and ICT	Martin Bangemann	Germany
Vice-President External Economic Affairs and Trade Policy	Sir Leon Brittan	United Kingdom
Vice-President Economic and Financial Affairs	Henning Christophersen	Denmark
Vice-President Cooperation, Development and Humanitarian Aid	Manuel Marin	Spain
Vice-President Competition	Karel Van Miert	Belgium
Vice-President Science, Research, Technological Development, and Education	Antonio Rubertii	Italy
Transport and Energy	Marcelino Oreja	Spain
Environment, Fisheries	Ioannis Paleokrassas	Greece
Agriculture and Rural Development	René Steichen	Luxembourg
Transport and Energy	Abel Matutes	Spain
Institutional Reform, Internal Market and Enterprise	Raniero Vanni d'Archirafi	Italy
Taxation, Customs Union and Consumer Policies	Christiane Scrivener	France
Budget, Financial Control and the Cohesion Fund	Peter Schmidhuber	Germany
Social Affairs and Employment	Pádraig Flynn	Ireland
Relations with Parliament, Culture and Audiovisual	João de Deus Pinheiro	Portugal
External Relations and Enlargement	Hans van den Broek	Netherlands
Regional Policy and Cohesion	Bruce Millan	United Kingdom

Jacques Santer (1995-1999)

The Santer Commission had a College made of 20 members (two for the largest Member States, and one for each of the smaller Member States), including new member countries Sweden, Finland and Austria. The Santer Commission collectively resigned amid allegations of corruption, but several of its Commissioners were reappointed to serve in the Prodi Commission (Franz Fischler, Erkki Liikanen, Mario Monti and Neil Kinnock).

Portfolio(s)	Commissioner	Nationality
President Secretariat-General, Legal Service, Security Office, Forward Studies Unit, Inspectorate General, Joint Interpreting and Conference Service (SCIC), Spokesman's Service, Monetary Matters (with de Silguy), CFSP (with van den Broek) and Institutional Questions for the 1996 IGC (with Oreja)	Jacques Santer	Luxembourg
Vice-President Commercial Policy and External Relations with North America, Australasia, East Asia, the OECD and WTO	Sir Leon Brittan	United Kingdom
Vice-President External Relations with the Southern Mediterranean, Latin America and the Middle East	Manuel Marin	Spain
Internal Market, Services Customs and Taxation	Mario Monti	Italy
Agriculture and Rural Development	Franz Fischler	Austria
Competition	Karel Van Miert	Belgium
Economic and Financial Affairs Inc. Credit and Investments, the Statistical Office and Monetary Matters (with the President)	Yves-Thibault de Silguy	France
Employment and Social Affairs and relations with the EESC	Pádraig Flynn	Ireland
Consumer Policy and ECHO	Emma Bonino	Italy

Portfolio(s)	Commissioner	Nationality
Environment and Nuclear Security	Ritt Bjerregaard	Denmark
Industrial Affairs, Information and Telecommunications Technologies	Martin Bangemann	Germany
Transport, including TEN	Neil Kinnock	United Kingdom
Energy, Euratom Supply Agency, SMEs and Tourism	Christos Papoutsis	Greece
Immigration, Justice and Home Affairs, Financial Control, Anti-fraud and Relations with the European Ombudsman	Anita Gradin	Sweden
Budget, Personnel and Administration	Erkki Liikanen	Finland
Regional Policy Inc. Cohesion Fund (with Kinnock & Bjerregaard) and relations with the Committee of the Regions	Monika Wulf-Mathies	Germany
Research, Science and Technology, Joint Research Centre, Human Resources, Education, Training and Youth	Édith Cresson	France
Relations with Central and Eastern Europe, CFSP and the External Service	Hans van den Broek	Netherlands
Relations with African, Caribbean, Pacific Countries, South Africa and the Lomé Convention	João de Deus Pinheiro	Portugal
Relations with the European Parliament, Culture, Audiovisual Policy, Relations with the European Parliament, Communication, Information, Openness, Publications Office and Institutional Questions for the 1996 IGC (with the President)	Marcelino Oreja	Spain

Romano Prodi (1999-2004)

The Prodi Commission took over from the interim Marín Commission in September 1999, following the resignation of the Santer Commission. The Amsterdam Treaty introduced a new right for the Commission President to decide alone – theoretically at least – on the distribution of portfolios (until then, the Commission President was only consulted on nominations for Commissioners). But he still could not allocate posts simply in accordance with his own preferences: the ‘rule’ was an intensive process of negotiation and political balance, where the President was intensely lobbied by the incoming Commissioners themselves and governments trying to get their Commissioners into those positions most important in national terms. This meant that Commissioners were not necessarily assigned to the most appropriate posts and not much could be done if they did not perform well. However, Prodi acted more autonomously than his predecessors when allocating portfolios. He also moved away from ‘pick and mix’ portfolios: instead of selecting Commissioners first, he opted to create the portfolios first and then decide how best to distribute them.

Portfolio(s)	Commissioner	Nationality
President	Romano Prodi	Italy
Vice-President Administrative Reform	Neil Kinnock	United Kingdom
Vice-President Relations with the Parliament, Transport and Energy	Loyola de Palacio	Spain
Competition	Mario Monti	Italy
Agriculture and Fisheries	Franz Fischler	Austria
Enterprise and Information Society	Erkki Liikanen (Served until 12 July 2004)	Finland
	Olli Rehn (Served from 12 July 2004)	Finland
Internal Market	Frits Bolkestein	Netherlands
Research	Philippe Busquin (Served until July 2004)	Belgium
	Louis Michel (Served from July 2004)	Belgium
Development and Humanitarian Aid	Poul Nielson	Denmark
Enlargement	Günter Verheugen	Germany
External Relations	Chris Patten	United Kingdom

Portfolio(s)	Commissioner	Nationality
Trade	Pascal Lamy	France
Health and Consumer Protection	David Byrne	Ireland
Education and Culture	Viviane Reding	Luxembourg
Budget	Michaela Schreyer	Germany
Environment	Margot Wallström	Sweden
Justice and Home Affairs	António Vitorino	Portugal
Employment and Social Affairs	Anna Diamantopoulou (Served until March 2004)	Greece
	Stavros Dimas (Served from March 2004)	Greece
Regional Policy	Michel Barnier (Served until April 2004)	France
	Jacques Barrot (Served from April 2004)	France
Economic and Monetary Affairs	Pedro Solbes (Served until 26 April 2004)	Spain
	Joaquín Almunia (Served from 26 April 2004)	Spain

From 1 May 2004, ten new Commissioners from the new Member States joined the College. No new posts were created. Instead, these new members of the College shared portfolios with an existing Commissioner.

Portfolio(s)	Commissioner	Nationality
Regional Policy	Péter Balázs	Hungary
Trade	Danuta Hübner	Poland
Economic and Monetary Affairs	Siim Kallas	Estonia
Development and Humanitarian Aid	Joe Borg	Malta
Agriculture and Fisheries	Sandra Kalniete	Latvia
Education and Culture	Dalia Grybauskaitė	Lithuania
Enlargement	Janez Potočnik	Slovenia
Enterprise and Information Society	Ján Figel'	Slovakia
Budget	Markos Kyprianou	Cyprus
Health and Consumer Protection	Pavel Telička	Czech Republic

José Manuel Barroso (2004-present)

In the Barroso Commission, the first full Commission following the 2004 ‘big bang’ enlargement, the largest Member States lost their right to have two Commissioners each, following the move to the ‘one Commissioner per Member State’ rule. Barroso declared his wish that one-third of the Commissioners should be women and sought to establish the principle that the most powerful portfolios should go to those who were most capable, rather than necessarily to those from larger Member States. When Romania and Bulgaria joined the EU in 2007, taking the total number of Commissioners to 27, a new Consumer Protection portfolio was created by splitting up the old Health and Consumer Protection dossier and a new Multilingualism portfolio (previously part of Education, Training and Culture) was added.

Portfolio(s)	Commissioner	Nationality
President	José Manuel Barroso	Portugal
First Vice-President Institutional Relations and Communication Strategy	Margot Wallström	Sweden
Vice-President Enterprise and Industry	Günter Verheugen	Germany
Vice-President Transport	Antonio Tajani	Italy
Vice-President Justice, Freedom, and Security	Jacques Barrot	France
Vice-President Administrative Affairs, Audit, and Anti-Fraud	Siim Kallas	Estonia
Economic and Financial Affairs	Joaquín Almunia	Spain
Internal Market and Services	Charlie McCreevy	Ireland
Agriculture and Rural Development	Mariann Fischer Boel	Denmark
Competition	Neelie Kroes	Netherlands
Trade	Peter Mandelson (Served until 3 October 2008)	United Kingdom
	Baroness Ashton (Served from 3 October 2008)	United Kingdom
Fisheries and Maritime Affairs	Joe Borg	Malta
Environment	Stavros Dimas	Greece
Health (Prior to 1 January 2007, portfolio included Consumer Protection)	Markos Kyprianou (Served until 2 March 2008)	Cyprus

Portfolio(s)	Commissioner	Nationality
Health	Androulla Vassiliou (Served from 3 March 2008)	Cyprus
Development and Humanitarian Aid	Louis Michel	Belgium
Enlargement	Olli Rehn	Finland
Employment, Social Affairs, and Equal Opportunities	Vladimír Špidla	Czech Republic
Taxation and Customs Union	László Kovács	Hungary
Financial Programming and the Budget	Dalia Grybauskaitė	Lithuania
External Relations and European Neighbourhood Policy	Benita Ferrero-Waldner	Austria
Education, Training and Culture (Prior to 1 January 2007, portfolio included Multilingualism)	Ján Figel'	Slovakia
Regional Policy	Danuta Hübner	Poland
Energy	Andris Piebalgs	Latvia
Science and Research	Janez Potočnik	Slovenia
Information Society and Media	Viviane Reding	Luxembourg
Consumer Protection (Prior to 1 January 2007, was part of Health)	Meglana Kuneva (Served from 1 January 2007)	Bulgaria
Multilingualism (Prior to 1 January 2007, was part of Education, Training and Culture)	Leonard Orban (Served from 1 January 2007)	Romania

Sources

- *Nicole Condorelli Braun (1972), Commissaires et Juges dans Les Communautés Européennes, Paris, Librairie Générale de Droit et de Jurisprudence R. Pichon et R. Durand-Auzias.*
- *David Spence (ed) (2004) The European Commission, John Harper Publishing.*
- *Neill Nugent (2006) The government and politics of the European Union, Duke University Press.*
- *Helen Drake (2000) Jaques Delors: A Political Biography: Perspectives on a European Leader, Routledge.*
- *Michelle Cini (1996) The European Commission: leadership, organisation, and culture in the EU administration, Manchester University Press ND.*

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Mission Statement

The European Policy Centre (EPC) is an independent, not-for-profit think tank, committed to making European integration work. The EPC works at the 'cutting edge' of European and global policy-making providing its members and the wider public with rapid, high-quality information and analysis on the EU and global policy agenda. It aims to promote a balanced dialogue between the different constituencies of its membership, spanning all aspects of economic and social life.

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