

The European Commission

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Reader's Guide

This chapter provides a general introduction to the European Commission. It argues that it is more productive to compare the Commission to national **executives** or to a government than to a secretariat of a traditional international organization. It begins with a summary of the Commission's functions within the European Union's policy process. It then considers the question of Commission influence and autonomy, before moving on to look at the structure, demography, and decision behaviour within the organization—that is, at the role of the President of the Commission and the Commissioners, at the Commissioners' personal staffs, and at the Commission administration. It then looks at committees and administrative networks that link the Commission to national administrations and **interest groups**, and also deals with the recent growth of EU agencies. The chapter concludes by emphasizing that the Commission is moving away from having many inter-governmental features towards becoming much more of a European(ized) institution than it was at its inception.

Introduction

To many observers, the Commission is a unique institution. It is much more than an international secretariat, but not quite a government, although it has many governmental characteristics, as we shall see. The Commission encompasses elements of both intergovernmentalism (a national dimension) and **supranationalism** (a European dimension). It is the opposing pull of these two elements that forms the focal point of this chapter. By exploring the national and supranational features of the Commission's organization, the chapter restates the question: what sort of institution is the European Commission?

The Commission's origins lie in the **High Authority of the European Coal and Steel Community (ECSC)**. It represents a considerable institutional innovation if we compare the institutional arrangement of the European Union with international organizations around the world. Its most innovative aspect is that, for the first time in the history of international organizations, a separate executive body, with its own political leadership, had been set up *outside* the Ministers' Council. The concept of an Assembly, later the European Parliament (EP), was already known from the United Nations, the North Atlantic Treaty Organization (NATO), and the **Council of Europe**. An International Court of Justice (ICJ) had been in place in The Hague since the early twentieth century. An independent executive, on the other hand, was something quite new.

The chapter begins with a brief review of the Commission's main functions, which relate to its role in the EU policy process. These involve the Commission in **agenda-setting** and, more specifically, in the drafting of legislation; in the implementation of policies (albeit mainly at arm's length) and the management of programmes; and in the formulation and negotiation of certain aspects of the EU's external relations. Moreover, the Commission also has a role to play in mediating between the Parliament and Council, and among national government and **non-state actors** involved in European policy-making, as well as in presenting its own, or a European, perspective on issues and events. The second section covers Commission influence and autonomy, viewing it through the lens of **integration theory** (see Chapters 4, 5, 6, 7, and 8). In the sections that follow, attention turns to the organizational features of the Commission and their behavioural consequences, with the focus first on the Commission President and College of Commissioners; second, on the Commissioners' cabinets (their

personal offices); third, on the Commission administration (departments and services); and finally on the role of committees, external administrative networks, and EU agencies. The conclusions to the chapter are that, even though some commentators on the Commission argue that it is becoming a more intergovernmental organization, which tends to imply that it is becoming less influential, the Commission is in many respects a more European institution than it ever was in the past.

The functions of the Commission

The European Commission, like a government, is composed of a political executive wing (the Commissioners and their personal staff) and an administrative wing (the departments and services). It has a wide range of functions within the EU system: policy initiation, the monitoring of policy implementation, the management of European programmes, an important external relations role, and other functions that involve it as a mediator among the 28 member states, and between the EU Council and the European Parliament (EP), as well as asserting its own European identity (see Box 9.1). The Commission is clearly involved in the EU's policy process from start to finish. In much the same way as are national executives, the Commission is responsible for the initiation and formulation of policies, usually in the form of legislative, budgetary, or programme proposals. To put it bluntly, the Commission drafts the legislation that is passed on to the two legislative bodies, the EP and the Council. It is in this sense that, in the majority of policy areas, such as the **single market** (see Chapter 18) and Justice and Home Affairs (JHA) (see Chapter 20), the Commission performs an important agenda-setting role. Other actors, such as the **European Council** (the heads of state and government), the EP, national officials, and interest groups, may also take initiatives and advance policy proposals, but it is generally up to the Commission to decide whether these ideas will be picked up and subsequently passed on to the legislature in the form of a formal legislative proposal, even if in practice these sorts of policy initiative quite often originate from outside the Commission. By contrast, the Commission does not enjoy such a privileged agenda-setting role in relation to the Common Foreign and Security Policy (CFSP), including the Common Security and Defence Policy (CSDP), although it may still be active in developing policy programmes. Arguably,

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BOX 9.1 THE COMMISSION AS A MULTI-SECTORAL AND MULTI-FUNCTIONAL ORGANIZATION

Although much media focus during autumn 2011 was on the economic crisis and thus on the Economic and Financial Affairs Commissioner as well as the Commission President, this does not mean that other Commission activities were in general put on hold. During two critical weeks (from 24 November to 7 December 2011), the former weekly *European Voice* reported, for example, that the Home Affairs Commissioner called on Members of the European Parliament (MEPs) to embrace an EU-US deal on passenger data; that the Transport Commissioner asked member states to speed up on implementing 'single European sky' legislation; that the Commissioner for Climate Action was trying to push others in

the EU direction at the climate summit in Durban; that the Research and Science Commissioner unveiled an €80 billion research programme; that the Internal Market Commissioner expected a deal on the single EU patent; that the Home Affairs Commissioner launched a new border-control proposal; and that the Commissioner for Health wanted the Commission to lead EU responses to health crises. All of these 'business as usual' activities illustrate very well the complex and compound nature of the Commission organization, or indeed the EU polity at large: a severe crisis within one policy area does not automatically hamper activities within other areas, since these are taken care of by their own organizational units and personnel.

However, the **Lisbon Treaty** brought the **High Representative** for Foreign Affairs and Security Policy closer to the Commission in the sense that the incumbent is no longer the Secretary General of the Council, but rather a Vice-President of the Commission, now physically located in the Commission headquarters (see Chapter 17). However, in CFSP matters, the *High Representative still has to be mandated to act by the Council*.

In line with the functions performed by national executives, the Commission also has an important role to play in the implementation of EU policies. What this means is that the Commission is responsible for the *monitoring* of implementation within the EU's member states. In much the same way as occurs in Germany, the execution or putting into effect of policy remains largely the responsibility of the EU's constituent states. However, before implementation can take place at the national or sub-national levels, it may be necessary for more detailed legislation to be agreed. This is because laws adopted by the Council and the EP sometimes take the form of frameworks rather than detailed steering instruments. Thus it is up to the Commission, in close **cooperation** with the member states, to detail and fill in EP/Council legislation by agreeing more specific rules, often in the form of Commission **directives** or **regulations**, in what is called '**delegated legislation**' or 'implementing acts'. Only in very few policy areas, such as competition policy, is the Commission responsible for implementation in the sense of handling individual cases. Finally, the Commission has an external **representation** role, such as when it acts as the main negotiator for the Union in trade and cooperation negotiations, and within international bodies such as the **World Trade Organization (WTO)** (see Chapter 15).

The Commission also performs other less tangible and more diffuse functions within the EU. Important among these is its role as a mediator between the EU's member states, and between the EP and the EU Council. Thus the Commission does its best, once it has produced a proposal, to ensure that agreement is reached within the Union's legislative bodies. After having agreed a policy proposal internally (see 'The President and the Commissioners' for more on the internal functioning of the Commission), the officials who drafted the proposal may attend meetings of the relevant EP committee and plenary sessions (see Chapter 11), the relevant Council working party, the Council **Committee of Permanent Representatives (Coreper)**, and the relevant Council ministerial meeting (see Chapter 10), in order to defend their line and, if necessary, to mediate between conflicting parties. The Commission also presents policy documents to heads of state and government at European Council meetings and at **intergovernmental conferences (IGCs)**. The Commission not only helps in the process of achieving a final agreement, but also has its own institutional position to advance, one that may involve the presentation of a more European picture of events than emerges from national quarters.

KEY POINTS

- The European Commission has a variety of functions to perform in the EU system, including agenda-setting, the implementation of policy and the management of programmes, and external relations.
- The Commission is involved at almost all stages of the European policy process.
- The Commission plays a more limited role in foreign, security, and defence policy.

Commission influence

It is all very well to state that the Commission is involved at almost all stages of the EU policy process, but to what extent does the Commission have any real influence? In studies of the European Commission, there is a great deal of dispute over whether Commission initiatives make a significant difference or not to EU outcomes (see Box 9.2).

On the one hand, intergovernmentalists believe that national governments are the real driving forces in the European project. In the *liberal intergovernmentalist* version of this theoretical stance (see Chapter 5), it is accepted that the Commission has an important role to play. However, liberal intergovernmentalists claim that the authority that the Commission exercises as an agenda-setter and overseer of implementation at the national level is merely a derived and delegated authority. According to this view, the Commission may facilitate intergovernmental cooperation, but it has no real **power** basis of its own, because the Commission's powers are decided upon and framed by the member states within treaty negotiations.

Intergovernmentalist thinking on the role of the Commission is countered by those whose approach might be labelled '**neo-functional**' (see Chapter 4)



BOX 9.2 HAS THE COMMISSION BEEN WEAKENED BY THE CRISIS?

At first glance, one might get the impression that since 2008, the Commission has been weakened by the financial and economic crisis. Important measures to deal with the crisis, such as the fiscal compact which further strengthens budgetary discipline in the euro area, or the stability mechanism which provides financial assistance to member states in financial difficulties (see Chapters 21 and 26 for the details), were created in an intergovernmental manner outside the EU Treaty framework (see Chapter 26). On the other hand, these measures add to the existing 'tool-kit' of the Commission. The Commission has been given new tasks, such as monitoring, commenting on, and possibly sanctioning member states' draft budgetary plans. It now has a key role in EU economic governance and policy coordination (in the so-called '**European Semester**') as it is responsible for adopting the Annual Growth Survey, which sets out priorities and policy guidelines for the member states for the year ahead. This document then forms the basis of the Council discussions and of the final agreement ultimately adopted by the European Council (Szapiro, 2013; Bauer and Becker, 2014).

or '**institutionalist**' (see Chapter 6). Most of these institutionalists would argue that there is ample evidence that the Commission has displayed strong leadership and, on a number of occasions, has even had a profound effect on the outcomes of 'history-shaping' and frame-setting intergovernmental conferences (IGCs), and European Council meetings. For example, Armstrong and Bulmer (1998) assign a highly significant role to the Commission (and indeed to other EU institutions) in the process that led to the creation of the **single market**. The single market programme is one of the important frameworks within which the Commission operates. Subsequent to the **Amsterdam Treaty**, executive functions within the area of Justice and Home Affairs have been gradually transferred from the EU Council to the Commission. Institutionalists argue that treaty-based frameworks, which are the main focus of intergovernmentalists, are quite often vague and ambiguous constructions that need to be translated into practical politics through day-to-day policy-making. And when it comes to this sort of crucial follow-up work, the Commission is one of the key actors.

Another related scholarly dispute questions the extent to which the Commission is able to affect significantly decisions even within its own organizational boundaries. Not surprisingly perhaps, to many intergovernmentalists, the Commission appears very much as an arena permeated by national interests. From this perspective, Commissioners, their personal offices ('cabinets'), as well as officials in the Commission's departments (or services), are primarily pursuing the interests of their respective national governments. By contrast, institutionalists tend to emphasize that the Commission, like other institutions, furnishes individual actors with particular interests and beliefs, and that it may even be able to resocialize participants so that they gradually come to assume supranational identities. (On empirical evidence related to this dispute, see the next sections.)

KEY POINTS

- Intergovernmentalists consider the Commission to be a relatively insignificant institution.
- Neo-functionalists and institutionalists argue that the Commission has an independent impact on policy outcomes.
- Intergovernmentalists and institutionalists hold different views on the extent to which the Commission is permeated by national interests.

The President and the Commissioners

The European Commission has both a political and an administrative dimension (see Box 9.3). While there is no doubt that the actions of the administrative branch also have political significance, for example, by providing expertise and capacity for policy development, there is still a useful distinction to be made between the Commission's political leaders—the College of Commissioners—and the officials who sit in the Commission's departments and services.

The 'College' consists of 28 Commissioners, including the President of the Commission. Within the Commission's internal decision-making process, contentious issues that have not been resolved at the lower echelons of the Commission are lifted to this formally political level in the last instance. The College strives to achieve consensus through arguing and bargaining. If this does not result in a consensus, voting may take place, although this seems to be rare. When it does happen, all Commissioners, including the President, carry the same weight—one vote each—and a simple majority is necessary for a final decision to be reached. Since the College operates on the basis of the principle

of *collegiality*—in other words, all Commissioners are collectively responsible for all decisions taken—it would be reasonable to assume that a relatively large proportion of all controversial decisions is referred to the College. However, as a result of the present size of the College, more issues have of late been dealt with through direct interaction between the President and the particularly affected Commissioner(s). Thus one might ask whether 'presidentialization' is taking place, that is, whether the President has moved from being a *primus inter pares* ('first among equals') to becoming a *primus super pares* ('first above equals') (Kurpas et al., 2008). It is now accepted that the work of the College is subject to the President's political leadership. And, like a national prime minister, the President also has at his disposal a permanent secretariat, the Secretariat-General, which has been strengthened since the mid-2000s. Also due to the size of the College, the Juncker Commission which began its work at the end 2014 has witnessed the introduction of a system of four Vice-Presidents, each in charge of coordinating the work of other Commissioners in related policy fields. Above the four Vice-Presidents, a tier of three 'super-vice-presidents' in charge of overseeing *all* Commissioners' work, including that of the four other vice-presidents, has been established.

'Ordinary' Commissioners have policy responsibilities (portfolios), which involve oversight of one or more Commission department. These departments are known as Directorates General (DGs) (see Box 9.4). Because DGs tend to be organized sectorally (for example, DG Agriculture) or functionally (for example, DG Budget), one might expect this to trigger conflicts among Commissioners along sectoral or functional lines more often than along territorial (national) lines (see Box 9.1).

Although Commissioners are supposed not to take instruction from outside the Commission and do not represent national governments in any formal sense, they are nevertheless nominated by them. Before appointing Commissioners, however, the national governments must first agree on a candidate for the Commission presidency. This is necessary if the new President is to be given an opportunity to influence the composition of the College. Over time, the President's role in selecting his (or her) colleagues has grown. In the treaty revisions agreed at Amsterdam in 1997, the President was able, for the first time, to reject candidates nominated by member governments. The President also has the final say in how portfolios are

BOX 9.3 THE GROWING PARTY-POLITICIZATION OF THE COLLEGE OF COMMISSIONERS?

Historically, it has been the privilege of the member states to agree on the choice of Commission President. However, the European Parliament interpreted the Lisbon Treaty to mean that the result of the European elections (in and beyond those in 2014) should determine the choice of the leader of the EU executive, the Commission—that is, in much the same way as in a parliamentary system. Only in that way, they argued, could the executive be held to account for its policies. Therefore, the EP's main political groups each nominated a lead candidate, a so-called *Spitzenkandidat*, for the post of Commission President. The centre-right European People's Party remained the largest political group in the EP after the 2014 elections, and its lead candidate, Jean-Claude Juncker, therefore stood out as the EP's candidate for the post. The UK and Hungarian governments, who could not accept that the choice of Juncker necessarily followed from the Lisbon Treaty, tried unsuccessfully to prevent his appointment. Arguably, this move in the direction of a parliamentary system at the EU level constituted a step towards a more federal and supranational Union, with the EP having won an important victory on this occasion (Hobolt, 2014).


BOX 9.4 COMMISSION DEPARTMENTS/DIRECTORATES-GENERAL (DGs) AND SERVICES

Agriculture and Rural Development (AGRI)	Justice (JUST)
Budget (BUDG)	Maritime Affairs and Fisheries (MARE)
Climate Action (CLIMA)	Mobility and Transport (MOVE)
Communication (COMM)	Regional Policy (REGIO)
Communications Networks, Content and Technology (CNECT)	Research and Innovation (RTD)
Competition (COMP)	Secretariat-General (SG)
Economic and Financial Affairs (ECFIN)	Service for Foreign Policy Instruments (FPI)
Education and Culture (EAC)	Taxation and Customs Union (TAXUD)
Employment, Social Affairs and Inclusion (EMPL)	Trade (TRADE)
Energy (ENER)	Translation (DGT)
Enlargement (ELARG)	
Enterprise and Industry (ENTR)	Services
Environment (ENV)	Central Library
EuropeAid Development and Cooperation (DEVCO)	European Anti-Fraud Office (OLAF)
Eurostat (ESTAT)	European Commission Data Protection Officer
Foreign Policy Instruments Service (in EEAS)	European Political Strategy Centre (EPSC)
Health and Consumers (SANCO)	Historical archives
Home Affairs (HOME)	Infrastructures and Logistics—Brussels (OIB)
Humanitarian Aid and Civil Protection (ECHO)	Infrastructures and Logistics—Luxembourg (OIL)
Human Resources and Security (HR)	Internal Audit Service (IAS)
Informatics (DIGIT)	Legal Service (SJ)
Internal Market and Services (MARKT)	Office for Administration and Payment of Individual Entitlements (PMO)
Interpretation (SCIC)	Publications Office (OP)
Joint Research Centre (JRC)	

allocated and even has the right to reshuffle the team during the Commission's five-year term of office by redistributing dossiers or portfolios.

National governments have increasingly seen their role in the make-up of the College of Commissioners diminish. By contrast, the European Parliament (EP) has gradually gained more of a stake in the process in a number of different ways, indicating that the EU has taken some steps in the direction of a parliamentary system. First, from the very start, the EP has been able to dismiss the entire College by taking a vote of no confidence. Second, the term of office of the Commissioners has been extended from four to five years, so as to bring it into close alignment with the term of the EP. This means that the appointment of a new College takes place after the EP elections, to allow MEPs to have a say on the matter. Not only is the EP consulted

on the choice of President, but it also has the right to approve the appointment. Steps have also been taken to render the Commission more directly accountable to the Parliament, as illustrated by the fact that the EP committees now scrutinize nominated Commissioners and the political programme of the Commission (see Box 9.3).

What kind of College does this create? First, it means that the political leadership of the Commission always has a fixed mix of nationals. Second, it tends to bring people into the College who have the same political party background as the national government nominating them. Over time, nominations to Commission posts have included people with impressive political experience and it is now quite usual to see prominent national ministers in the list of nominees. Such a recruitment pattern obviously

furnishes the College with political capital, although probably not so much in a strict party political sense. A coherent party platform for the College is almost unthinkable under the current appointment procedure; instead, Commissioners' nationality is likely to be a more crucial background factor to take into account in explaining their conduct (Wonka, 2008). This is so since national governments, lobbyists, and the like tend to contact 'their' Commissioner as a first port of call when they want to obtain information or have a say at the very highest level of the Commission. And Commissioners may also become involved in social networks with their compatriots—for example, in gatherings at their respective **permanent representations** (their national embassies to the EU) in Brussels.

It should not be concluded from this, however, that Commissioners act primarily as agents of the national government that nominated them. In fact, a Commissioner's portfolio, or DG affiliation, may be more important in explaining his or her behaviour with regard to a particular decision. Like national ministers, Commissioners see multiple and often conflicting role expectations imposed upon them: at one and the same time, they are supposed to feel some allegiance, albeit informal, to the geographical area from which they originate, to champion Commission interests, to advance their own portfolio, and to assume a party-political role (Egeberg, 2006a). Balancing these diverse pressures is not always an easy task.

KEY POINTS

- The European Commission is composed of a political leadership in the form of the College of Commissioners.
- Commissioners are nominated by national governments, but they are expected to act independently and seem to do so to a considerable extent.
- The Commission President has gained more powers since the early 1990s, so that the current President is no longer simply 'first among equals'.

Commissioners' cabinets

Like many national ministers in Europe, Commissioners have their own political secretariat or private office. The Commissioner's *cabinet* (note that the French pronunciation is sometimes used), as it is called, is

organizationally separate from the administration of the Commission. It is composed of people trusted by the Commissioner in question, who may be hired and fired at the Commissioner's discretion. Consequently, their tenure can last only as long as the Commissioner's. A cabinet consists of about six or seven advisors, plus a number of clerical staff. Their role is to help to push Commissioners' ideas down to the departments, on the one hand, and, on the other, to edit and filter policy proposals coming up from the departments before they are referred to the Commissioner and the College. As an integral part of this 'editorial work', a Commissioner's cabinet frequently interacts with other cabinets in order to register disagreements and to pre-empt objections that might be raised at the level of the College. Because of the principle of collegiality, in essence a form of mutual responsibility, each of the 28 cabinets covers all Commission portfolios. Thus a Commissioner's cabinet is vital as a source of information about issues beyond his or her own remit. Ahead of the weekly meeting of the College, the *chefs de cabinet* (cabinet heads) convene to ensure that the Commission acts as coherently and cohesively as possible.

In addition to the role played by cabinets in coordinating, both vertically and horizontally, the flow of information within the Commission, they also have important functions at the interface between the Commission and the outside world. Cabinets are crucial points of access for governments, lobbyists, and other actors and institutions keen to influence the Commission (see Chapter 13). Their role is to assist Commissioners in this respect, with cabinet members responsible, among other things, for writing Commissioners' speeches, standing in for them, and representing them at conferences and meetings. Cabinets have also acted as a kind of liaison office between the Commissioners and 'their' respective governments, particularly via 'their' permanent representations. Thus they are able to inform the national governments about forthcoming Commission proposals that might become politically interesting from a national point of view, while at the same time acting as a conduit for information about national positions on policy initiatives under consideration in the Commission.

Cabinets have often been portrayed as national enclaves. This description was appropriate given that, in the past, the nationality of cabinet personnel almost directly reflected the nationality of the lead Commissioner. Since the Prodi Commission (1999–2004), however, at least three different nationalities have to be

represented in each cabinet and the head or the deputy head of the cabinet should be of a different nationality from that of the Commissioner. In 2004, at the start of the Barroso Commission, the formal requirements were clearly over-fulfilled: 96 per cent of the cabinets contained more nationalities than formally prescribed and 57 per cent of personnel were non-compatriots of their respective Commissioners (Egeberg and Heskestad, 2010). Moreover, at least half of cabinet members should be recruited from within the Commission services. This may also have interesting implications for the role of nationality in the cabinets since those coming from the Commission administration may have weaker ties to any particular national constituency (see 'The Commission administration'). Those who have come to the cabinets from outside the Commission have, for the most part, served in national administrations, but some have also come from other kinds of organizations, such as from the political party to which the Commissioner belongs.

Before the Prodi Commission's reforms of the cabinet system in 1999, one would probably have concluded that the structure, as well as the demography, of these bodies would tend to foster kinds of intergovernmental patterns of behaviour within the Commission. However, this has changed. As a consequence of the Prodi reforms, the role of cabinets as the interface between national governments and the Commission is less important than it was in the past (Kassim et al., 2013).

KEY POINTS

- Each Commissioner is supported by a personal staff, known as a cabinet.
- The cabinet, traditionally a 'national enclave' within the Commission, has become significantly more multinational since 1999.
- As well as working on their portfolio(s), a Commissioner's cabinet is expected to monitor the work of other Commissioners so as to keep their Commissioner well-informed.

The Commission administration

As is the case in national executives, the political leadership of the Commission is served by an administrative staff. These administrators provide organizational capacity and expertise that are essential

for the Commission's ability to initiate and prepare policy proposals, as well as to monitor policy implementation. Key components of the Commission's administration are the departments or Directorates General (DGs) which are roughly equivalent to the administrative components of national government departments and which now cover almost all possible policy fields (see Box 9.4). The basic principles of organizational specialization are also quite similar to those of national ministries. While DG Agriculture and DG Justice reflect a sectorally structured Commission, DG Budget and DG Human Resources (personnel and administration) are organized around the functions that they perform. Precisely because they are functionally orientated, DG Budget and DG Human Resources are also said to be the Commission's horizontal services—that is, the administrative units that are assigned coordination tasks, or which deal with issues cutting across sectoral departments. The Secretariat-General is the most important of these horizontal services. As the permanent office of the Commission President, it plays an important role in shaping a coherent policy profile for the Commission as a whole, and also has a crucial part to play in managing relationships between the Commission and other key institutions inside and outside the Union. The role of Secretary-General, the head of the secretariat, very much parallels that of a permanent secretary within national prime ministers' offices, so that he or she may be identified as the first among equals of the administrative heads. Examples of other horizontal services are the European Statistical Office (**Eurostat**) and the Legal Service. The Legal Service provides much of the Commission's legal expertise, although lawyers are also found in large numbers in other parts of the Commission.

Headed by a Director-General, DGs usually consist of several directorates, with each of these headed by a director. Each directorate is further split into units (see Box 9.5). Obviously, some tasks and new policy initiatives do not fit well into this strictly specialized hierarchical structure. To meet such needs, special task forces or interdepartmental working groups are created. Sometimes, these temporary or ad hoc bodies become institutionalized and end up as new DGs or departments. The DGs usually have a total permanent and full-time staff of about 300–700 each, but their size varies considerably. The Commission employs approximately 24,000 officials. In addition, there are about 6,000 people on temporary contracts. The most prestigious posts

BOX 9.5 THE POLITICS OF ADMINISTRATIVE REORGANIZATION

In a political executive like the Commission, the setting up and arranging of organizational units is more than just a technical task. Even the moving of a unit (the smallest organizational component) from one DG to another may cause a change in the unit's policy focus. That happened in 2010 when the pharmaceutical unit was transferred from the department for enterprise and industry (DG ENTR) to the department for health and consumers (DG SANCO). Subsequent to the reorganization, a study showed that the pharmaceutical unit assigned more weight to health and patient concerns and somewhat less weight to industry interests (Vestlund, 2015). In 2014, the incoming Commission President, Jean-Claude Juncker, decided to move the unit back to the enterprise department (now merged with the internal market department, DG MARKT). However, the proposal met fierce criticism from healthcare organizations and Members of the European Parliament (MEPs), who argued that such a move would subordinate health to economics. Lobbyists working for the pharmaceuticals industry, on the other hand, were quite satisfied with the proposed reorganization: according to one of them, the move will 'make our life much easier' because DG MARKT is more 'pragmatic' about holding meetings with industry chiefs. 'Back when they were in DG Sanco, even setting a meeting with officials to explain our views to them, was impossible' (Pop, 2014). However, the result of the struggle was that Juncker scrapped his plan, meaning that the pharmaceutical unit remains in DG SANCO.

belong to the so-called 'AD' category, which consists of around 12,500 officials mainly engaged in policy-making and policy management. When the scholarly literature deals with 'Commission officials', it is referring to staff in this category rather than those performing executive, clerical, and manual tasks.

In addition to staff paid by the Commission, the administration also includes approximately 1,000 AD-category officials seconded from member governments. These seconded officials, or 'detached national experts', have their salaries paid by their national employer. In the early days of the High Authority of the European Coal and Steel Community (ECSC), the forerunner of the Commission (see Chapter 2), most officials were appointed on temporary contracts or seconded from the member states. Over time, this has changed. As we have seen, an overwhelming majority of the posts are now permanent, while temporary jobs might be used for hiring personnel who might provide additional expertise on particular policy issues.

Recruitment of new AD-category candidates for a career in the Commission administration is based largely on the meritocratic principle. What this means is that appointments should be made based on what a person has achieved in his or her educational and professional career so far, rather than on any other criteria, such as a candidate's social or geographical background, or the extent to which he or she has good contacts. This principle is inherently linked to an understanding of what a modern and well-functioning bureaucracy should look like if it is to avoid nepotism, favouritism, and corruption. Thus, in accordance with this principle, those who want to embark on a Commission career are normally required to hold a university degree. Subsequently, they have to pass a competitive exam called the *concours*. The *concours* is modelled on the French standard entry route into the higher civil service, which means in practice that all applicants have to pass written, as well as oral, tests. These tests are arranged in the member states on a regular basis and may involve thousands of applicants. A loose quota system (in the form of 'targets') regulates more or less the intake of new recruits on a geographical basis. As a result, those hired should be drawn proportionately from all member states, so that larger countries provide more candidates than smaller ones. In a way, this sort of quota arrangement is at odds with the meritocratic principle, but the huge number of qualified applicants should nevertheless provide for a highly professional staff. This system does ensure that the Commission—or rather, the AD category—is not overpopulated by staff from only a few of the EU's member states.

Once in post, seniority matters for promotion at the lower levels of the AD category. In addition to an official's immediate superior, the staff unions also play a significant role in decisions about promotion at this level. For appointments as head of unit and above, achievements in earlier positions matter more than seniority as a criterion for promotion. The role of staff unions is also considerably reduced at these senior levels. Instead, nationality has traditionally been a crucial factor, and increasingly so the more senior the level of the appointment. Obviously, the narrower the pyramid, the more complicated it becomes to manage the national quota system in a fair manner, while at the same time paying heed to merit as the basic norm for promotion. In these cases, national governments are often keen to look after their share of jobs, and it has conventionally been up to Commissioners and

their cabinets to intervene if the 'balance' is deemed to be threatened. In addition to concerns about **proportionality**, a top official's immediate subordinate and superior should be of a different nationality. The argument goes that a multinational chain of command will prevent policy proposals from reflecting narrow national concerns.

It would seem that, while the administration should continue to maintain a broad geographical balance, nationality is, subsequent to Prodi Commission reforms, no longer allowed to be the determining factor in appointing a new person to a particular post. The aim was clearly to abolish the convention of attaching national flags to senior positions. New and strict procedures now shape these processes by which top officials are appointed: senior Commission officials orchestrate such processes and Commissioners, who take the final decision, usually adhere to the shortlist of candidates presented to them (Fusacchia, 2009). New member states may claim a reasonable share of posts at all levels of the hierarchy and this has meant that highly experienced national officials have had to be brought into the senior ranks of the Commission administration. However, these officials also have to compete for vacant jobs and are subject to the same strict appointment procedures.

In accounting for the behaviour of Commission officials, how important is their national background? Given the enduring interest that national governments have shown towards recruitment and appointments, we are led to think that nationality matters very much indeed. However, the attention devoted to the issue does not necessarily correspond to the impact that national origins might have. There is little doubt that officials bring to the Commission administrative styles and general attitudes that can be linked to their country of origin. For example, officials stemming from federal or decentralized states such as Germany or Belgium seem to view the prospect of a federal Europe more favourably than do those from unitary states, probably because the former are already more familiar with that kind of system (Hooghe, 2001; Kassim et al., 2013). A common language and nationality facilitate interaction, so that Commission officials become points of access for those keen to know what is going on in the Commission. Moreover, officials of the same nationality often socialize together in Brussels and this may be enough to sustain a sense of national belonging. However, there is virtually no evidence of a clear link between officials' nationality, on the one

hand, and their decision behaviour in the Commission, on the other hand, because organizational roles and decision-making procedures tend to diminish this sort of variation in conduct. In fact, the attachment of officials to their DGs seems far more important than their national background as an explanation for the preferences and choices that they make in their daily work (Suvarierol, 2008; Kassim et al., 2013; Murdoch and Trondal, 2013).

Certain organizational characteristics suggest that the behaviour of Commission officials may be susceptible to national interests and influence (cf. intergovernmentalism) (see Chapter 5). These include the system of seconded national experts and, in the past, the national quotas. Strict quotas might have served to legitimate national identities and consequently national policy orientations, while seconded personnel may have an incentive to pursue not only the interests of their respective DGs, but also the interests of their employer back home—usually their national government. However, there are also a number of organizational features that suggest that the institutionalist perspective is more accurate. Examples include the facts that organizational specialization in the Commission occurs according to sector or function rather than geography, that there is a clear majority of permanent posts, that recruitment is basically on merit, that the Commission comprises multinational units and chains of command, and that there are lifelong career patterns, which facilitate the socialization of personnel. Over time, these institutional factors have increased in importance: the proportion of officials on temporary contracts or secondments has declined; and recruitment on merit and internal promotion to senior levels in the Commission has gained ever increasing support, particularly from the European courts, the staff unions, and indeed the College of Commissioners.

KEY POINTS

- The Commission's administration is composed of sectoral and functional (horizontal) departments called Directorates-General (DGs), and various services.
- Officials' decision behaviour is most often explained by their DG affiliation.
- Officials within the administration are recruited on a merit basis, with a view to an appropriate geographical balance among member states.

Committees, networks, and agencies

In order to assist the Commission in its preparatory work on new legislation and in other forms of policy-making, approximately 1,200 expert committees have been established. The practical work on a policy initiative often starts in such a committee, which is usually composed of national officials and other experts. Committees of this sort are supposed to provide additional expertise on a particular subject and thus complement the work of the Commission's permanent staff. They may also serve as an arena for floating policy ideas and anticipating future reactions to them. Involving interest organizations that might ultimately be affected by a new proposal could make political support and **legitimacy** more likely. The Commission particularly welcomes European-level interest groups (see Chapter 13). Like the Commission itself, interest-group systems structure themselves primarily along functional and sectoral lines, rather than territorially. Thus the Commission may see transnational interest groups as potential partners in an evolving EU **polity**.

Commission officials chair expert committees and advisory groups, calling officials from member governments to participate as experts. In line with the role expectations in this case, national officials participating in such committees assign considerably less weight to their role as government representative than those attending Council committee meetings (Egeberg et al., 2003). When committee work comes to an end, the policy proposal is processed in the administrative and political ranks of the Commission before it is submitted to the Council and the European Parliament for final decision. As mentioned earlier, some directives may need to be supplemented by rules of a more technical nature. This kind of legislative work is delegated to the Commission in the same way as national legislatures may let governments hammer out specific regulations. In order to monitor the Commission in this respect, however, the EU Council has set up about 250 so-called '**comitology** committees' (also sometimes known as 'implementation committees'). The membership of these committees is composed of formal representatives of national governments, although it is the Commission that calls and chairs the meetings, sets the agenda, submits the proposals requiring discussion, and writes the protocols. Some comitology committees are entitled only

to advise the Commission; others have **competence** to overrule the Commission's proposals under certain conditions. In practice, however, the Commission usually gets its own way, although this is not to say that national representatives have no influence. It is, of course, also quite possible that the Commission deliberately chooses proposals that national governments are likely to endorse (see Christiansen and Larsson, 2007).

When it comes to the implementation of EU policies at the national level, the Commission has to rely on member state administrations, since the Commission does not itself possess agencies at this level. This may result in considerable variation in administrative practices across countries. However, there are signs that national regulatory authorities that often work at arm's length from ministries become a kind of 'partner' of the Commission in practical implementation, as well as in policy preparation processes. As a result of these authorities' 'semi-detached' status, they seem to be in a position in which they might be able to serve two masters simultaneously: both the national ministry *and* the Commission. Within a range of policy sectors (such as competition, telecommunications, environment, or food safety), there is evidence of transnational networks of national agencies in which the Commission constitutes the hub (Egeberg, 2006b). Does this mean that a genuine multilevel *Union* administration is emerging?

Such Commission-led networks of national agencies within various policy fields may contribute to more **harmonized** application of EU law across member countries. One might interpret the advent of EU (decentralized or regulatory) agencies from the 1990s on as one further step in the direction of ensuring a more uniform practice of EU policies. There are now more than 30 such administrative bodies across the EU, employing about 5,000 officials. Although they are all located outside Brussels, they are still EU-level agencies, meaning that their activities cover all member states. While member states might agree in general that more even application of EU legislation across countries is desirable, they may sometimes be hesitant to transfer more power to the Commission. A possible compromise was to establish these EU-level executive bodies outside the Commission—bodies that were planned to be under considerable member state control and which were, at the outset, assigned mainly 'soft regulatory power'. The first constraint (member state control) meant that such agencies

became formally subordinated to management boards numerically dominated by government representatives. The second constraint ('soft power') meant that agencies should primarily deal with information on 'best (implementation) practice', the facilitation of transnational agency networks, and the like. In practice, however, governments' control over EU agencies seems more modest than originally envisaged and the Commission has become a pivotal partner of the EU agencies. EU agencies tend to relate to their respective Commission DGs (that is, within the same issue area) in much the same way as national agencies connect to their 'parent ministries'. Moreover, over time, EU agencies have taken on tasks such as issuing guidelines on the application of EU law at the national level, and even involvement in individual decisions handled by national agencies. Such 'quasi-regulatory' tasks have been complemented by assigning some agencies the right to make authoritative decisions in individual cases. In addition to the Commission, national

agencies make up the closest interlocutors in the daily life of EU agencies, indicating how EU agencies might become building blocks in a multilevel Union administration, partly bypassing national ministries (Busuioc et al., 2012).

KEY POINTS

- Expert committees have an important role to play in the preparatory work of the Commission.
- Comitology committees monitor the Commission when it is issuing implementing acts.
- National officials behave less intergovernmentally in Commission expert committees than in Council committees and comitology.
- Issue-specific networks are emerging among the Commission, EU agencies, and semi-detached national agencies.

Conclusion

The Commission has often been portrayed as a hybrid and unique organization because of its mix of political and administrative functions. This is understandable if the Commission is compared to the secretariat of a traditional international organization, since such secretariats are not expected to have a political will of their own. However, the Commission is probably better compared to a national executive. Like governments, the Commission is headed by executive politicians who are responsible for various administrative services. In a similar way to national executives, the Commission is authorized to initiate and formulate policy proposals, and to monitor the implementation of policies. The Commission has not, however, achieved full control of all executive tasks at the EU level, sharing its executive function in foreign relations with the **European External Action Service (EEAS)**. That said, the head of the EEAS, the High Representative, is also a Vice-President of the Commission.

This chapter has focused on how the various parts of the Commission are organized and staffed, and how these structural and demographic features might

be related to the way in which decision-makers actually behave. Are these features mainly conducive to intergovernmental ways of behaving, or do they instead evoke patterns of decision-making that are more in line with what institutionalists would predict? At all levels—the College, the cabinets, the administration, and the committees—there are components that may be more in line with intergovernmental decision processes than with other kinds of processes. However, those organizational components that work in the opposite direction are becoming more and more important. These components tend to focus attention along sectoral, functional, partisan, or institutional cleavages—that is, on lines of conflict and cooperation that cut *across* national boundaries, and which evoke non-national feelings of belonging among Commissioners and their officials. If these trends persist, the Commission is set to become much more of a genuine European institution than it has been in the past, although one that will inevitably continue to exhibit a mix (albeit a different mix) of both intergovernmental and supranational characteristics.

QUESTIONS

1. To what extent can the Commission be compared to national governments?
2. How influential is the Commission within the EU policy process?
3. How important is the national background of Commissioners in shaping their preferences and decisions?
4. What is the role of the Commissioners' cabinets?
5. How is the Commission administration organized, and what are the possible implications for patterns of conflict within the Commission?
6. How might nationality affect decision-making within the administration?
7. What is 'comitology'?
8. Which roles do national officials evoke in EU committees?

GUIDE TO FURTHER READING

Ellinas, A. and Suleiman, E. (2012) *The European Commission and Bureaucratic Autonomy: Europe's Custodians* (Cambridge: Cambridge University Press) Anchored in the classic public administration literature, this study sheds new light on the Commission administration as part of a political executive.

Hartlapp, M., Metz, J., and Rauh, C. (2014) *Which Policy for Europe? Power and Conflict inside the European Commission* (Oxford: Oxford University Press) Based on new data, this book provides an encompassing perspective on day-to-day policy choices within the Commission.

Kassim, H., Peterson, J., Bauer, M. W., Connolly, S. J., Dehousse, R., Hooghe, L., and Thompson, A. (2013) *The European Commission of the Twenty-First Century* (Oxford: Oxford University Press) This book, based on extensive survey data, analyses Commission officials' backgrounds, careers, and attitudes.

Trondal, J. (2010) *An Emergent European Executive Order* (Oxford: Oxford University Press) This book analyses the EU executive as a compound order.

Wille, A. (2013) *The Normalization of the European Commission: Politics and Bureaucracy in the EU Executive* (Oxford: Oxford University Press) Based on secondary and primary sources, this book argues that the Commission has gradually become more similar to national executives in its organization and decision processes.

WEBLINKS

<http://ec.europa.eu> The official website of the European Commission features links to its work programme, documents, calendar, the Commissioners, and the administration.

<http://www.ec.europa.eu/unitedkingdom/> The website of the European Commission representation in the UK.

<http://www.eurunion.org> The website of the EU delegation based in the USA.

<http://www.europa.eu/about-eu/agencies/> The website of the EU agencies.

<http://www.eeas.europa.eu/> The website of the European External Action Service.