10 THE EUROPEAN COMMISSION

Preview

The European Commission is the most prominent of the major EU institutions, and the one most often blamed by critics for the supposed excesses of 'Brussels'. Yet, despite its visibility, it is not always what it seems. It is often portrayed as powerful, secretive and expensive, but it has few independent decision-making powers, is one of the most open of all large bureaucracies, and has an institutional budget smaller than that of an average mid-sized European city.

Headquartered in Brussels, the Commission is both the bureaucratic arm of the EU, responsible for proposing new laws and policies, and its executive, responsible for overseeing their implementation through the member states. It is headed by a president and a College of Commissioners that functions something like a European cabinet; beneath them work several thousand career European bureaucrats responsible for the day-to-day work of the Commission, divided up among directorates-general (DGs) that are the functional equivalent of national government departments.

The Commission is one of the most supranational of the major EU institutions, and has long been at the heart of European integration, charged with making sure that EU policies are given substance according to the goals and principles outlined in the treaties. Commissioners and staff members may be citizens of individual states, but they are discouraged from pursuing the interests of those states, and work to promote a policy agenda that focuses on the interests of the EU as a whole.

Key points

- The European Commission is the bureaucratic-executive arm of the EU, responsible mainly for developing proposals for new laws and policies, and for overseeing their implementation in the member states.
- It is headed by a College of Commissioners, whose members are nominated by the governments of each of the member states to five-year renewable terms and must be confirmed by the European Council and the European Parliament.
- The College is headed by a president, formally nominated by the European Council and confirmed by a majority vote in the European Parliament. Commission presidents have become the most public face of the EU institutions.
- Most Commission staff work in Brussels-based directorates-general and services, but some work in Commission offices in EU member states and abroad.
- The detailed work of the Commission is undertaken by a network of advisory, management and regulatory committees, supported by a Secretariat-General.
- In addition to responsibilities for EU law and policy, the Commission also manages the EU budget, has responsibilities in external relations, represents the EU in international trade negotiations, and processes applications for membership of the EU.

Comparing executives

In the spring of 2019, elections were held to the European Parliament, resulting in losses for the centre-right and pro-EU European People's Party (EPP), and gains for mainly anti-EU parties of the right. Soon afterwards, EU leaders met to nominate a new president of the European Commission. Under rules adopted in 2014, the president should have been someone who had the support of the largest number of Members of the European Parliament. Hence the spotlight fell on Manfred Weber of Germany, who was the preferred candidate of the EPP. Weber, though, had little executive experience, was little known on the international stage, and would have been the latest in an unbroken line of men appointed to the post. After several days of discussion, EU leaders nominated Ursula von der Leyden as Commission president. The incumbent German minister of defence and a close ally of Chancellor Angela Merkel, she became – following confirmation by Parliament later in the year – the first woman to hold the post.

The president of the European Commission is the most prominent figure in an institution that is in many ways the **executive** of the European Union (as well as its chief bureaucracy). Unlike executives in democracies, though, the president of the Commission is not directly elected, and is instead only indirectly accountable to the voters of the EU, via the elected leaders of the member states and the elected Members of the European Parliament. This arrangement adds little to the democratic credentials of the EU, and provides fuel for the fires of critics who charge the EU with being an elitist construction led by 'unelected bureaucrats'. To have the president of the Commission directly elected, though, would be to add to the political authority of the Commission, which critics would also resist.

The usual job of an executive in a democracy is to act as head of government, to make key appointments to the highest level of government, and to steer government by setting the national agenda, working with a council of ministers (or a cabinet) consisting of the heads of all major national government departments. In the case of presidents, the incumbent usually serves a limited number of fixed terms (usually two four-year terms), while in the case of parliamentary systems with prime ministers, the incumbent serves as many terms as their levels of political support will allow.

The European Commission and its president have some of the features of a national executive, but also much that sets them apart. Their job is to generate and

CONCEPT

Executive

The political institution responsible for overseeing the execution of laws and policies, and most often associated with the idea of political leadership in states. Some executives are presidents who are directly elected by voters (for example, in the United States, Brazil, Nigeria and – in the EU – Cyprus and France), while others are prime ministers (or chancellors in Austria and Germany) by virtue of being the leader or the preferred candidate of the largest party or coalition of parties in government.

Figure 10.1 *Structure of the European Commission*

- The bureaucratic-executive arm of the EU.
- Headquartered in Brussels.
- Headed by a president nominated by the European Council and approved by the European Parliament for renewable five-year terms.
- Managed by a College of Commissioners, with one commissioner nominated by each member state, approved by the European Council and the European Parliament, and each given responsibility over a particular policy area.
- Divided into directorates-general and services responsible for a combination of internal and external policy areas or administrative functions.
- Work supported by a Secretariat-General.
- Mainly supranational and confederal in character.

UNDERSTANDING INTEGRATION 7

New institutionalism

One of the effects of the new emphasis on studying the EU as a political system in its own right has been to revive and elevate the importance of the study of **institutions** such as the European Commission. Political science was once focused almost entirely on the study of institutions, so much so that it came to be criticized for looking at the formal rules of government at the expense of politics in its many different forms. By contrast, most early theories of European integration were too focused on relations among states to pay much attention to systems, and it was only with efforts in the 1990s to look at the EU as a political system that there was a renewed focus on institutions.

While institutionalism had been popular for decades, briefly falling out of favour in the 1960s as behaviouralism (emphasizing people over institutions) became more popular, it was revived as **new institutionalism** in the 1980s and 1990s. While this was sparked by efforts to explain the United States Congress, it was soon being used to explain the dynamics of European integration. It looks not just at the formal rules of EU institutions but also at how they shape political decisions, and at the informal patterns of behaviour that have arisen within institutions. It is a middle-range theory that does not attempt to explain everything that happens in the EU, instead making the argument that institutions are critical, deserve particularly focused study, and have much greater impact on the day-to-day story of integration than the broader bargains negotiated by states. It is not so much a single theory as a group of three theoretical approaches:

1. *Historical institutionalism* looks at institutions over time (as, briefly, do each of the institutional chapters in Part 2 of this text), and at how member states created institutions that resulted in a pattern of path dependency (new decisions being driven and limited by past decisions) and unintended consequences (outcomes that were not anticipated).
2. *Rational choice institutionalism* tries to understand how and why states as self-interested actors delegate responsibilities to EU institutions, the assumption being that they work rationally and strategically to reduce costs and maximize benefits.
3. *Sociological institutionalism* focuses on the norms, values and culture of institutions and the ways in which these might explain how policy is shaped.

draft proposals for new EU laws and policies, and to oversee their implementation via the member states once they have been adopted by the European Parliament (EP) and the Council of Ministers. This makes them bureaucrats (appointed officials who give advice to policymakers and who oversee the implementation of law and policy once it has been adopted), but the Commission is set apart from its national equivalents by both providing more leadership and by being the most powerful international bureaucracy in the world. (Its staff have far more reach and authority, for example, than the staff of international organizations such as the United Nations. For a discussion about the rise of international public administration, see Christensen and Yesilkagit (2019). See Understanding Integration 7 for a discussion of theories about institutions.)

The Commission is headquartered in Brussels, in the European Quarter that lies east of the city centre. Brussels became the unofficial base of most of the EEC institutions in the 1950s more by default than as a result of a specific plan; the Belgian government had made offices available, and a lack of agreement among EEC states resulted in Brussels becoming the de facto 'capital' of the Community. The Commission was not given a permanent home until the building in 1963–67 – on the site of a vacated 300-year old convent run by the Dames de Berlaymont – of a new shared seat for the Commission, the Council of Ministers and the EP. The star-shaped floor plan of the new Berlaymont building provided an architecturally distinctive personality for the Commission (that has even been built in to the logo of the Commission), but it is too small to house all Commission staff, most of whom have been dispersed to more than 60 buildings scattered around Brussels.

New institutionalism A revival of institutionalism that goes beyond formal rules and looks at how institutions shape decisions and define interests.

Institution A formal organization or a set of rules or practices associated with a particular phenomenon.

In 2009 a master plan was announced aimed at addressing this problem and giving the European Quarter a facelift, a process that is likely to take many years.

How the Commission evolved

The origins of today's European Commission lie in the nine-member High Authority of the ECSC, which was based in Luxembourg, began work in August 1952, and was charged with encouraging the opening of the western European market in coal and steel. As its first president, Jean Monnet's original hope was that the High Authority would be powerful and independent, but concerns among the Benelux governments that it would be dominated by West Germany and France led to the decision to create a Special Council of Ministers through which member state governments could offset and balance the work of the High Authority (Nugent and Rhinard, 2015).

The ECSC High Authority was joined in 1958 by separate commissions for the EEC and Euratom, each headquartered in Brussels and led by nine-member Colleges of Commissioners appointed by national governments for four-year terms. Under the changes made by the 1965 Merger treaty, the three commissions were combined in 1967 into a single Commission of the European Communities, which soon became more commonly known as the 'European Commission'. As membership of the Community expanded in the 1970s and 1980s, the number of commissioners grew, with two more added for each of the bigger member states and one each for the smaller states. Under the terms of the Treaty of Nice, each member state was given just one commissioner.

The Commission has always been a champion of the supranational qualities of the EEC/EU, its powers waxing and waning with changes in the political environment. As we saw in Chapter 5, early attempts to build its powers sparked the 1965 empty chair crisis, from which it emerged bloodied and weakened. It continued to lose powers with the creation in 1974 of the European Council, and with the introduction in 1979 of direct elections to the European Parliament. After enjoying a newly assertive

Illustration 10.1: The headquarters of the European Commission, in the Berlaymont building that is situated at the heart of the European Quarter in Brussels.

Source: EC - Audiovisual Service

Figure 10.2 *The EU political system*

INSTITUTION	MEMBERSHIP	KEY FUNCTIONS	KEY QUALITY
European Commission	Commissioners appointed by governments of member states.	Policy formulation and implementation.	Supranational.
Council of Ministers	Government ministers from member states.	Discussion and adoption of new laws.	Intergovernmental.
European Parliament	Elected representatives.	Discussion and adoption of new laws.	Supranational.
European Council	Elected leaders of member states.	Agenda-setting.	Intergovernmental.
European Court of Justice	Judges appointed by member states.	Protection and interpretation of the treaties.	Supranational.

phase under President Jacques Delors during the late 1980s and early 1990s, the Commission saw its powers declining once again relative to those of the Council of Ministers and the EP. At the same time, though, it also saw its visibility increasing, and Wille (2013) argues that it has undergone a process of 'normalization': it started out 'as a technocratic international organization' but today has many of the organizational and behavioural features typical of national bureaucracies.

Under the failed constitutional treaty, there was a plan to stop the growth in the number of commissioners, which was becoming unsustainable: with a 28-member College it was becoming harder to give everyone meaningful tasks. Under Lisbon, the number of commissioners from November 2014 would have been capped at two-thirds of the number of member states (or 18 commissioners in a 28-member EU), but this was not a popular idea with smaller EU states, and one of the concessions made to Ireland as it sought guarantees in the lead-up to its second referendum on Lisbon in 2009 was a reinstatement of the rule of one commissioner per member state.

Leadership: The president

The **president of the Commission** is the institution's dominating figure and – along with the president of the European Council – the most public face of the EU. As well as running the Commission, the president appears alongside meetings of world leaders, plays an often critical role in negotiations at European Council summits, is expected to make public statements on critical issues, and has bilateral meetings with national leaders ranging from the president of the US to the leaders of countries receiving EU development aid. Where candidates for the job were once expected to have only modest political experience, and their terms in office were relatively quiet and non-controversial, appointments have become more significant and more hotly contested, and opinions about the performance of presidents in office have become stronger.

President of the Commission The head of the Commission and one of the most visible of all the staff of the EU institutions. Appointed by the European Council for renewable five-year terms, and charged with giving the Commission direction.

Presidents serve renewable five-year terms, taking office – like the commissioners – six months after elections to the EP. The president is expected to give political guidance and direction to the Commission, which also means playing a central role in giving impetus to the direction taken by the EU. Specifically, presidents have the following powers:

- To lay down the guidelines for the work of the Commission, and decide its internal organization.
- To distribute policy portfolios in the College of Commissioners, and ask members of the College to resign if necessary.
- To assign themselves whatever duties and policy responsibilities interest them.
- To convene and chair meetings of the College, and approve agendas for College meetings.
- To regularly take questions before the European Parliament.
- To represent the Commission in dealings with other EU institutions and at key meetings of national governments and their leaders.

These are the formal aspects of the job, but as with all major leadership positions, the character of the office changes according to the personality and management style of the office-holder, the agenda each brings to the task, the prevailing political climate, and the ability of a president to work with and command the respect of EU leaders (see Kassim et al., 2013, Chapter 6). Some presidents, notably Walter Hallstein, Roy Jenkins and Jacques Delors, were more ambitious and effective, while others, notably Jacques Santer and Romano Prodi, were more low key in their approach (see Figure 10.3).

The process by which presidents are appointed is technically simple but politically complex. Where experience as a national government minister was once enough, experience as a prime minister is now preferred. At the same time, presidents must be acceptable to all the leaders of the EU member states, and hence those with well-formed opinions and substantial track records might be at a disadvantage. The difficulty was clear in the 2004 appointment season, when several leading candidates emerged, including Belgian Prime Minister Guy Verhofstadt, Austrian Chancellor Wolfgang Schüssel and former NATO chief Javier Solana. In the end, the compromise candidate was Portuguese Prime Minister José Manuel Barroso, who was confirmed to a second term in 2009 despite concerns that his lack of strong policy positions made him easier for EU leaders to control (Peter, 2009).

PROFILE

Ursula von der Leyen

Ursula von der Leyen (1958–) took office in December 2019 as the thirteenth president of the European Commission, the first German president since founding president Walter Hallstein, and the first woman to hold the job. The daughter of a German director-general at the Commission, she was born and raised in Brussels, moving back to Germany at the age of 13 and graduating from university in 1991 as a medical doctor. She first became active in politics in 1999, served in all four governments of Angela Merkel from 2003, being briefly touted in 2010 as the possible next president of Germany, and in 2013 becoming the first female German minister of defence.

Source: EC - Audiovisual Service

Figure 10.3 *Past presidents of the European Commission*

1958–67

Walter Hallstein
West Germany
Christian Democrat
Foreign minister

Helped establish role of Commission in Community affairs, laid groundwork for common market and CAP, and was involved in 1965 empty chair crisis.

1967–70

Jean Rey
Belgium
Centrist
Economics minister

Won new powers for European Parliament, and in office for launch of Economic and Monetary Union and European Political Cooperation.

1970–72

Franco Maria Malfatti
Italy
Christian Democrat
Minister for state industries

Voluntarily resigned from office, a reflection of how weak the position then was and of trough into which Community had sunk.

1972–73

Sicco Mansholt
Netherlands
Social democrat
Agriculture minister

Interim president.

1973–77

François-Xavier Ortoli
France
Conservative
Economic affairs and finance minister

President during first enlargement of EEC and global energy crisis, but more influential as economics and finance Commissioner (1977–81) when he oversaw launch of European Monetary System.

1977–81

Roy Jenkins
UK
Social democrat
Home secretary and foreign minister

Oversaw creation of EMS and established right of Commission president to represent Community at world economic summits.

Source: *EC - Audiovisual Service.*

1981–85

Gaston Thorn
Luxembourg
Socialist
Prime minister 1974–79

Oversaw British budget rebate talks and growth of Commission power, laying groundwork for his successor, Jacques Delors.

1985–94

Jacques Delors
France
Socialist
Economics and finance minister

The towering figure in the history of the office. His two terms remembered for completion of single market, plan for economic and monetary union, and negotiations leading to Maastricht.

1995–99

Jacques Santer
Luxembourg
Christian Democrat
Prime minister 1985–95

Guided EU towards economic and monetary union, enlargement, and Common Foreign and Security Policy, but allowed culture of complacency and inefficiency, leading to resignation of College in March 1999.

1999–2004

Romano Prodi
Italy
Centrist
Prime minister 1996–98

Oversaw launch of euro, enlargement negotiations, and draft European constitution, but widely regarded as disorganized and a poor communicator.

2004–14

José Manuel Barroso
Portugal
Centrist
Prime minister 2002–04

His two terms saw much change and uncertainty: eastern enlargement still new, EU–US relations in trouble, European constitution collapsed, global financial crisis, euro crisis, and declining confidence in EU.

2014–19

Jean-Claude Juncker
Luxembourg
Christian democrat
Prime minister 1995–2013

Single term dominated by the need to respond to the migration crisis and Brexit.

The 2014 appointment season saw the use for the first time of new rules introduced by Lisbon. These said that candidates would be proposed by the European Council using a qualified majority vote (QMV), and had to be confirmed by a majority vote in the European Parliament. Parliament interpreted this to mean that the political group that won the most seats in the EP elections should automatically have its preferred candidate confirmed. The major political groups nominated *Spitzenkandidaten*, or 'top candidates', who engaged in campaigning as well as TV debates prior to the EP elections (see Hobolt, 2014). When the conservative European People's Party (EPP) won a plurality of the seats, their candidate – Luxembourg Prime Minister Jean-Claude Juncker – became the frontrunner and eventual winner.

The significance of this change is debatable, with Christiansen (2016), for example, arguing that the *Spitzenkandidaten* system did not lead to a transformation of the EU's political system by creating new opportunities for party political competition, but instead allowed the cooperation between the centre-right and the centre-left in the election of the Commission president to further strengthen the long-standing 'grand coalition' in the European Parliament. Further doubts arose in 2019, when Manfred Weber of Germany – *Spitzenkandidat* for the EPP – did not have enough support from other political groups in the EP, and members of the European Council seemed to be falling back on the old methods for nominating the new president, ultimately choosing Ursula von der Leyen.

The College of Commissioners

Confusingly, the term 'the Commission' refers both to the entire European Commission with its 32,000 staff, and to the College of Commissioners who head the institution. The **College of Commissioners** is the public face of the Commission, its more influential or active members (particularly the commissioners for trade or competition) being among the few leaders of the EU institutions (other than the various presidents) likely to make much of an impression on the European public. Functioning much like a cabinet of ministers in national government, the College consists of commissioners responsible for each of the policy areas in which the EU is active, appointed for renewable five-year terms beginning six months after elections to the EP. Commissioners are chosen by the president from lists submitted by the governments of the member states, and a final draft list is submitted to the European Council, which must approve it by a qualified majority vote (see Chapter 11 for explanation).

All commissioners, note the treaties, 'shall be chosen on the ground of their general competence and European commitment from persons whose independence is beyond doubt'. Nominees must be vetted by the European Parliament, being considered first by its Committee on Legal Affairs before being questioned by Parliament as a whole. Although the EP cannot accept or reject them individually, but can only accept or reject the College as a whole, reservations about an individual nominee can be enough to force a withdrawal (see Nugent and Rhinard, 2015). This happened three times in 2019: the initial Hungarian nominee was charged with having a conflict of interest, discrepancies were found in the assets statement of the nominee from Romania, and the French nominee was rejected, the early speculation being that it was revenge on the part of the conservative European People's Party for French President Macron's rejection of their favoured candidate for president of the Commission. All three had to be replaced.

College of Commissioners The group of commissioners who head the European Commission. They are appointed for five-year renewable terms, one from each of the member states, and each is given responsibility over a particular area of policy.

Illustration 10.2: The new College of Commissioners poses for a 'family photo' at the beginning of its term in 2019, with in coming president Ursula von der Leyen front and centre.

Source: European Parliament

Parliament can also remove the entire College through a motion of censure, although this has never happened. It came closest in January 1999, when – after charges of fraud, nepotism and cronyism in the Commission – Parliament tried to dismiss the College. It could not muster the necessary two-thirds majority, but the College dramatically resigned within hours of the publication on 16 March of a report by a committee appointed to investigate the allegations (see Georgakakis, 2004). Individual commissioners can also be asked to resign from office by the president, or can be compulsorily retired by the European Court of Justice in cases of failure to do their job or of engaging in serious misconduct. Commissioners are also free to retire from office, as several have.

Despite being nominated by the governments of the member states, commissioners are expected to promote the interests of the EU and must swear an oath of office before the European Court of Justice agreeing 'neither to seek nor to take instructions from any Government or body'. Their independence is helped by the fact that they cannot be removed mid-term by their home governments, although they can be recalled at the end of their terms if there is a change of political leadership at home or a disagreement with their national leaders; hence commissioners hoping to stay in the job will always be keeping a close eye on the political climate at home.

Most commissioners have political reputations in their home states (see Wille, 2013, Chapter 3), and the pool of potential candidates has grown in quality as the visibility and reach of the EU has grown, as the Commission has become a more significant force in European politics, and as nominations to the College have become more desirable. National party affiliation has also become a factor in deciding nominations, and in speculating about the work of the College; in short, argues Wille (2013), commissioners have been transformed from technocrats into politicians. Top-level national government experience is now all but required, and the College usually counts among its number former prime ministers, former government ministers, and former Members of the European Parliament.

At the beginning of each term, all commissioners are assigned policy portfolios at the prerogative of the president (see Table 10.1). Assignments will be influenced

Table 10.1 *Portfolios in the College of Commissioners*

Agriculture
Budget and Administration
Cohesion and Reforms
Crisis Management
Democracy and Demography
Economy
Economy that Works for People
Energy
Environment, Oceans and Fisheries
Equality
Europe Fit for the Digital Age
European Green Deal
Health and Food Safety
High Representative of the Union for Foreign Affairs and Security Policy (A Stronger Europe in the World)
Home Affairs
Innovation, Research, Culture, Education and Youth
Institutional Relations and Foresight
Internal Market
International Partnerships
Jobs and Social Rights
Justice
Neighbourhood and Enlargement
President
Promoting our European Way of Life
Trade
Transport
Values and Transparency

Note: For more details and updates, see Commission website at https://ec.europa.eu/commission/index_en.

by the abilities, political skills and experience of individual commissioners, as well as lobbying by national leaders keen to see 'their' commissioner win a strong portfolio or one of particular interest to their country. Turnover is high, the list of portfolios is often reorganized with a new president (recent trends include moving away from functional policy labels such as *trade* or *home affairs* to more complex lists of responsibilities such as the eyebrow-raising 'Promoting Our European Way of Life'), and reassignments at the end of a term are common; it is rare that a commissioner will return for a second term, let alone to the same portfolio.

Just as in national cabinets, there is an internal hierarchy of portfolios, the most powerful including those dealing with the budget, agriculture, trade and the single market. A new twist was added by Lisbon, which replaced the external

relations commissioner with a redesigned High Representative of the Union for Foreign Affairs and Security Policy. The post was created as the latest of a series of steps taken to place responsibility for external relations in one office (there had once been four commissioners dealing with separate parts of the world). The High Representative (HR) is appointed by the European Council, with the agreement of the president of the Commission, and not only chairs the Foreign Affairs Council of the Council of Ministers, but is also a vice-president in the Commission, so straddling both institutions. (The HR also heads the European External Action Service – see Chapter 26.)

Each commissioner is supported by a staff of assistants and advisers known as a ***cabinet*** (pronounced *cabiney*), headed by a *chef de cabinet*. Most members of *cabinets* once came from the same member state and the same national political party as their commissioners, but changes to the rules in 1999 required that *cabinets* should be more nationally diverse. The quality of the *cabinet* staff can have a close bearing on the performance of a commissioner, and the *cabinets* collectively have become a key influence on the operations of the Commission (see Kassim et al., 2013, Chapter 7). Members keep their commissioners informed, provide policy advice, act as a point of contact for lobbyists, keep in touch with other *cabinets* on Commission business, and provide an essential link between commissioners and the DGs and services (Nugent and Rhinard, 2015).

Even if the upper reaches of the Commission are seeing uneven progress towards gender equality (only nine of the members of the Juncker College of Commissioners were women, although this shows progress given that the first two women commissioners were appointed only in 1999), there has been more change in the body of the Commission. About 55 per cent of the staff of the Commission are women (although the share is inflated by the number of women employed in secretarial and support positions), and it was only in 2017 that the Commission adopted an Inclusion and Diversity Charter encouraging greater diversity on all fronts ranging from gender to sexual orientation, ethnicity, language, religion, disability and age. The charter set the goal 'of at least 40 percent female representation in senior and middle management within the present mandate of the Commission'. As of January 2019, 44 per cent of administrative staff in the Commission (who accounted for just over one-third of the total workforce) were women. (For data on EU institutional staff members, see European Union, 2019.)

Cabinet The small group of assistants and advisers that works for a European commissioner. Headed by a *chef de cabinet*, members provide advice, information and other services to the commissioners.

Directorate-general (DG) A department within the Commission, headed by a director-general and given responsibility for generating and overseeing the implementation of laws and policies in particular areas.

Supporting structure

Supporting the president and the College of Commissioner is a network of institutions within the Commission that work much like the bureaucracy in national governments, undertaking the detailed tasks of the Commission and overseeing the implementation of EU law and policy through the member states.

Directorates-general and services

If the College is the 'cabinet of ministers' of the EU, then the body of the EU civil service is found in its **directorates-general (DGs)** and services (see Table 10.2). The DGs are the equivalent of national government departments, and each is headed by a director-general. This is usually someone who has worked their way up through the bureaucracy of their home state and then through the ranks of the Commission, although the higher the level of appointment, the stronger the role that nationality and political affiliation will play in appointments. The services, meanwhile, are much as the name implies. Some work externally; for example, the

Table 10.2 *Commission directorates-general and services*

Directorates-general	
Agriculture and Rural Development	Health and Food Safety
Budget	Human Resources and Security
Climate Action	Informatics
Communication	Internal Market, Industry, Entrepreneurship
Communication Networks, Content and Technology	International Cooperation and Development
Competition	Interpretation
Economic and Financial Affairs	Joint Research Centre
Education, Youth, Sport and Culture	Justice and Consumers
Employment, Social Affairs and Inclusion	Maritime Affairs and Fisheries
Energy	Migration and Home Affairs
Environment	Mobility and Transport
European Civil Protection and Humanitarian Aid Operations	Regional and Urban Policy
European Neighbourhood Policy and Enlargement Negotiations	Research and Innovation
Eurostat	Taxation and Customs Union
Financial Stability, Financial Services and Capital Markets Union	Trade Translation
Services	
Administration and Payment of Individual Entitlements	Infrastructure and Logistics in Luxembourg
Data Protection Officer	Internal Audit Service
European Anti-Fraud Office	Legal Service
European Personnel Selection Office	Library and e-Resources Centre
European Political Strategy Centre	Publications Office
Foreign Policy Instruments	Secretariat-General
Historical Archives Service	Structural Reform Support Service
Infrastructure and Logistics in Brussels	Taskforce on Article 50 negotiations with the UK

Note: For more details and updates, see Commission website at https://ec.europa.eu/info/departments.

European Anti-Fraud Office investigates charges of fraud in relation to the EU budget, and cases of corruption and serious misconduct in the EU institutions. Others are focused internally; for example, the Legal Service provides in-house legal counsel to the Commission and represents it in cases brought before the European Court of Justice.

Most Commission staff work in Brussels, while several thousand work in Luxembourg and other parts of the EU. Permanent jobs in the Commission are highly sought after and demanding, with thousands of applicants chasing the positions that become available each year, keeping the Personnel Selection Office busy. Citizenship of an EU member state is usually needed, and the Commission is required to ensure balanced representation by nationality at every level. While it expects all non-support staff applicants to speak at least two languages, multilingualism is increasingly the norm, along with a university degree and

CONCEPT

Comitology

The process by which executive decisions within the Commission are monitored and influenced by a network of advisory, management and regulatory committees. It traces its roots back to concerns among member states that the Commission might try to change policy in the course of implementing it. Committees were once powerful, feeding charges of the secretive and undemocratic character of the Commission. After years of complaints from the EP, a 2006 decision gave the EP the power to block decisions coming out of the Commission where they were quasi-legislative and adopted using the co-decision procedure (see Chapter 12).

professional training in law, business, finance, science or a related area. Applicants sit entrance exams (the *concours*) and may have to wait as long as three years to find out whether or not they have been accepted. Once appointed, though, they are well paid and redundancies are rare.

Committees

The process of implementation is monitored by a network of several hundred committees and subcommittees participating in a phenomenon known as **comitology**. As Blom-Hansen (2011) puts it, the process by which EU law is proposed, amended and adopted in a visible system involving the Commission, the Council of Ministers and Parliament can be considered first-tier rule-making. Beneath this, 'hundreds of second-order decisions are taken each month to complete or implement [these] rules', involving several hundred committees that monitor the rule-making activities of the Commission. They take several forms, involving a variety of advisory, management and regulatory functions, operating – continues Blom-Hansen (2011) – as gatekeepers who cannot amend or reject Commission proposals, but can express disagreement.

Secretariat-General

The Commission has its own internal bureaucracy in the form of the Secretariat-General, which provides technical services and advice to the Commission, prepares the annual work programme of the Commission, and organizes and coordinates the work of the DGs and services (Kassim et al., 2013, Chapter 6). Answering to the president of the Commission, it is headed by a secretary-general who chairs the weekly meetings of the *chefs de cabinet*, sits in on meetings of the College of Commissioners, directs Commission relations with other EU institutions, and generally works to ensure that the Commission runs smoothly. The position was held for nearly 30 years (1958–87) by Emile Noël of France, whose belief in an activist Commission and a leadership role for the Secretariat-General influenced its development. In 2005, Catherine Day of Ireland, former director-general for the environment, became the first woman to hold the job. Martin Selmayr of Germany, a former chief of staff to Jean-Claude Juncker, became secretary-general in March 2018.

What the Commission does

The Treaty of Lisbon says that the task of the European Commission is to 'promote the general interest of the Union', to 'ensure the application of the Treaties', and to 'oversee the application of Union law'. It does this mainly through its powers of initiation and implementation, its responsibilities for managing the EU budget, and its responsibilities for the external relations of the EU (Figure 10.4). Most of its work revolves around the development and implementation of EU law, which comes in several different forms (see Figure 10.5).

Powers of initiation

The Commission has a monopoly over the generation of most new EU laws, and can also draw up proposals for new policy initiatives, as it did with the Single European Act and the Delors package for economic and monetary union. Its main guidance comes from the treaties, but it can also be nudged into action by the

Figure 10.4 *Powers of the European Commission*

- Develops and makes proposals for new EU laws and policies.
- Oversees implementation of laws and policies through the member states.
- Develops and manages the EU budget.
- Represents the EU in international trade negotiations.
- Oversees process by which applications for membership of the EU are considered.
- Coordinates the EU's official development assistance and humanitarian aid.

European Council, the Council of Ministers, Parliament, a ruling by the Court of Justice, by emergencies and political need, or by pressure from member states, interest groups and corporations. Proposals for new laws can also come from a commissioner or a staff member of one of the DGs.

A proposal for a new law (or an amendment to an existing law) usually begins as a draft written by middle-ranking Eurocrats in the relevant DG. If several DGs have an interest in the topic, then one will be selected as *chef de file*, or lead DG. The proposal then works its way through interested DGs, the Commission's Legal Service, *cabinets* and advisory committees, meetings of interested external policy actors, and the office of the relevant commissioner. This process can take months or even years to complete. Finished proposals will then be reviewed by the *chefs de cabinet*, meeting together weekly on Mondays, who will decide which proposals need discussion by the College and which do not. The proposals are then reviewed by the College, gathering on Wednesdays in Brussels, or in Strasbourg if Parliament is in plenary session. Using a majority vote, the College can accept or reject the proposal, send it back for redrafting, or defer making a decision. If accepted, it is sent to the Council of Ministers and the EP for a decision (see Figure 10.6).

Powers of implementation

Once a law has been adopted by the Council of Ministers and Parliament, the Commission is responsible for making sure that it is implemented by the member states. It cannot do this directly but instead must work through national bureaucracies, leaving it hostage to the abilities, energies and cultures of those bureaucracies, which vary from one member state to another. Every member state is required to report to the Commission on the progress it is making, but this is sometimes easier said than done: the Commission only has a limited number of staff, and while member states may not openly refuse to implement a law, they may drag their feet, or there may be genuine problems with interpreting the meaning and effect of a law. For these reasons, the Commission often relies on less formal means of gathering information, including whistleblowing by individuals, corporations and interest groups.

If a member state is slow, the Commission has three options available:

1. It can issue a Letter of Formal Notice giving the member state time to comply (usually about two months). Most problems are resolved at this stage.

Figure 10.5 *The EU's legal tools*

Regulations	The most powerful of EU laws. Directly and immediately binding in their entirety on all member states. Often designed to establish rules of procedure or technical standards, or to amend or adjust an existing law. Used where the intention is to make sure that there is uniformity across all the member states in dealing with a particular problem.
Directives	Binding on all member states in terms of goals, but member states are allowed to decide how best to achieve the goals, and must make changes to national law within a specified period. Most focus on outlining general policy objectives, while some are aimed at harmonization (bringing different national laws into line).
Decisions	Although also binding, decisions are targeted at specific member states, individuals, or institutions, with usually narrow objectives, and administrative rather than legislative goals.
Recommendations	No binding force. If recommendations are ignored, the EU can choose to develop a regulation, directive or decision.
Opinions	No binding force. The loosest of all legal tools.

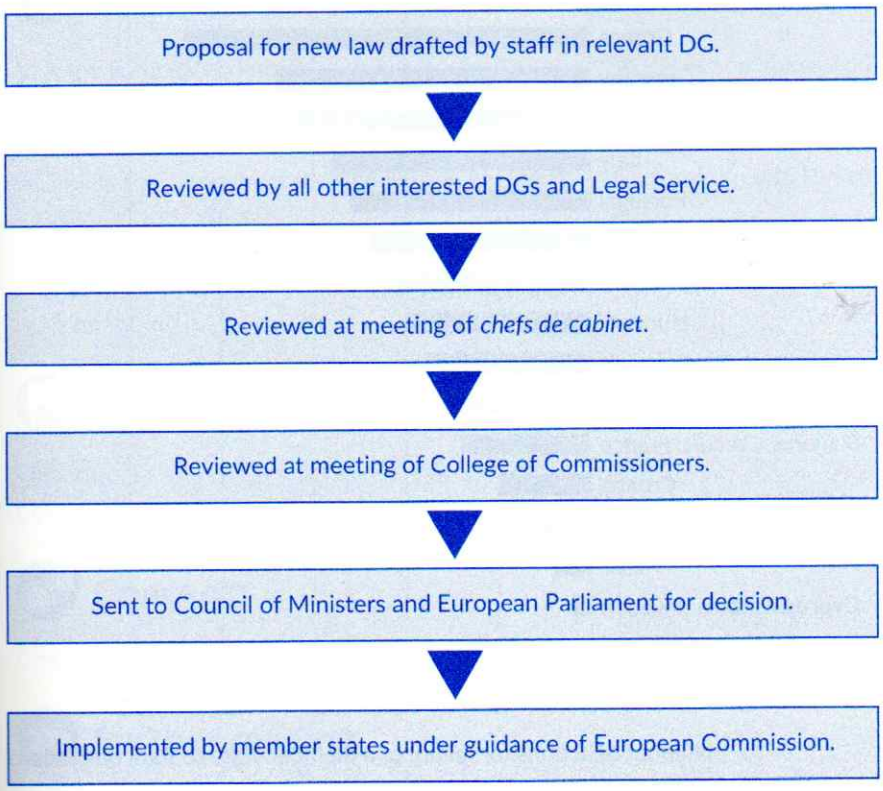
2. If there is still no progress, the Commission can issue a Reasoned Opinion explaining why it feels there may be a violation.
3. If there is still no compliance, the Commission can take the member state (or an individual, corporation or other institution) to the European Court of Justice for failure to fulfil its obligations. The Commission can recommend a fine or a penalty for the member state, but the final decision is left with the court.

At the same time, the Commission adds pressure by publicizing progress on implementation. Over time, Greece and Italy have often ranked among the worst offenders (see Figure 10.7), mainly because their bureaucracies are relatively slow and inefficient. The lead-up to the 2004 eastern enlargement of the EU was a particularly busy time for the Commission, checking that the new incoming members were keeping up with their obligations to implement existing EU law. Just months before the new states joined, the Commission published a report warning of problems in all ten countries, opening them to the risk of fines, export bans and the loss of EU subsidies. Lithuania and Estonia have since made the most progress, while Poland has been singled out for its poor performance in areas as diverse as farm subsidies and corruption.

Managing EU finances

Control over the purse strings is one of the most potent of all political powers, and while the EU budget is relatively small (see Chapter 19), the reach of the Commission is extended by its role in drafting the budget, monitoring its progress through the Council of Ministers and Parliament, and making sure that all revenues are collected and funds are spent correctly. This means working with national agencies, monitoring the collection of funds, and ensuring that the member states make their required contributions (Nugent and Rhinard, 2015).

Figure 10.6 *Workflow of the European Commission*

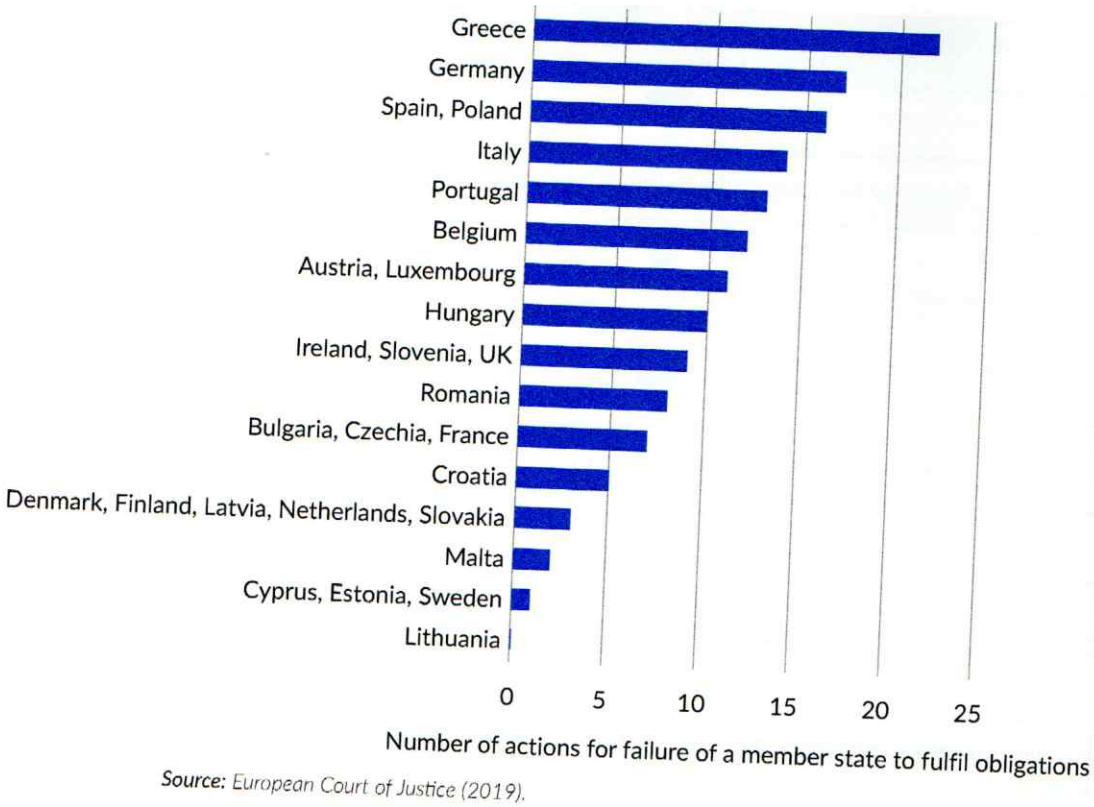


External relations

Although the process of European integration was inwardly focused in its early years, as the reach of the EEC expanded so its effects were felt outside its member states, and the role of representing the EEC/EU externally largely defaulted to the Commission. The basis of its role lies in the Treaty of Rome, which gave the Commission the authority in areas of exclusive Community competence to negotiate international agreements on behalf of the member states. The EU is now one of the world's dominating political and economic actors (see Chapter 26), and as such the activities and visibility of the Commission in external relations have grown exponentially (Nugent and Rhinard, 2015, Chapter 12). Those activities fall into three main categories:

1. It represents the EU in international trade negotiations. The member states agree common positions and it is left to the Commission to negotiate, whether on bilateral deals or in multilateral negotiations or dispute resolution through the World Trade Organization (WTO). Backed by the enormous size of the EU market and the EU's large share of world trade (see Chapter 26), the EU's trade commissioner is the representative of an economic and trading behemoth.
2. It processes applications for full or associate membership of the EU. This was not the case in the early years of the EEC, but as the number of interested potential members grew, so the Commission helped develop a more strategic

Figure 10.7 *Infringements of EU law, 2014–18*



Source: *European Court of Justice (2019).*

approach to the process, evaluating the quality and implications of new applications. If the European Council decides to open negotiations with an applicant country, the Commission manages the process.

3. It is the EU's coordinator for official development assistance and humanitarian aid, a role whose significance has grown as the volume of aid has grown (see Chapter 27).

The precise status of the EU in international forums is not always easy to understand; the degree of its influence varies from one area to another, and its role changes as the external challenges faced by the EU evolve. It must also balance its authority with that of the member states and the European External Action Service (see Chapter 26).