

# A POLITICAL EUROPEAN COMMISSION THROUGH A NEW ORGANISATION “THIS TIME IT’S DIFFERENT”. REALLY?

Marine Borchardt | Alumna of the College of Europe, winner of the Jacques Delors Prize 2016



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## SUMMARY

When Jean-Claude Juncker became President of the European Commission in 2014, he said he wanted to **make the European Commission ‘more political’**. His motto was to ‘be bigger and more ambitious on big things, and smaller and more modest on small things’. Using the political mandate that was given to him through the *Spitzenkandidaten* process, he has shown political vision when he attempted to bring significant changes to the internal organisation of his Commission.

The reorganisation of the Commission by President Juncker **has created a *de facto* hierarchy** by giving the task to Vice-Presidents to lead so-called ‘project teams’: a group of several Commissioners working together on a related theme falling under Juncker’s 10 priorities.

These **project teams** were created in an attempt to deal with the size problem of the College, to streamline the work on the 10 priorities and to break down silo mentalities, i.e. to avoid that each Commissioner looks at the various subjects and policy proposals from his/her specific portfolio’s perspective. This is ultimately President Juncker’s objective: to think wider, more strategic and more political. The aim of this contribution is to confront President Juncker’s ambition to make the Commission ‘more political’ with reality. The reality check has led to three main conclusions.

Firstly, **the organisational structure has created a *de facto* political hierarchy but has left the principle of collegiality intact** and does not prevent the Commission to act in the European interest. Indeed, despite the distinctions between the President, First Vice-President, Vice-Presidents and line Commissioners, the important decisions are still taken collegially at the College meetings during which all Commissioners have an equal say. The new structure may even enhance collegiality in the sense that, before proposals come to the College, Vice-Presidents and Commissioners already discuss them politically in various settings (Orientation Debates, Strategic Jour Fixe, Project Team meetings).

Secondly, the internal decision-making process has definitely become more political in the sense that the new structure has reasserted collective political leadership by the College from above over the administration. However, the new structure has brought **high costs in terms of internal bureaucracy** and less clarity in the decision-making process.

Lastly, undeniably the weakest points of the new structure are the **coordination** and communication flows, which are not yet carried out in a professional and cooperative manner. Even if tensions within an organisation are not surprising and existed between Commissioners already in previous Commissions, frictions between Vice-Presidents and line Commissioners come even more to the fore in the Juncker Commission. While these tensions are not always negative when people fight about substance, they may turn into a ‘race to be first’ when it comes to their presence in the public sphere and in the media.

Ultimately, some **changes are required in order for the new structure to deliver what it intends**. Whether these will be radical changes or changes on the margins will depend on the level of confidence that all actors, including DGs, have in the new organisational structure at the end of this Commission’s mandate in 2019. If the structure is characterised by unnecessary conflict and inefficiency, then it is likely to be fundamentally changed notably requiring the creation of better reporting lines between Vice-Presidents and line Commissioners or better ‘plugging in’ the DGs.

**In the end, it is not a question of whether the new organisational structure will stay as it is or not. It is also a direction of travel. We could continue to experience and if we think that ‘it sort of works’, we can ask ourselves: how much further can we take the experiment?**

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<sup>1</sup> The Jacques Delors Archives – Presidency of the European Commission is available for consultation at the College of Europe (Bruges and Natolin), the Centre d’histoire de Sciences Po (Paris), the Historical Archives of the European Union (Florence) and the Jean Monnet Foundation (Lausanne). The archives detailed inventory is available on the [website of the Jacques Delors Institute](#).

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## INTRODUCTION

On the day Jean-Claude Juncker was elected President of the European Commission by the European Parliament, he said, 'The Commission is political. And I want it to be more political'.<sup>1</sup> While there is no strict definition of what 'more political' means, this contribution is based on **three** main factors, which undoubtedly led to the growing politicisation of the European Commission: first, the political nomination and election of President Juncker himself through the *Spitzenkandidaten* process;<sup>2</sup> second, the focus on achieving the ten key political priorities set for this Commission and the desire to have a Union that is 'bigger and more ambitious on big things, and smaller and more modest on small things';<sup>3</sup> third, the more political vision that the Commission has adopted as a complementary asset to the 'technocratic'.

### “THE NEW INTERNAL ORGANISATION HAS MADE MORE APPARENT THE DISTINCTION BETWEEN THE POLITICAL BODY AND THE ADMINISTRATIVE BODY”

The **new internal organisation** of the Commission represents a break with the past in the sense that it has made more apparent the distinction between the **political body** comprising the College of Commissioners and the **administrative body** consisting of the supporting Directorate-Generals (DGs) and services.

The most major changes have taken place within the political body through the building of so-called '**project teams**' and the **creation of a *de facto* hierarchy**. **Project teams** are a group of several Commissioners working together on a related theme falling under Juncker's 10 priorities. They are dynamic rather than static because their composition may change according to the needs and to possible new projects developing over time. They are coordinated by one of the Vice-Presidents, who have acquired a special status and are responsible for steering and coordinating the project team. Another novelty is the creation of the function of First Vice-President (currently Frans Timmermans), who exercises another filtering role through the Better Regulation agenda and acts as the President's right-hand man. The new structure has thus created **a system of multiple layers at the political level**.

The new organisational structure also aims to achieve a **better interaction between the administrative and the political level**. The Commission officials at service level provide the 'steam' and expertise-knowledge that make the Commission function. The transferral of technical (from administrative to political level) and strategic (from political to administrative level) information was until now facilitated by the weekly 'Jour Fixe' meeting between the line Commissioner and the Director-General that reports to him/her. The new element brought by the Juncker organisation is the '**Strategic Jour Fixe meeting**', to which the relevant Vice-President, the Secretariat-General and the President's cabinet also attend and where strategic political and inter-institutional questions are discussed.<sup>4</sup>

In addition, the new structure allows the political steer to be given at the beginning of the decision-making process during so-called **Orientation Debates**. Here the College gives the political orientations that the services should take into account to develop a proposal, meaning that by the time the proposal reaches the political level again at the end of the process, there is less room for disagreement.

1. Juncker, Jean-Claude, *A New Start for Europe*. Opening Statement in the European Parliament Plenary Session, Strasbourg, 15 July 2014.

2. Westlake, Martin, 'Chronicle of an Election Foretold: the Longer-Term Trends leading to the '*Spitzenkandidaten*' procedure and the Election of Jean-Claude Juncker as European Commission President', *LSE Europe in Question Discussion Paper Series (LEQS)*, No. 102, 2016, p. 51.

3. *Ibid.*

4. European Commission, *The Working Methods of the European Commission 2014-2019*, Communication from the President to the Commission. C(2014) 9004, 11 November 2014, p. 7.

TABLE 1 ► Meetings in the new organisation

MEETING	WHO ATTENDS?	HOW OFTEN?
Orientation Debate	College of Commissioners	4-6 times a year
Inter-service steering group meeting	Members of the relevant DGs and services including the Legal Service; chaired by the Secretariat-General or by the relevant DG.	As many times as needed to cover the important elements of the impact assessment process; usually 5-7 meetings per subject.
Jour Fixe	Line Commissioner and Director-General of respective DG	Weekly
Strategic Jour Fixe	Vice-President, line Commissioner and Director-General of respective DG + Secretariat-General and Legal Service	At least once every two months
Project team meeting	Vice-President with several line Commissioners, depending on the file	About 1 meeting per month; regularity depending on the subject (e.g. 10 meetings in 2016 in the context of the Energy Union)
Inter-service consultation (mainly online, occasionally inter-service group meeting)	All DGs and services with a legitimate interest in the file.	Standard procedure, regularity depending on the subject and time in the process
Spéciale Chefs	Members of the Cabinets	Weekly (usually Thursdays and/or Fridays)
Hebdo meetings	Heads of Cabinets	Weekly (usually Mondays)
College meetings	The College of Commissioners	Weekly (on Wednesdays or Tuesdays when meeting in Strasbourg)

Source: Made by the author.

The aim of this policy paper is to assess whether the Commission's new organisational structure delivers on President Juncker's ambition to make the European Commission 'more political'. The first section questions whether the new *de facto* hierarchy **respects the principle of collegiality and the community method**. The second section reflects upon whether the new organisational structure leads to a **more political and efficient internal decision-making**. The third section focuses on the **dynamics between Vice-Presidents and line Commissioners**. Can we speak of 'first class' and 'second class' Commissioners? Is it a race to be the first or is there a fruitful cooperation between them? The final section concludes by summarising the main findings and determines what kind of precautions need to be taken in the future so that the system works as it should to deliver what it promises.

# 1. The new *de facto* political hierarchy: still under the principle of collegiality and the community method?

The reorganisation of the Commission by President Juncker has created a *de facto* hierarchy by introducing the new function of First Vice-President and by giving the task to Vice-Presidents to lead teams of Commissioners. The question arises whether this new *de facto* political hierarchy is still complying with the principle of collegiality (1.1.) and the community method (1.2.).

## 1.1. Compatibility of a *de facto* political hierarchy with the principle of collegiality

The principle of collegiality has no clear definition.

“ IT IS UTOPIC TO SPEAK OF A ‘COLLEGE OF EQUALS’ ”

If one takes collegiality as referring to the equality that supposedly exists between all Commissioners, then collegiality is dead but it died a long time ago and has not been killed by the new structure. **It is indeed utopic to speak of a ‘College of Equals’** because there have been - and there will always be - stronger and weaker Commissioners.<sup>5</sup> Their strength will essentially depend on their expertise, political skills and their personal capacity to perform and convince - attributes which are independent of the organisational structure.

However, if one takes collegiality in a formalistic sense, this almost sacrosanct principle for the Commission is still alive and is used to refer to **the *modus operandi* of the College’s functioning**. Explicitly, it is mentioned in the Treaties as part of the President’s responsibility to ‘decide on the internal organisation of the Commission, ensuring that it acts consistently, efficiently and as a collegiate body’.<sup>6</sup> More implicitly, the principle of collegiality becomes visible **(a) in the procedure of investiture**, whereby the Commission is appointed collectively even though hearings of individual Commissioners take place in front of the European Parliament; **(b) in the ending of the Commission’s mandate**: either the Commission as a whole steps down after the ending of the 5-year term, or the whole Commission needs to resign following a vote of non-confidence by the European Parliament<sup>7</sup>; and most importantly, **(c) in the fact that Commissioners cannot decide on their own** (except through the habilitation procedure): all Commissioners have an equal say in College decision-making and if it comes down to a vote in the College, each of the 28 Commissioners - including the President, the Vice-Presidents and the line Commissioners - has one vote. To these features, the new organisational structure has not made any changes.

The question remains whether other features of the new structure such as the filtering system and the changes in staffing of Cabinets impede the principle of collegiality. All new initiatives that make their way into the Commission Work Programme or on to the College Agenda need to go through a **filtering system** whereby the line Commissioner needs the approval of the responsible Vice-President, which then goes through the ‘Better Regulation’ test carried out by the First Vice-President. However, the fact that proposals need to pass several filters pertains more to the procedural than the hierarchical in the sense that it is a tool to streamline the internal process on the 10 priorities. As such, it does not constitute any new obstacles to collegiality. Furthermore, with regard to the **differentiation in terms of staffing between the Cabinets of Vice-Presidents and line Commissioners** (the First Vice-President has a total of 8 AD grade staff, Vice-Presidents have 7 and line Commissioners have 6),<sup>8</sup> it is still unclear whether it is an expression of the political

5. Wille, Anchrit, *The Normalization of the European Commission: Politics and Bureaucracy in the EU Executive*, Oxford: Oxford University Press, 2013, p. 81.

6. Article 17(6) TEU

7. Article 234 TFEU

8. European Commission, *Communication to the Commission on the rules governing the composition of the Cabinets of the Members of the Commission and of the Spokesperson’s Service*, 1 November 2014, pp. 3-4.

hierarchical standing and, as such, in conflict with the principle of collegiality or if it is rather justified for reasons of workload. Perhaps the higher number of Cabinet members may be more justified for the Vice-President leading the project team for 'Jobs, Growth, Investment and Competitiveness' who needs to coordinate several inter-related portfolios than for the Vice-President responsible for the 'Energy Union' who can focus on one single issue. In sum, these features are not capable to impede the principle of collegiality. Collegiality, in a formalistic sense, is thus maintained.

Hence, the *de facto* hierarchy created by the new organisation of the Juncker Commission has left collegiality intact.

## 1.2. Compatibility of a *de facto* political hierarchy with the community method

It has been argued by some that the politicisation of the Commission brought about notably by the new structure is incompatible with the community method. The argument is that if the Commission becomes too politicised because of the close link to the political majority in the European Parliament, it will not be able to exercise its role as institution incarnating the general European interest.

However, this theoretical argument does not withstand the reality-check. It is true that the *Spitzenkandidaten* process has led to the strengthening of the link between the Commission's President elections and the European Parliament. This notwithstanding, **the Commission still represents the general interest** and, in order to honour this task, it must be able to act in full independence. The right question to ask is therefore: how can one ensure that the Commission, which emanated from the European elections, is fully independent? The answer is: collegiality. The objective of independence - of which collegiality is the primary tool - brings us back to Jean Monnet's conception of **the Commission as an 'organisation de mission'**, protecting the general interest against the uncertainties linked to elections or the short-term political strategies.

“POLITICISATION HELPS TO CREATE A SPACE FOR CONFRONTATION BETWEEN DIFFERENT VISIONS”

The idea that the Commission must defend the general interest is extremely important. Yet, what is the 'general interest'? **The 'general interest' is the result of several competing (European) projects or visions, which aim to defend what one deems to be the 'general interest'**. If we follow this reasoning, politicisation is not antagonistic to the idea that the Commission is defending the general interest. On the contrary, **politicisation helps to create a space for confrontation between different visions** - sometimes political - depending on the actors that carry them.

In this sense, the new system of project teams may even have enhanced collegiality. Whereas before Commissioners would directly expose their view to the President, the new system introduces 'sector-based collegiality within Clusters meetings'.<sup>9</sup> Indeed, **before the proposal comes to the College, there are already partial collegiality tests**. These take place in the Project Team meetings where the political orientations on proposals from the key line Commissioners, the Vice-President and the First Vice-President are already discussed and taken on board. This makes objections to a proposal at a later stage of the process more difficult but, provided the meetings are well prepared so that all relevant actors have a say in the early preparation phase of a proposal, collegiality is ensured and even enhanced.

All in all, the introduction of a *de facto* political hierarchy by the new organisation is in full compliance with the principle of collegiality and does not prevent the Commission to act in the general European interest.

9. Bertoincini, Yves, 'The Juncker Commission and new institutional and legitimacy set up. What main issues and challenges?', *In-depth Analysis for the AFCCO Committee, European Parliament Directorate-General for Internal Policies*, 16 February 2015, p. 14.

## 2. The internal decision-making process: really more political and efficient?

In his Communication to the Commissioners on the new working methods, President Juncker said, 'our work as a College requires rules to **be efficient** and to avoid duplication of efforts, in particular in view of the changes brought about by the new structure of the Commission. (...) I also call on all of you to assume **political responsibility** for the results of our joint actions'.<sup>10</sup> This section will first analyse whether, indeed, Juncker's organisational structure makes the internal decision-making process 'more political' (2.1.) before looking at whether the rules he has put into place do fulfil his ambition to 'be efficient' (2.2.).

### 2.1. The politicisation of the decision-making process

The decision-making process has undoubtedly become 'more political' through the new organisational structure. This is the result of the following inter-related factors.

First, **the new organisation has started to break the 'silo mentality', which is deeply engrained in the Commission's structure.** Consequently, the new structure creates more policy consistency compared to the pre-Juncker Commission. The new collaborative way of working is notably visible in the organisation of 'Strategic Jour Fixe' and Project Team meetings, where several line Commissioners and the responsible Vice-President meet together to exchange their political vision on the file.

“ MORE PREPARATORY WORK IS TAKING PLACE EX ANTE AT THE POLITICAL LEVEL COMPARED TO THE PAST ”

Beyond breaking silos at the political level the new structure is also expected to break silos at the administrative level, both across DGs and within DGs. Indeed, the political orientations stemming from the political level need to be applied at the level of the services when they are drafting the proposal. This is particularly important with regard to the inter-service consultations. While in the past inter-service consultations were used to assess both the technical issues and the broad policy lines and represented the main moment of work for the services before the proposal was sent to the College for adoption, they now have become a vehicle to check mainly the small print. This has

led some to argue that **inter-service consultations have decreased in importance** as a consequence of the new organisational structure **and have become almost a formality**, if not another bureaucratic exercise. On the other hand, others have claimed that the coordination work *ex ante* allows to go faster in the inter-service consultation because political discussions within the project teams are carried out before the technical discussions at inter-service level take place and the proposal is already being cleared by the main players in the field. This may be seen in a negative light if the political orientation is so detailed that the DGs do not have any room for manoeuvre left, thereby rendering inter-service consultations redundant. The DGs are indeed bound by what has been decided at the Project Team meeting and they should not overrule the political orientation of the Commission. However, reality shows that Project Team meetings only give the broad, high-level, political orientations and do not enter into the details, leaving room for the DGs to give their technical input. Besides, Commissioners provide their opinion in Project Team meetings on the basis of briefings that are drafted by their respective DGs. In any case, more preparatory work is taking place *ex ante* at the political level compared to the past, thereby leaving for the inter-service consultations only the final technical check before ending the internal decision-making process.

10. European Commission Working Methods 2014-2019, *op.cit.*, p. 3, *my emphasis added*.

FIGURE 1 ► The Commission's internal decision-making process



Source: made by the author, inspired by: Szapiro, M., *The European Commission: a Practical Guide*, London, John Harper Publishing, 2013, p. 169.

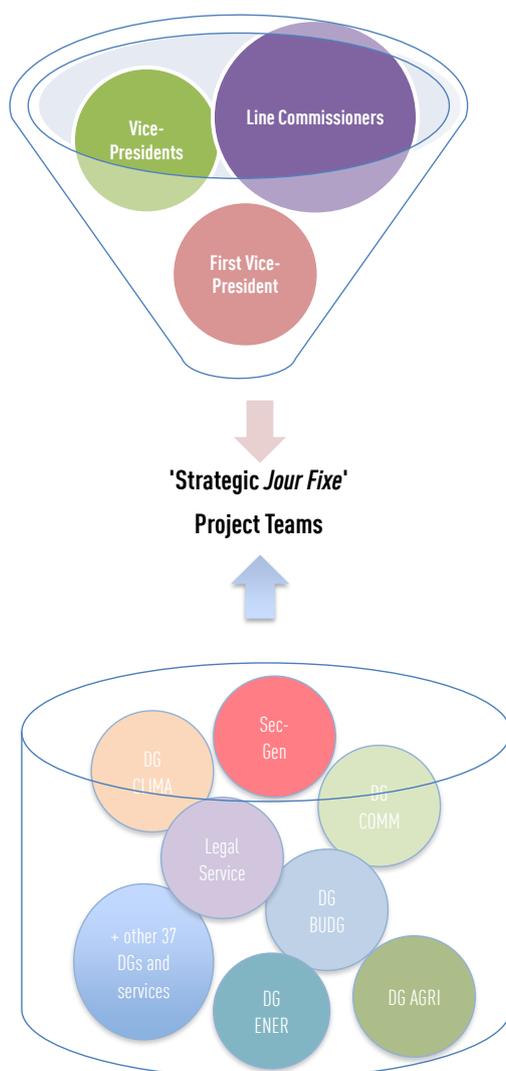
Second, the new organisational structure guarantees that **the political level is involved earlier in the decision-making process compared to before**. In addition to the weekly Jour Fixe meetings, which already existed before between Commissioners and their respective services, now the proposal-in-the-making is also discussed in Orientation Debates, Strategic Jour Fixe and Project Team meetings. This means that, compared to previous Commissions, more politically skilled actors are intervening at earlier stages in strategic discussions, which ensures a less difficult approval at the end of the process during College meetings. From that point of view, the new structure has positive sides because it allows the political actors to set the overall political picture in a collective way within the project team and then to let the civil servants draft the proposals by filling in the details with their expertise knowledge while staying in line with the political priorities.

Thus, **the new structure allows that political decisions are taken at the political level and not at the level of the services**, as it was often the case in the past. Potentially, this carries the consequence that Director-Generals have lost the political influence on where, when and how a proposal is made. Most tellingly, while Director-Generals are present in Strategic Jour Fixe and Project Team meetings, they are not supposed to speak and they do not have a say. This 'de-politicisation' of the role of Director-General is criticized by some civil servants, who find that a drawback of the 'political Commission' is that the Cabinets have become more inward-looking than in the past. A lot of interaction takes place between the Cabinets and the Commissioners while the link with the services seems to have become weaker. Nonetheless, **the role of the**

**Director-Generals in the new structure remains crucial.** They are the ones responsible for presenting concrete proposals with several options to their respective Commissioner, which will feed the discussions in the Strategic Jour Fixe and Project Team meetings and thus, ultimately, determine the outcome of the discussion.

The multi-faceted interactions and the politicisation of the internal decision-making process that occur as a result of the new organisation may be portrayed with **the image of communicating vases** (see Figure 2). The funnel at the top of the figure represents the political level and its new filtering system, whereby proposals go through multiple layers consisting of the line Commissioner, the respective Vice-President and the First Vice-President. The container at the bottom of the figure shows the administrative level - the 'steam engine' of the institution - composed of the 33 Directorates-General and 11 services. The political and the administrative actors are thus **mutually dependent** on one another: the political actors give the broad political orientations and the civil servants provide their technical expertise on the file. Yet, the political and the administrative have also become more distinct, as can be seen on Figure 2 below.

**FIGURE 2** ► Communicating vases showing the interrelationship between the political (funnel) and the administrative (container)



Source: made by the author.

The new structure can be considered as a breakthrough, ensuring that political decisions are taken at the political level. This implies strong structural changes compared to the past in the sense that the reassertion of collective political leadership by the College from above over the administration becomes the important aspect of the 'more political'.<sup>11</sup>

Thirdly, **the new structure is also 'more political' due to the special role given to the First Vice-President** in checking that what enters the political debate is 'political' in the first place. This task President Juncker has given to his First Vice-President, who decides what goes into the Commission's Annual Work Programme as well as in the College agendas. Thus, the First Vice-President acts as an important watchdog that makes politicisation controllable and delivers on Juncker's motto to be 'bigger and more ambitious on big things, and smaller and more modest on small things'. His role also comes with a better communication, which is focused around the 10 priorities that have been set.

This leads to the fourth novelty introduced with the new structure: **the centralisation of the Spokesperson's Service**. Practically, this implies that each Commissioner no longer has his/her own individual spokesperson. Instead, the Spokesperson's Service has been centralised, headed by the European Commission Chief Spokesperson who has an administrative reporting line to the Director-General of DG COMM. It is effectively President Juncker who sets the red lines by exercising political authority over the service. A clear advantage of the new system is that it leads to more political consistency by enabling the Commission to speak with one voice and to convey one coherent message. On the other hand, a clear disadvantage is that the message becomes more polished and less personal. There is less room for individual spin because, unlike previous Commissions, individual Commissioners are now bound to President Juncker's 10 priorities and do not have their own spokesperson. For instance, when the Commissioner for Social Affairs takes an initiative, the spokesperson does not push that Commissioner in the different media to make him/her the 'social face of Europe' - whereas it probably should if it wants a 'more political' Commission. Nonetheless, the impact of the centralisation of the Spokesperson's Service should not be over-exaggerated to the extent that Commissioners have in their Cabinet their own communication adviser, who fills the gap by, for instance, working on social media and organising interviews in the national and European press. Thus, the centralisation of the Spokesperson's Service seems to only make a difference on stage, in the Commission's Pressroom for the daily midday briefing where the mood has become less technocratic and more political. For the written press, it does not make a major difference.

## 2.2. Efficiency of the decision-making process

In the past, when all Commissioners were trying to develop something new, it led to an overload of legislative proposals and a lack of visibility of the EU's key objectives. This has somewhat improved with the new organisational structure. Proposals are now streamlined through the filtering role of the Vice-Presidents in their project teams, which can be seen in Figure 3 below.

11. Monar, Jörg, 'The Post Lisbon European Commission. Between Political Leadership and Policy Management', in Michele Chang & Jörg Monar (eds.), *The European Commission in the Post-Lisbon Era of Crises, Between Political Leadership and Policy Management*, P.I.E. Peter Lang, 2013, p. 288.

FIGURE 3 ► Composition of the project teams

Commissioner	Policy portfolio	Project Teams						
		Better Regulation, Interinstitutional Relations, Rule of Law and Charter of Fundamental Rights Timmermans	Union for Foreign Affairs and Security Policy Mogherini	Budget and Human Resources Georgieva	Energy Union Šefčovič	Jobs, Growth, Investment and Competitiveness Katainen	The Euro and Social Dialogue Dombrovskis	The Digital Single Market Anspj
Günther Oettinger	Digital Economy and Society	●		★	●	★		★
Johannes Hahn	European Neighbourhood Policy and Enlargement Negotiations	●	★	★		●		
Cecilia Malmström	Trade	●	★	★	●	●		
Neven Mimica	International Cooperation and Development	●	★	★				
Miguel Arias Cañete	Climate Action and Energy	●	★	★	★	★		
Karmenu Vella	Environment, Maritime Affairs and Fisheries	●		★	★	●		
Vytienis Andriukaitis	Health and Food Safety	●		★		●		●
Dimitris Avramopoulos	Migration, Home Affairs and Citizenship	★	●	★		●		
Marianne Thyssen	Employment, Social Affairs, Skills and Labour Mobility	●		★	●	★	★	★
Pierre Moscovici	Economic and Financial Affairs, Taxation and Customs	●		★	●	★	★	★
Christos Stylianides	Humanitarian Aid and Crisis Management	●	●	★				
Phil Hogan	Agriculture and Rural Development	●		★	★	●		★
Jonathan Hill	Financial Stability, Financial Services and Capital Markets Union	●		★		●	★	●
Violeta Bulc	Transport	●	●	★	★	★		●
Elżbieta Bieńkowska	Internal Market, Industry, Entrepreneurship and SMEs	●		★	★	●	★	★
Věra Jourová	Justice, Consumers and Gender Equality	★		★	●	●	★	★
Tibor Navracsics	Education, Culture, Youth and Sport	●		★		●	★	●
Corina Crețu	Regional Policy	●		★	★	★	★	★
Margrethe Vestager	Competition	●		★	●	●		●
Carlos Moedas	Research, Science and Innovation	●		★	★	●		●

Source: European Parliamentary Research Service Blog, Dietrich & Sabbati, 2016.<sup>12</sup>

The project team meetings have the purpose to take into account the comments of all Commissioners whose portfolio is impacted by a proposal before deciding what is the right line to follow. In this sense, the new organisational structure is more efficient in terms of strategy making. The project teams sit together with a variable number of Commissioners – the number depending on the file – to find a solution and discuss a topic that is perhaps not of interest to the other Commissioners who work in a completely different field. So when a proposal comes to the College, it will usually be quickly adopted. **Because of the many filters that did not exist before, the system is more efficient in taking decisions because problems are cleared before.** The First Vice-President – who was put in charge of Better Regulation, Inter-institutional relations, the Rule of Law and the Charter of Fundamental Rights – was given extensive powers and needs to liaise closely with all Commissioners. He verifies that all EU level legislation fits into the Commission’s Annual Work Programme and does not impose unnecessary regulatory burdens. As a result, **fewer decisions are taken, which may be**

12. Note: British Commissioner Jonathan Hill resigned from his post following the British referendum for Brexit. He was replaced by Sir Julian King, who was appointed as the EU’s new ‘security Commissioner’. To integrate his portfolio into the table: he is a full member for Timmermans and an associated member for the project teams of Mogherini, Šefčovič and Anspj. Hill’s financial services role is integrated to Commissioner Dombrovskis’ portfolio.

seen in a positive light if one considers that it has enabled the Commission to focus on its priorities and to take decisions faster, thereby saving time. For instance the Investment Plan for the EU, the Digital Agenda and the Energy Union have all been put in place in record time.

However, **there are some glitches when it comes to how the new organisational structure has been implemented in practice.** Indeed, with the new structure, time is lost again in the political hierarchy. Some criticise the new function of First Vice-President and his role in Better Regulation saying that he is slowing down the process notably when it comes to the adoption of the Work Programme, Agenda Planning, Roadmaps and Impact Assessments. Paradoxically, the Better Regulation Guidelines<sup>13</sup> have led to far more workload internally.

Moreover, **the new structure has brought high costs in terms of coordination,** which often takes the form of useless bureaucracy. The criticism is that Project Team meetings tend to be very general discussions. They are useful in providing general orientations but they do not always guide the work in an efficient way. Indeed, some officials working at the administrative level perceive that in the political, early stage discussions, the Commissioners do not yet have the necessary input and solid background information required to have an informed discussion and to take a political decision. As a result, the new structure has created some frustration in some services, where the Commission civil servants who really know the substance feel that their concerns are not sufficiently taken into account.

In addition, **with the new structure, there is a risk that more time is spent on coordination meetings and not on content.** These coordination meetings include the Inter-Service Steering Group meetings, the weekly Jour Fixe, the Strategic Jour Fixe, the Project Team meetings and the list becomes longer if one takes into account the Management Team meetings within each DG or within the Cabinets. While more coordination is necessary in the new organisation to enable the actors to be more aware of the different priorities being developed in other mandates, all of these meetings take hours and preparation... to the detriment of efficiency.

Finally, the implementation of the new working methods are criticised by some **for having brought less transparency and less clarity to the decision-making process.** Indeed, it is now less clear who is proposing what, when and at what level.

“ IT IS NOW LESS CLEAR  
WHO IS PROPOSING WHAT,  
WHEN AND AT WHAT LEVEL ”

Thus, the experience so far has shown that time is lost in the process, Project Team meetings are too abstract and not sufficiently informed by substantive knowledge and more preparatory work is needed to make the system workable, efficient and transparent. **Overall, it seems that the new structure makes the communication flows longer and the procedure more cumbersome. However, it is still in its early stage so that there is scope for the system to be rectified and to deliver what it intends.** Ideally, a first Orientation Debate would provide the general political steer, which would be followed by the technical work at the level of the services including inter-service consultations. After that, the legislative proposal would go back to the political level where the final decision would be taken by the College. It seems that, at the moment, the new organisational structure has not achieved the right balance to ensure that the debate on the main political directions is fully informed so as to allow the services to deliver in accordance to what has been set as the main framework. In addition, the system still lacks an operational feedback loop, which would adjust and improve the organisational inefficiencies that arise with the new structure. The **Secretariat-General**, as the Commission's body responsible for process coordination, is best suited for the task. It has been beefed up with about 80 AD grade staff and is already taking on a much more political role as a result of the new structure. However, the risk of duplication of work between the Secretariat-General and the DGs is a serious concern. The Secretariat-General should make better use of its increased power to get all kind of information of any Commission services. It should not only play a procedural role but it should also be the guarantor of good, substantive work and policy communication.

13. European Commission, *Better Regulation Guidelines*, SWD(2015) 111 final, 19 May 2015.

### 3. Vice-Presidents and Commissioners: race to be first or fruitful cooperation?

On the day he took office, President Juncker said to his Commission, 'never forget: it is not structures and rules that make things happen in an organisation, but **human beings**'.<sup>14</sup> Juncker could not be more right with his claim. The complexity of the relationships between those human beings when they are put together in the same 'field' should not be underestimated. The final section takes a closer look at the tensions that built up as a consequence of Juncker's organisational structure (3.1.) and at potential mechanisms to resolve them (3.2.).

#### 3.1. Creation of tensions within the Team

Juncker's new organisational structure has brought several tensions with it.

The **nature and specificities of the posts assigned** are a first source of tension. Being one of 'the' Vice-Presidents of the Juncker team, coordinating and steering line Commissioners through Project Team meetings, is in itself ego-boosting and comes with several benefits. Vice-Presidents are paid about 2 300 Euros/month more than their line Commissioners,<sup>15</sup> they can count on more staff members in their Cabinet,<sup>16</sup> they usually have an easier access to Prime Ministers, Ministers and to national parliaments due to the horizontal nature of their post and they replace the Commission President when he is prevented from exercising his functions.<sup>17</sup>

This notwithstanding, the benefits associated with the special status of being a Vice-President will always be limited. In reality, the nature of their task to 'coordinate' may even be politically crippling. In fact, coordination is an inward process whereas Vice-Presidents – as politicians – want to be responsible for changes that are visible to the outside world.

**“SOME LINE COMMISSIONERS COOPERATE BETTER WITH THEIR VICE-PRESIDENT THAN OTHERS, RESULTING IN DIFFERENT DEGREES OF TENSIONS”**

In some regards, the job of Vice-President even comes with downsides. Indeed, while line Commissioners have a total control over the services, Vice-Presidents can only rely on their thematic unit consisting of a few people within the Secretariat-General. They are, by analogy, like Generals without soldiers. **The lack of access to the services creates a second in-built and unavoidable conflict between Vice-Presidents and line Commissioners.** In the worse case scenario, the tension potentially leaves the Vice-Presidents stranded without the support of their line Commissioners if the latter decide not to pass on information to them. In reality, the arrangements

between Vice-Presidents and line Commissioners have been made on a case-by-case basis, precisely because the working arrangements regarding the way they should work together have been left open. The consequence is that some line Commissioners cooperate better with their Vice-President than others, resulting in different degrees of tensions depending on the personalities of the political actors involved.

Friction between Vice-Presidents and line Commissioners may also be created **due to the overlap of competences and the lack of clear delimitation of tasks** between them. Although President Juncker aimed to delimit and define their roles and responsibilities in the mission letters he sent to each of them, he has not given clear, unambiguous guidelines as to what the *modus vivendi* between the Vice-President and the line Commissioner is. As a result, the media has picked up on some tensions, pointing especially to the tensions between the Vice-President for the Digital Single Market and the Commissioner for the Digital Economy and

14. European Commission Working Methods 2014-2019, *op. cit.*, p. 3, *my emphasis added*.

15. King, Tim, 'In what way are Commission vice-presidents special?', *Politico*, 12 April 2014.

16. European Commission, *Communication to the Commission on the rules governing the composition of the Cabinets of the Members of the Commission and of the Spokesperson's Service*, 1 November 2014.

17. European Commission, *Decision of the President on the organisation of responsibilities of Members of the Commission*, C(2014) 9000, 1 November 2014, p. 3.

Society and between the Vice-President for the Energy Union and the Commissioner for Climate Action and Energy.<sup>18</sup>

Yet, the tensions between Vice-Presidents and line Commissioners are not necessarily negative. Conflict may be positive if that means that both want to work, both want to do more and therefore they are fighting for something. The tensions are perhaps even deliberate. **President Juncker may have pedagogically wanted that Vice-Presidents and line Commissioners argue amongst themselves because the tensions positively bring about a competition of ideas**, which in case of thorny issues allows the President to hear both sides of the argument and to take an informed decision if no compromise agreement has been found. Thus, if the conflicts are about the substance, tensions between the Vice-Presidents and their line Commissioners may contribute in the creation of a healthy political team.

However, history dictates – from Cicero to the present day – that these conflicts tend to be political rather than substantive. The Commissioners' strategic mentalities acquired by them as political actors need to be taken into account. Through their background as politicians, they are used to speak their mind. They may also have an eye on politics 'back home'.<sup>19</sup> Like all politicians, they want to claim the credit and receive the media's attention for what they are doing in their policy area. The College has now become 'a more politically weighty group of individuals'<sup>20</sup> in which there is enormous professional jealousy over the files, clashes between personalities and differences in opinion. This is coupled with the fact that these individuals live in the Brussels bubble, a highly politicised environment in which some proposals are leaked to the public, which pushes for a particular outcome in the difficult debates.

To sum up, frictions between Vice-Presidents and line Commissioners undeniably exist in the Juncker Commission. However, tensions within an organisation are not surprising and have already existed between Commissioners in previous Commissions – although not to the same visible extent. In addition, the tensions are not always negative: when people fight about substance, they may ultimately make the institution work better and lead to better policy-making. For this to happen, mechanisms to resolve the unhealthy tensions need to be put into place.

### 3.2. Mechanisms to resolve the tensions

The first mechanism would be to **grant Vice-Presidents easier access to the services**. While the daily contact of Vice-Presidents would remain primarily with the Secretariat-General, Vice-Presidents should be able to have more structured relationships with specific parts of the services if a technical file so requires and this without prior agreement of the line Commissioner, as it is required today. This would ease the pressure put on the Secretariat-General, which despite its increase in manpower, suffers of the increased workload stemming from the coordination of the project teams. Assigning to the Vice-President his own DG is not a solution because one Director-General formally would have two bosses, which would add up to the tension.

“A WIDE CONSENSUS EXISTS THAT VICE-PRESIDENTS SHOULD BE GIVEN SHORT-CUT POSSIBILITIES TO ACCESS THE SERVICES”

The Commission President leaves Vice-Presidents and their line Commissioners the freedom to find their own working arrangements and a division of labour which is suitable to both of them. This is criticised by some, who argue that there has to be cast-iron rules about the role and responsibilities of the Vice-President and the ability of the Vice-President to use services in order to make clear that he/she is the chief person. Otherwise it will create tensions and duplication of work. In any case, a wide consensus exists that Vice-Presidents should be given short-cut possibilities to access the services instead of having to always go the 'long way' through the Secretariat-General.

18. Keating, Dave, 'Energy Union: who's the boss?', *Politico*, 19 February 2015.

19. Nugent, Neill & Rhinard, Mark, *The European Commission*, London: Palgrave Macmillan, 2015, 2<sup>nd</sup> ed., p. 118.

20. Peterson, John, 'The College of Commissioners', in John Peterson and Michael Shakleton (eds.), *The Institutions of the European Union*, Oxford: Oxford University Press, 2012, p. 112.

The second mechanism aims to bring a **solution to the overlap of competences** between Vice-Presidents and line Commissioners. To take one example, there is a Commissioner for Energy and Climate Action and a Vice-President in charge of coordinating the Energy Union. The fact that they have a similar job title is in itself problematic because it creates a system where what needs to be coordinated by the Vice-President is already being coordinated by the line Commissioner. There is not much added value and an awful lot of overlapping. One mechanism to correct this would be to make sure that the title of the Vice-Presidency reflects more the coordination aspect of the Vice-President's task and not so much the portfolio. For instance, the Vice-President coordinating the Energy Union could be made 'Vice-President for Sustainability'. This would help clear the confusion resulting from the overlapping competences both internally and for people from the outside.

**“THE SUCCESS OR FAILURE OF THE NEW ORGANISATIONAL STRUCTURE WILL DEPEND MUCH MORE ON THE PEOPLE THAN ON THE STRUCTURE ITSELF”**

The third and overarching requirement for the internal decision-making process of the Commission to become more efficient is that **the coordination and communication flows are carried out in a professional and cooperative manner**. Using the metaphor of the soccer team, President Juncker said that, with his new structure, he has made Vice-Presidents 'team leaders' and line Commissioners 'team players'.<sup>21</sup> Yet, a structure will not automatically make Commissioners team players. **The success or failure of the new organisational structure will depend much more on the people than on the structure itself.** What's more: the background of Vice-Presidents and line

Commissioners as former Prime Ministers or Ministers should not be overestimated. A Commissioner imposes himself not because of a title but with his presence, his knowledge, his attendance to the Commission meetings and his ability to master his brief. Thus, at the end of the day, it should be based more on merit, expertise and whether he/she has a skilled personality, defined by his/her enthusiasm, personal creativity as well as his/her communication skills to explain the Commission's policies in simple terms.

The Commission President should always take effectively advantage of the linguistic, national and personal predispositions of Commissioners as well as their strategic ways of thinking acquired as politicians. Juncker seems to have taken this into consideration when forming his 'team'. He has cleverly and skilfully chosen his Vice-Presidents, the majority of whom have been Prime Ministers in their previous political life and have come from smaller and newer Member States. They have been teamed up with line Commissioners coming from the larger countries, which have joined the EU a long time ago. In addition, Juncker put forward a relatively balanced College in terms of political affiliations, with a relative equilibrium between the Conservatives (15), Socialists (8) and Liberal members (5).

Ultimately, the success or failure of the new organisational structure will depend on whether the professional and personal relationships between Vice-Presidents and line Commissioners are managed so that they work together and not against each other. Indeed, the interrelationships and mutual dependence of Vice-Presidents and Commissioners on one another are key. In Juncker's words, 'Like in any team sport, if you try to play alone, you lose. If you team up, you win'.<sup>22</sup>

The new organisational structure can unfold only with the acceptance by all people letting down their *egos*. While there were tensions already before, personal relationships have become even more important with the new organisational structure because Vice-Presidents and their line Commissioners must find a way to coordinate themselves without any pre-built mechanism.

All in all, the next Commission President should, in the future, follow Juncker's steps by **doing the right choice of the right people, matching the job title and the portfolio with both their experience and their personality**.

21. Juncker, Jean-Claude, *The Juncker Commission: the Right Team to Deliver Change*, Press Conference, Brussels, 10 September 2014.

22. *Ibid.*

## CONCLUSION

Jean-Claude Juncker had the ambition to make his Commission 'more political'. To him, a 'political' Commission is one that shows political leadership as well as technocratic excellence. Both elements are present under the new organisational structure. The political orientations are given at the beginning of the process at the level of the College. The DGs/services retain their mainly technocratic role by implementing those political orientations - with the exception of the Secretariat-General, which has seen its role of coordinator increase and politicise as a result of the new structure. This contribution concludes with a mixed assessment of Juncker's new organisational structure.

### “THE NEW ORGANISATION DELIVERS ON PRESIDENT JUNCKER'S AMBITION TO MAKE THE COMMISSION 'MORE POLITICAL'. HOWEVER, THERE ARE SOME MISGIVINGS”

In many ways, the new organisation delivers on President Juncker's ambition to make the Commission 'more political'. Through the enhanced role of Vice-Presidents steering and coordinating project teams, **the Commission has become more focused around the 10 political priorities** that President Juncker has set for his Commission. Moreover, the new organisation has facilitated **to work and think across silos**, both at the political and administrative level. The structure is reinforced further by the **role of the First Vice-President**, whose function is to check that only the files that fit into the 10 priorities are taken on so that the Commission can 'be big on big things'. This has all been done in compliance with the principle of collegiality, which is even enhanced through the new way of working because before proposals come to the College they are already discussed politically within the project teams. In this sense, 'this time, it is different'. This time, it is different for the Commissioners, for their Cabinets, for the DGs and for the services including the Secretariat-General.

However, there are some misgivings when it comes to the implementation of the structure in practice, which is in some respects 'messy'. For instance, the **lack of direct access of Vice-Presidents to DGs** has created some tensions with their line Commissioners. Moreover, the process costs involved in the organisational structure are high in terms of creating more bureaucracy. Indeed, time is lost in the coordination process and decision-making has become more cumbersome and less clear.

But ultimately, the final judgment on Juncker's 'political' Commission will depend on the level of confidence that all actors, including the DGs and services, have in the new organisational structure at the end of this Commission's mandate in 2019.

This leads to the final question: Will the new organisational structure with the system of project teams continue to exist in future Commissions? Some core elements of the new organisational structure will probably remain. The project teams of Commissioners with coordinating Vice-Presidents and the work across silos are likely to last because they enable the College to be efficient with any number of Commissioners while maintaining the representation of each country. The mention to the 'First Vice-President' in the recently agreed Inter-Institutional Agreement on Better Law Making reveals that his function is also likely to stay. In any case, the new Commission President will adapt and shape the structure to his/her own management style. The current organisational structure is very much connected to Commission President Juncker. He is undeniably a 'more political' President himself due to his political experience as Prime Minister and EU insider and due to his closer link to the European Parliament through the *Spitzenkandidaten* process. His personal background has formed his political ambitions, which he has integrated in his new organisational structure. The next Commission President will make his/her own judgment about whether he/she wants to pursue this 'Juncker approach' or whether he/she wants to come up with something else.

In the end, it is not a question of whether the new organisational structure will stay as it is or not. It is also a direction of travel. We could continue to experience and if we think that 'it sort of works', we can ask ourselves: how much further can we take the experiment?



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