

Notre Europe

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The *Enlarged* European Commission.

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Notre Europe

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Foreword

It cannot be overstated: the enlargement that took place in May 2004 was a key step in the European Project. Not only because it resulted in a near-complete reunification of the European sub-continent, but also because it has brought significant changes to the Union's processes and its goals. Unlike the enlargements that came before, this one cannot be regarded as a simple, routine operation. The differences – be they economic, social or political – between the old and new Member States are considerable. The number of newcomers, and the fact that some of those were small countries, has meant that the mechanical adjustments that it was possible to carry out during previous enlargements were this time inadequate.

This is certainly not a new problem: it featured in the first round of institutional discussions following the failed reform attempts in Amsterdam, and were the focus of a great deal of attention when the draft constitution was being drawn up. Until now, however, it has only been approached in a rather dry fashion; how many Members should the Commission comprise, the distribution of Council votes, seats in Parliament, and so forth. Indeed, the dynamic implications of enlargement have barely been discussed, either in terms of the internal functioning of each institution or of the relationship that might transpire between them. Whilst the question is an important one for each of the institutions, it has a particular resonance for the Commission, firstly due to its role as the driving force in the Community system, and secondly because, unlike the other institutions, the Commission's working methods, and in particular the collegiality principle, might be jeopardised by a badly handled enlargement process.

Notre Europe therefore asked Professor John Peterson, who has written a number of articles on European governance, to reflect on the implications of enlargement for the Commission. The analysis that he gives us in the following pages is stimulating in various ways. He rightly points out that the more heterogeneous Europe becomes, the greater the need for a conductor who can coordinate what each section of the orchestra is playing. This may appear obvious, yet the intergovernmental spirit that has prevailed for a number of years demonstrates that it is nothing of the kind.

Regular readers will undoubtedly be surprised at the uncompromising language. Not everyone will agree with Professor Peterson's conclusions, in particular his enthusiasm for the open method of coordination. They will, nonetheless, acknowledge that in this uncertain period in Europe's history, it is essential to reflect on how we can ensure the sustainability of the Community system. This study represents the first high-quality contribution to this debate; there will be others.

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Introduction

It will be years before anyone can come to definitive judgements about the impact of the 2004 enlargement on the European Union (EU). Still, it is difficult to exaggerate its potential to change all that the EU is and does. If we look for close analogies in the enlargement of other international organizations, we come away empty-handed. To illustrate: trade officials commonly acknowledged that China's accession to the World Trade Organization in 2001 would be like "no other enlargement" of the WTO. But even admitting a state with a market of 1.3 billion consumers whose language was not an official WTO working language did not come close to posing challenges on the scale of those associated with the EU's 2004 expansion. Simply in terms of numbers, the WTO would have to have admitted around 90 new states alongside China to stand comparison to what the EU did on 1 May 2004.

The negotiations on the Union's Constitutional Treaty showed that highly politicised disputes, particularly over representation in the EU's institutions, were endemic to the 2004 enlargement. Created for 6 member states, the EU's institutions have changed remarkably little since their creation in the late 1950s (see Peterson and Shackleton 2005). Arguably, the European Commission is the EU institution that is most unchanged from what it was more than 50 years ago when it began life as the High Authority of the European Coal and Steel Community. In theory, the 2004 enlargement might be seen as less problematic for the Commission than for other EU institutions, since it is meant to represent the common, "supranational" interest. By this view, enlargement would be more traumatic for the Council of Ministers or European Council – or even the European Parliament (EP) – where national interests must be represented and reconciled.

Yet, the Commission fell on hard times in the years preceding the 2004 enlargement. Its power and influence has always fluctuated. Most historians consider it to have been a source of true political leadership only twice: during the Presidencies of Walter Hallstein (1958-67) and Jacques Delors (1985-95). Even both of these Presidencies ended with most member states wanting a less activist Commission, and appointing new Presidents who were less ambitious. The Commission under Delors' successor, Jacques Santer, accomplished more – such as the transition to the Euro – than is often appreciated. Nevertheless, its mass resignation in 1999 amidst charges of maladministration and nepotism marked a low point for the Commission. Most EU watchers agreed, even years later, that the Union risked permanent institutional imbalance because of "the weakness of a Commission that has not fully recovered from the trauma of the Santer resignation" (de Schoutheete and Wallace 2002: 17).

The appointment of the former Italian Prime Minister, Romano Prodi, as Santer's successor did not categorically change the Commission's fortunes. A typical assessment of the Prodi Presidency was that "the decline of the Commission, evident since the early 1990s, has continued...and there seems little possibility that the situation will be reversed" (Kassim and Menon 2004: 102). Even as he launched a bid to succeed Prodi, Chris Patten acknowledged a sense of "unremitting gloom in the Commission".



Thus, enlargement might be seen as particularly disturbing for the Commission because it was already so weak. It may even have contributed to its own decline. Alongside internal reform of the Commission, enlargement was the most obviously successful project of the Prodi era. Yet, while the Commission did a yeoman's job on enlargement, it could end up even weaker and more incoherent than it already was in the New EU of 25 plus.

This paper offers a very early, and inevitably speculative, assessment of the effect of enlargement on the Commission. However provisional, it challenges the assumption that enlargement will make a weak Commission even weaker. While expectations of Prodi's successor, the former Prime Minister of Portugal Jose Manuel Barroso, fluctuated wildly in the weeks and months after his appointment, there was cause for hope that his would be a better-run Commission with good political antennae and communication skills. While the assimilation of officials from 10 new states – and their languages, habits, and so on – will certainly test the Commission, there are reasons to think that enlargement could bring fresh dynamism and a sense of renewal to the Commission.

I – DECLINE OR RENEWAL ?

Getting a clear view of the Commission's present position starts by admitting that the Commission has far more work to do of greater importance now than ever before in its history. One of the few apparent certainties about globalization is that it continues to induce the shift of more and more eclectic policy tasks to the European level, thus making the Commission a formidable player in European, and even global, public policy debates. By way of illustration, after he was chosen by Barroso as Commissioner for External Trade, it was common to hear the view that Peter Mandelson would wield more power in his job than perhaps 20 or so Prime Ministers heading EU governments did in their's.

Our view of the position of the Commission also risks distortion when we compare it to those of other EU institutions. For example, there is no doubt that the EP is a far more powerful institution now than it was, say, in Roy Jenkins' (or even Delors') days in Brussels. The Parliament has "gained a greater ability not only to hold the Commission more accountable, but also to get the Commission to do things it would not otherwise do" (Stacey 2003: 951). Yet, it does not follow that the Commission is less powerful than it was in the days of a weak, emaciated EP. The European Union and, by extension, the Commission are more powerful now than ever before in the post-war history of European integration.

As such, it might seem uncontroversial for Prodi, in his first days in post, to call the Commission a kind of "European government" and himself a "European Prime Minister". Yet, the political backlash provoked by these claims, along with a series of other early gaffes, meant that any political capital that he exercised as Santer's successor was gone very quickly. By the end of Prodi's term, few argued that the Commission had undergone any kind of renaissance, even if it had handled a buoyant policy agenda (mostly) with skill and professionalism.

Under Prodi as under Santer, three basic problems remained endemic to the Commission as an administration. First, the Commission suffered from an acute communication problem. It was notoriously bad at explaining to ordinary people why it existed and did what it did. It often showed little tolerance for any suggestion that European integration was not a good thing in all circumstances.

The problem started at the top under Prodi, who allotted himself no specific policy responsibilities (unlike Santer) and instead sought to concentrate on giving overall Presidential direction to the Commission. Yet, many of Prodi's initiatives fell flat because their rationale was poorly communicated. Typical was Prodi's last major project: a blueprint entitled Building a Political Europe, which argued for a maximalist political union with a European tax, minimum wage, and pan-European parties, all built around a "mobilising myth". At first, the report was buried by the Commission, whose spokespersons refused to answer questions on it after it was published (presumably, by mistake) on the web-site of the Commission's delegation to Australia and New Zealand. Subsequently, the Commission had both to acknowledge the report's existence and then quietly drop it.

Despite Prodi's efforts to steer the Commission politically, collegiality within his College was notoriously weak. The moving of Commissioners' offices out of the central Breydel building, so that Commissioners were sometimes literally sitting atop the Directorate-General in their policy area, made for a Commission that was unusually ministerial – as well as industrious and dossier-focused. But it also lacked collective voice or identity.

A second, and related, problem was political: much of Europe's political class seemed to have abandoned the idea of a strong, dynamic Commission. By the end of the Prodi Commission, it was difficult to think of any leading political figure from any large member state (perhaps aside from Joscha Fischer) who had shown themselves willing to take political risks to defend the Commission and the EU more generally since the days of Helmut Kohl. Kohl's successor, Gerhard Schröder, did not hesitate from attacking the Commission as "one-sided Brussels bureaucrats". In France, the centre-right under President Jacques Chirac swept to power in 2002 on a pledge to delay a planned reduction in the French public budget deficit, thus putting France (together with Germany) foul of the Stability and Growth Pact that the Commission was duty-bound to enforce. Despite its apparent pro-Europeanism, few EU governments engaged in as much Commission-bashing as the United Kingdom's (UK) under Tony Blair. It was hard to imagine that any government in Germany, France or the UK would ever find such attacks to be domestically unpopular, since polls in all three consistently found public trust in the Commission to be low. For example, only 39 per cent in Germany reported that they "tended to trust" the Commission, (down from 62 per cent in 1990) while barely more than 25 per cent said the same in the UK.¹

Third and finally, the Commission had "plumbing problems": it tended to leak money and work inefficiently. Clare Short (2000), the UK Development Minister, famously called the Commission "the worst development agency in the world", describing its aid programmes as "an outrage and a disgrace". To be fair, there was little evidence that the Commission was uniquely inefficient among public administrations in Europe. Nevertheless, the Commission's most intractable problems may relate to its plumbing.

One example illustrates how even reasonable repairs can themselves create new problems in an institution as complex as the Commission. Incensed by its handling of the "mad cow" disease crisis in the late 1990s, the EP launched the Committee of Independent Experts (1999) report into allegations of fraud and mismanagement in the Commission. The report mostly trod over old ground but its devastating charge that "it becomes increasingly difficult to find anyone with even the slightest sense of responsibility" made new financial management and control arrangements inevitable. A new administrative code unveiled by the Commissioner for Administrative Reform, Neil Kinnock was more decentralised, making Commission officials responsible for authorizing projects also more responsible for approving expenditure on them. But Commission officials were also made more directly responsible for maladministration or

1 From annual Eurobarometer polls (including number 61 from spring 2004) available from: http://europa.eu.int/comm/public_opinion/index.htm.

fraud, thus making many less concerned about the effectiveness of the programmes they were running than with avoiding any risks.

Beset by these multiple problems, the Convention on the Future of Europe and subsequent intergovernmental conference (IGC) came at awkward times for the Commission. As the Convention began, many officials believed that the Commission was in danger of losing its most important power: its monopoly on the right of legislative initiative. When and if the Commission lost that prerogative – according to this thinking -- it would become a cross between a think tank and a weak quango.

One consequence was that the Commission became defensive and combative in debates about institutional reform. Its 2001 White Paper on European Governance stubbornly and repeatedly argued that the solution to nearly all of the EU's problems was "strengthening the Community method", in which the Commission retained the sole right of initiative. Only with great reluctance did the Commission admit that new methods, such as the so-called Open Method of coordinating national policies in areas previously untouched by European integration, might have value (see below). Its dogmatism about the Community method suggested that the looming debate over institutional reform was viewed within the Commission as a moment of truth, and a time of "make or break for the Commission as we know it" (Stacey 2003: 952).

In the event, the Constitutional Treaty mostly preserved the Commission's right of initiative and even extended the use of the Community method. Two of the most significant proposals contained in the Commission's own White Paper on the Convention ended up in the Constitutional Treaty. First, the EU's new Minister of Foreign Affairs was made a member and Vice-President of the Commission. Second, the EU's thicket of legislative procedures was considerably simplified.

Against this backdrop, Barroso was chosen to replace Prodi. The immediate response of many in Brussels was disappointment: Barroso appeared to be every EU government's second or third choice for the post. Yet, few recalled that much the same had been said about Delors when he was chosen in 1984. In any case, Barroso defied initial expectations by deflecting Franco-German demands that their (one, reduced from two) appointees be designated "super Commissioners" with especially weighty portfolios, insisting that his college would be responsive to his own, strong, Presidential direction. Barroso also tried to make a virtue of necessity. Lacking the run-in of six months that Prodi enjoyed due to the Santer Commission's early resignation, Barroso worked swiftly and in secrecy to design the composition of his Commission, unveiling it much sooner than expected and thus minimising the lobbying opportunities of national capitals.

In key respects, the strategy backfired. After first offering the powerful Justice and Home Affairs (JHA) portfolio to the French nominee, Jacques Barrot (who turned it down on the grounds that he wanted an economic job), Barroso took the politically ill-judged decision to assign the portfolio – which included civil liberties protection – to the Italian nominee, Rocco Buttiglione. After Buttiglione aired his ultra-conservative views on homosexuality (calling it "a sin but not a crime") and women at his confirmation hearing, the EP's civil liberties and JHA committee voted to reject his candidacy. A majority of MEPs became determined to deny

Barroso's Commission a positive vote of investiture unless Buttiglione was either dropped from the College or shifted to a less important portfolio.

Barroso tried to appease MEPs by delegating Buttiglione's civil liberties duties to a committee of other prospective Commissioners. Yet, opinion within the EP did not measurably shift. Barroso then made things worse by insisting that he was "absolutely convinced" that his Commission would be approved and that only "extremist" MEPs could possibly vote against it.² Ultimately, he had little choice but to withdraw his team from consideration at virtually the last minute in order to avoid its rejection by the EP.

Barroso's political instincts seemed to return to him in subsequent weeks. He was helped by Buttiglione's decision to stand down, as well as by the collapse of a government in Latvia whose nominee to the College, Ingrida Udre, was dogged by allegations of corruption.³ Fresh nominations were offered by Rome, which put forward Italy's respected Foreign Minister, Franco Frattini, and Riga, which opted for a top career official, Andris Piebalgs. These changes allowed Barroso to move the Hungarian nominee, Laszlo Kovacs, who had seemed out of his depth as Energy Commissioner, to the less weighty Taxation portfolio.

Socialist MEPs continued to insist that the potent Competition portfolio be taken away from Nellie Kroes, the liberal Dutch nominee with extensive business connections to firms whose activities she potentially might need to police. Yet, Barroso fought off the pressures, claiming (plausibly) that any further reshuffle would revive demands for "super Commissioners". In the event, the new look College was overwhelmingly approved, by 449 votes to 149 (with 82 abstentions), allowing Barroso to claim that "we have come out of this experience with strengthened institutions",⁴ including, of course, an emboldened EP.

The investiture vote did not end the EP's hounding of the new Commission. Barrot came under pressure even as he took office over revelations of a previous conviction for embezzlement. Eurosceptics MEPs revelled in asking "Would you buy a used car from this Commission? The answer simply must be no".⁵ Still, regardless of Barrot's fate, it was difficult to deny the claim of a leading MEP that the Barroso Commission Mark II was "a better Commission" with a chance, at least, of "a bright future".⁶ Of course, it was also easy to expect too much of Barroso, not least because of the challenge posed to the Commission by its need to digest the EU's enlargement.

2 Quoted in Financial Times, 22 October 2004, p.1.

3 See the profile of Udre in European Voice, 21-7 October 2004, p.10.

4 Quoted in BBC News, "MEPs approve revamped Commission", www.newsvote.bbc.co.uk (accessed 19 November 2004).

5 The UK Independence party MEP, Nigel Farage, quoted by BBC News Online, <http://news.bbc.co.uk/1/hi/world/europe/4023251.stm> (accessed 22 November 2004).

6 Liberal EP group leader Graham Watson, quoted in European Voice, 10-17 November 2004, p.2.

II – AN ENLARGED COLLEGE

To his credit, Prodi gave considerable thought to how the Commission might work after enlargement. Even before the Convention's proposed slimmed down college of 15 was rejected in the IGC, and it was agreed that each member state would appoint one Commissioner (at least until 2014), Prodi floated plans for a new inner cabinet of ten Commission vice-presidents, with other Commissioners relegated to supporting roles. The hope was to establish the inner cabinet as a template for an enlarged college of 30 members (with one from each accession state joining the EU-15 college of 20) after 1 May 2004. Yet, in another sign of Prodi's weakness, the proposal was opposed by most EU member governments, especially those of smaller states, as well as by Commissioners including Kinnock and Patten, and was quietly dropped.

Barroso thus was mostly free to design his own college, even if his choices were narrowed by several constraints. One was the need to avoid the malfunctions of the Prodi Commission. Barroso insisted that he, unlike Prodi, would lead from the front and be involved in actual policy. Specifically, Barroso announced that he would personally chair two groups, or "clusters" of Commissioners working on external relations and economic reform. These and other clusters of Commissioners – on competitiveness, equal opportunities and communication – were designed to ensure that his Commission genuinely performed as a team. Barroso signalled that he wanted actual policy decisions to be made within the clusters, in contrast to the "Groupes" of Commissioners formed by Santer which almost exclusively exchanged information (see Peterson 1999: 57).

Second, Barroso took steps to solve the Commission's communication and plumbing problems. To try to close what he called the "communication deficit", Barroso appointed Margot Wallstrom – a success story under Prodi as Environment Commissioner – as the first vice-president ever in the Commission's history for communication strategy and institutional relations. Barroso made it clear that Wallstrom would be his second in command and deputise for him when necessary. Wallstrom thus was in a position to be the most powerful Vice-President ever in the Commission's history, with a mandate to scrutinise how other Commissioners (and their spokespersons) communicated with the world beyond Brussels and interacted with other EU institutions.

Barroso also split the budget portfolio, creating a new post of Audit Commissioner and appointing a second Commissioner for financial planning. His choice for Audit Commissioner (and another Commission Vice-Presidency), Siim Kallas of Estonia, was a former Prime Minister, Finance Minister, Foreign Minister, and President of the Central Bank in his home country. Dalia Grybauskaitė, formerly Lithuania's Minister for Europe, was given responsibility for financial planning.

Third, Barroso tried to assure national capitals that he would listen to them without having choices about his Commission dictated to him. The German Commissioner, Gunther Verheugen, was re-appointed (after ably handling enlargement under Prodi), named as Vice-

President, and given an expanded enterprise and industry portfolio. France's Barrot was also made a Vice-President (as was Italy's Fratinni) but eyebrows were raised when Barroso assigned him the seemingly secondary Transport portfolio. However, careful observers noted that it had the fourth largest budget of any portfolio and featured prominently in the so-called Lisbon strategy for economic reform (Maurer et al. 2004: 3; on Lisbon, see section 4 below).

While the UK's Mandelson was given the external trade job, the other two most prized economics portfolios – competition and internal market/services – were given to liberals from small states: (respectively) the Netherlands' Kroes and Irishman Charlie McCreevey. The respected French MEP, Jean-Louis Bourlanges, was not alone in condemning the Barroso Commission's "peripheral, liberal, and Atlanticist" bias.⁷ Yet, Barroso had to strike a fine political balance, between standing up to large member states and coaxing them to work with him. In any case, Barroso sent a strong signal that he would seek allies, including with small EU states, wherever they might be found.

Finally, Barroso's college had to reflect the new political reality of an EU of 25. The agreement that each state would appoint one Commissioner made the size of the college manageable (at least more so than a college of 30) and eliminated any need to create "micro-portfolios" to ensure there were enough jobs to go around. Yet, the notion that all Commissioners were equal became a practical fiction. As recent research has shown, if Commissioners from large member states tend to be more successful or powerful, it is less because of blatant political activism by their national capitals than because they tend to operate in wider networks of contacts (Joana and Smith 2002). Nevertheless, few pretend that a Commissioner from Malta could ever carry the same weight as one from Germany.

To their credit, the 2004 accession states mostly appointed leading members of their political classes to the college: four of the 10 original "shadow" Commissioners (appointed without portfolios in May 2004) were former Foreign or Finance Ministers, and another two were former European affairs ministers. Of three new Commissioners then appointed to the Barroso Commission, one (Kovacs) previously served as Foreign Minister, another (Vladimir Spidla of the Czech Republic) was a former Prime Minister, and a third (Piebalgs) had been Latvia's ambassador to the EU. Thus, most "accession Commissioners" had in-depth knowledge after helping to negotiate their country's accession to the Union.

Regardless, new and interesting questions arose about how the 2004 enlargement might change the Commission. Would accession state Commissioners effectively become national representatives of new, inexperienced, and vulnerable states in EU policy debates? Or would they take pains to be "true Europeans"? Would the new 10 engage in collective action to defend the interests of new, poorer, and (mostly) smaller states? Or not? Would they be able to stamp their authority on the Commission's services? Or would the Directorates-General tend to defy their wills more often than those of EU-15 Commissioners?

7 Quoted in Euractiv.com, "Barroso wants to marginalize Franco-German 'motor', says Bourlanges", 3 September 2004, www.euractiv.com (accessed 18 September 2004).

Even if such questions can only be answered in time and after careful research, two early impressions were widely shared about the accession Commissioners. First, many insiders were impressed by their enthusiasm and work ethic. The comment of David Byrne, the Irish Commissioner for consumer affairs under Prodi, was typical: "It will knock a lot of people back on their heels to see how enthusiastic, committed, and knowledgeable a lot of these...people really are". Second, early signals that Barroso's Commission would pursue a strongly reformist agenda were echoed in claims, such as that by Grybauskaite, that Commissioners from the newest EU states would usually "be on the side that is most supportive of reforms because we know what it means not to do that, and we are not afraid of doing it".⁸

⁸ Both quoted in Financial Times, 29 April 2004, p.9.

III – ENLARGING THE SERVICES

In key respects, the effects of the 2004 enlargement on the Commission's services, or Directorates-General, were always clearer than its effects on the college. For example, enlargement was set to lower the age profile of the Commission, perhaps dramatically. By 2004, the average age in the services was around 50 (down from 52 prior to the Kinnock reforms). However, it was not unusual to find senior officials in the (say) Slovenian or Latvian civil services in their early 40s or even late 30s.

The first set of applications from accession states for positions in the Commission suggested that most incoming officials would have good academic profiles and linguistic skills (many speaking 3 or 4 EU languages). Many had experience of working with other European administrations: either the Commission in the enlargement negotiations or national EU-15 civil services with whom accession states were twinned via the PHARE programme.⁹ Case study evidence suggested that the more officials from the accession states interacted with the EU, "the more they like[d] it" (Drulák et al. 2003). Some old hands in the Commission took the view that, based on the experience of past enlargements, increased cultural diversity within the services might actually make its working culture more distinctive and its attitude more cohesive.

At the same time, integrating officials from the accession states into the Commission was never likely to be free of problems. There were few women applicants in the first group of applications, a surprising result given the large number of women ministers in the new 10 (four of the first 13 accession state Commissioners were women). The linguistic consequences were a nightmare: the designation of an additional 9 languages as official Community languages meant that the number of potential language combinations increased from 110 to 380. No Commission proposal could become law unless it was translated into a total of 20 languages (including micro-languages such as Maltese and Latvian). Meanwhile, deserving candidates for Commission posts from the EU-15 were likely to find their ambitions frustrated for years to come.

In any event, a period of considerable adjustment was ahead for the services. The Commission had somehow to digest quotas set for each of the accession states, which meant a total influx of 3900 officials by 2009. However, early indications were that the Commission was likely to attract the cream of the crop from accession states. It was plausible to think that enlargement would infuse the services with a dose of extra youth, energy and vitality, and help dispel the "unremitting gloom" of the Santer and Prodi eras.

⁹ I am grateful to Commissioner Neil Kinnock for sharing basic data, as well as his own impressions, on the first applications from accession states.

IV – THE COMMISSION IN THE NEW GOVERNANCE

Amidst all the upheaval caused by the 2004 enlargement, it was easy to forget that the accession 10 were joining a considerably different EU than the one to which most initially applied. As Fritz Scharpf (2001) has argued, an important measure of the success of European integration has been the emergence of new and powerful demands for market-correcting policies (not market-creating ones). These demands arise from the effects of integrated European markets on policies that are not themselves EU-based, such as pensions, health and taxation systems. Problems in these areas are often manifest in very different ways in different member states – and were so even before the 2004 enlargement – and thus are not amenable to traditional EU legislation.

One logical response has been the creation of new European regulatory agencies (see Majone 2002; Flinders 2004). Examples include the European Environment Agency and the European Food Authority, which handle new and highly dissimilar policy tasks such as the regulation of medicines or monitoring of pollution flows. These tasks have been shifted to the European level, but often without an increase in the competence of the EU itself.

Another response has been the Lisbon process, which mainly relies on the Open Method and its various accoutrements – benchmarking, league tabling, and peer pressure – to try to persuade EU member states to reform their national economic policies. Lisbon's headline goal is to give the EU the most “dynamic economy in the world” by 2010. In practice, it mostly promotes the exchange of national experiences and encourages policy learning. Sometimes, attempts are made to try to converge (voluntarily) national policies. Yet, the replacement or alteration of national policies via new Community legislation is generally shunned. Usually, the role of the Commission is confined to monitoring national performances, constructing league tables, and commenting on the effectiveness of state policies. Where the Open Method is employed, the Commission lacks the trump card that it wields under the Community method: its monopoly on the right of initiative.

As the Commission often points out, the Open Method has clear disadvantages, including legal uncertainty and lack of transparency. As a high level group led by the former Dutch Prime Minister, Wim Kok, concluded in 2004, the Lisbon strategy has little hope of achieving its headline goal by the end of the decade, although for a variety of reasons (and not just the slowness of the Open Method).¹⁰ Yet, the Open Method may still turn out to be the most logical method for moving cooperation forward in areas where the EU lacks competence, national administrations have little tradition of exchange, and national policy problems are unlike .

10 See Report from the High Level Group chaired by Wim Kok, Facing the Challenge: the Lisbon strategy for growth and employment, November 2004, available at: http://europa.eu.int/comm/lisbon_strategy/index_en.html.

There is no question that the EU needs, and will continue to need, new policy methods to cope with the new, modern, and often uneven trajectory of European integration. A good shorthand for describing the new European Union is that it is becoming increasingly polycentric, or fragmented into more and more diverse centres of decision-making and control. To illustrate the point, there is often very little in terms of shared methods or objectives that link together disparate EU activities in (say) agriculture, monetary union, or anti-terrorism. The implications for the Commission are not necessarily disastrous. But the Commission must adapt to the new EU, and cannot expect to play its traditional role in all EU policy areas.

A good example is the European Security and Defence Policy (ESDP), in which the Commission has been thus far minimally involved. The EU itself is moving ahead rapidly: by the standards of Brussels time and starting from a position of atrophy (sometimes extreme) in military capabilities, enormous progress has been made on defence cooperation in the past few years. No one argues that the Community method could ever apply to the ESDP. But it is notable that most progress on defence thus far has been via some variant of the Open Method.¹¹

As an illustration of the new polycentricity, consider the innovations in the Constitutional Treaty that most directly touch on ESDP. First, structured cooperation – sub-groups of member states organising cooperation amongst themselves – will become easier to trigger. Amongst the tangible results are likely to be as many as 11 “battle groups”: specialised and rapidly deployable multinational military units integrating the forces of selected EU states with special capabilities in (say) desert or jungle fighting or responding to a chemical weapons attack. Battle groups are a potentially serious step towards enhancing Europe’s military capability, and thus the EU’s international profile. However, the Commission will only be a late arrival – via the EU Foreign Minister – at this particular garden party.

Second, the new European Defence Agency (EDA) brings, for the first time, cooperation on arms production and procurement within the EU’s Treaties. This step is another potentially dramatic one, itself reflecting the perceived urgency of reversing Europe’s military decline. EU Defence Ministers have been designated the Board of Directors of the EDA, which will be chaired by the EU’s new Foreign Minister.

Third, the EU Minister for Foreign Affairs – almost certainly Javier Solana in the first instance – will also be a Vice-President of the Commission, and could end up being immensely powerful. To make a general point (using loaded terms), EU member governments have combined, for the first time, the intergovernmental and the supranational in one individual. Depending on precisely where Solana makes his institutional “home”, the EU Foreign Minister will be able to draw on the resources of both the Council and Commission, and be in as strong a position as any European official ever has been to convince and cajole national governments to contribute resources, including military resources, to common projects.

¹¹ This section draws heavily on an extremely perceptive analysis by Howorth (2004).

We have offered an extreme example – defence – to make several points. One is that even in areas where the Commission seems entirely sidelined it can find itself gradually assuming major duties. A second is that the sluggishness of the Lisbon process does not mean the Open Method cannot work elsewhere, and make urgently-needed cooperation possible where the application of the Community method would be politically unimaginable. A third is that despite the Constitutional Treaty's attempts to simplify European governance, the development of ESDP suggested that the trend towards ever more complexity remains uninterrupted, and that the Commission must adapt itself to it.

Incidentally, there is an interesting enlargement angle to ESDP. Most of the 2004 accession states are determined to be seen to be contributing to the EU's capacities for crisis management or humanitarian intervention. Several (especially Baltic) states created armed forces specifically for this purpose. Thus, European defence involves more than just the strutting of great European powers, and is an area where today's accession state officials might end up playing prominent roles in tomorrow's Commission.

The EU generally, and Commission specifically, will continue to become involved in new policy areas that are subject to new modes of governance: the imposition of overall direction or control on the allocation of valued resources. Some of these modes will depend on voluntary performance standards more than compulsory regulation. Cooperative agreements will need to be decided within networks of interdependent actors rather than imposed via hierarchies (see Le Galès and Thatcher 1995). In these circumstances, the Commission can be an honest broker, a manager of exchange, and source of fresh ideas. It cannot remain stubbornly insistent on the Community method, or insist that no policy proposal is legitimate unless it is one generated by the Commission itself. To continue to maintain – as the Commission itself and some scholars often still do (see Maurer et al. 2004) – that further progress in European integration is possible only if the Commission acts as an “engine of integration” is to remain trapped in the past.

On one hand, it can be argued that the EU's current “crisis of governance” (Eberlein and Kerwer 2004: 135) is partly, even largely, a product of the Commission's refusal to accept that the Community method cannot be extended to every new area of European integration. Parts of the Commission (especially its legal service) and some member governments continue to insist that the Commission itself must do a lot of “rowing” in EU governance instead of shifting towards more “steering”. On the other hand, research by Liesbet Hooghe (2001) reminds us that the Commission is, after all, made up of individuals. Many are keen to move away from a classical federal prescription for the EU, and instead to experiment with more fluid, less hierarchical, and more inclusive types of network governance.

Even before enlargement, there were many reasons to think that a new Network Europe (Leonard 1999), featuring steadily more, and more intensive, cooperation within networks of national agencies, was the future of the EU. If so, the Union's institutions – including the Commission – need to embrace more collective types of leadership. The Constitutional Treaty gives the clearest political signal ever that the EU must embrace new modes of governance via its injunction (in Article 18) that its institutions should “practice full mutual cooperation”.



Especially in an enlarged EU, a Network Europe is one to which the Commission is uniquely placed to contribute. It will rarely exercise tight control over new cooperative networks. But it will logically be at the centre of many of them and in a unique position to judge the terms according to which cooperative bargains can be struck. The EU has never needed a honest broker more than it does now, and will do in future.

Conclusion

No definitive judgement on the EU's recent enlargement will be possible until years from now. Only then will we be in a position to answer the question – apt and still unanswered – that dared not speak its name after May 2004: that is, whether the 10 accession states were truly ready to join when they did. By the same token, the ability of the Commission to adapt to enlargement remains a largely open question.

However, future historians might well conclude that the 2004 enlargement ended up giving the Commission fresh doses of sorely-needed vigour and vitality. In fact, the Commission may have a comparative advantage, compared to other EU institutions, in coping with enlargement. To illustrate the point, the European Parliament was faced with difficult choices when accession state MEPs began to demand that Commission proposals tabled before 1 May 2004 be translated into their own languages. The EP's administration scrambled to decide which proposals to translate into which languages, by whom, and who would pay. One EP insider described the matter as a “nuts and bolts discussion that is far more politically sensitive – these are elected MEPs, after all – than it is for the Commission”.¹² For its part, the Council of Ministers, in all permutations from European summits to the lowest-level Council working group, would obviously be profoundly challenged by the need to negotiate with 10 or more additional members.

Clearly, the Commission makes very little of its own luck. Its fate under Barroso, as under Delors (see Ross 1995), will be tied up with factors almost entirely beyond its control, including the ratification (or not) of the Constitutional Treaty, political developments in the Balkans, Iran and Russia, or the Euro-attitudes of the next British, French and German governments. Even if the 2004 enlargement had never happened, the Commission would face powerful pressures to become a different kind of administration, and one that resembled the old “engine of integration” version far less than in the past. In all of this, enlargement has the potential, at least, to renew and refresh the Commission, and to help it play a more powerful, independent, and constructive role in the new European Union.

¹² Personal correspondence, September 2004.

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