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What the European Parliament should ask of future Commissioners

The four challenges facing the new European Commission

Sworn in on 18 July by a vote of the European Parliament, the President of the Commission, in accordance with the Treaty on European Union, presented the line-up of her new College on 17 September, based on the candidate Commissioners nominated by the Member States. After the hearings of the interested parties by the relevant parliamentary committees at the beginning of November, the college will have to be approved by Parliament in a global vote thereby officially ratifying it.

A number of questions were raised after this presentation, particularly following the publication of the mission letters addressed to the candidate Commissioners by the president, which anticipate the ambitions and functioning of the future Commission. This study attempts to summarise and contrast them against the challenges the latter will have to face.

Ursula von der Leyen has placed her team under the slogan '*Security, Prosperity, Democracy*'. She says she wants a Europe that is '*closer to its citizens*' and to the grassroots, more '*flexible and faster*', that '*gets off to a flying start on day one*'.

The Union faces four major challenges and the von der Leyen II Commission: the governance of common institutions, their international action, their economic policy and the place given to standards and constraints.

I - THE CHALLENGES OF A COMPLICATED GOVERNANCE

The governance of common institutions deserves careful attention. Not all the criticisms generally levelled at it are unjustified. It is time to adapt the administrative structures to the particularly rapid changes found in the challenges and expectations expressed vis-à-vis the European Union. The Commission's President-designate says she wants this. The European Parliament will have to rise to the challenge and conduct hearings that are just not confined to the people appointed as Commissioners.

And what about 'executive vice-presidents'?

It was the Juncker Commission that, on the initiative of several think-tanks, including the Robert Schuman Foundation, came up with the idea of introducing 'super-Commissioners' responsible for supervising the action of the College in major sectors. The idea was to take account of the necessary reduction in the number of Commissioners provided for in Article 17 of the Treaty on European Union (TEU), which had been suspended by the European Council. Indeed, as Valéry Giscard d'Estaing, then President of the European Convention, pointed out, there are not as many Community competences as there are Commissioners, and it is legitimate to question the reality of the content of some of their portfolios.

Originally, the Vice-Presidents had authority over other members of the College, and, around the President, they formed a small group responsible for defining the main lines of the Commission's work. This approach no longer seems to be the case. They now have authority over only a few Directorates-General and departments, and their influence is uneven. Some Commissioners, former members of the College who are also losing their position as Vice-President (Valdis Dombrovskis, Maros Sefcovic), will report directly to the President and, because of their experience, will have a more decisive role than others.

How will the Commission express itself publicly? Will they speak officially in place of the Commissioners in charge, or with them? How will the 'restricted executive' they form with the President function? Will they have a pre-eminent role here or in the departments?

There has also been a great deal of discussion within the Parliament and the European political parties about the political distribution within the future College, with some - the Socialists - complaining that they are under-represented. Did the choice of Executive Vice-Presidents take into account the results of the European elections? Have the Vice-Presidencies been allocated on the basis of political criteria rather than operational needs?

Still too many Commissioners with ill-defined functions

The introduction of new portfolios raises a number of questions. Will a Defence Commissioner, who is also a former Prime Minister of his country, be content to work on defence industries, or will he see his role as a veritable quasi-minister of defence? Initial statements by Andrius Kubilius, former Prime Minister of Lithuania, suggest that he intends to define his role broadly. Is this the right way to convince Member States to cooperate more in this key sector? What will his relationship with the High Representative be like, given that this is her primary function? Defence should normally be placed under her authority, but Ursula von der Leyen has chosen to place it directly under her own.

A number of other portfolios raise questions and are likely to be the focus of the hearings in the European Parliament.

For example, what will the actual powers of the Commissioner for Housing or the Commissioner for Demography be, two areas of competence that are not really covered at Community level?

A few very cosmetic approximations confirm the diagnosis. The former Belgian minister, Hadja Lahbib, is responsible for 'preparedness', which can be translated as 'prevention', and crisis management, but also for equality between men and women and non-discrimination, two rather distant areas of competence.

The powers of First Vice-President Teresa Ribera Rodriguez, described as the most powerful woman in the Commission, are open to question. Officially responsible for overseeing the application of the Green Deal, she has authority over the powerful DG COMP responsible for competition, an exclusive competence of the Union which is in the process of being reconfigured, by dint of exceptions and questioning in the face of the imperative of economic sovereignty. Will it succeed in taking into account and respecting the majority opinion within the Member States in favour of this clean energy?

Furthermore, aren't there too many somewhat disparate portfolios, bringing together skills that are far removed from each other, or designations that are more nominal than real?

How will the President, who intends to oversee the work of all the Commissioners, organise the sharing of tasks and responsibilities? Parliament will be entitled to ask for clarification in this respect, since the members of the College are also expected to work as closely as possible with the relevant parliamentary committees and to be attentive and extremely active in Strasbourg.

From this point of view, Thierry Breton's sudden resignation is cause for concern. There may have been points of criticism, but not in terms of its effectiveness and results. Could this be a sign of incompatibility with

strong personalities, which would explain the choice of more discreet Commissioners? Does this not herald potential dysfunction within the College and in the public expression of the Commission?

Shouldn't a close inspection of the mission letters sent by the President to her Commissioners provide Parliament with an opportunity to obtain clarifications, or even corrections, with a view to optimising functions within the College and, perhaps, encouraging greater clarity in the division of responsibilities?

Verticality

The structure of the von der Leyen II Commission is highly vertical. Some Commissioners 'report' only to her; several others are given an obligation to work with her, and the tasks she assigns to all the members of her team will be carried out, in her own words, under her authority, '*under her directives'*.

Each of the Commissioners will be called to a 'structured' meeting every six months to report on the progress made and on what remains to be done". This injunction should lead the President to spend at least four days every six months examining the work of her commissioners. This is obviously illusory and would be yet another opportunity to create a new administrative obligation for staff and civil servants. On the other hand, shouldn't it be Parliament that has the right to demand to be the judge of the activities of the Commissioners and the College as a whole?

If the rules of collegiality, which are the originality of the European Commission, are clearly recalled by the President, shouldn't their implementation be clarified?

Here, as so often, the true balance of power will depend on the power relations between the Commissioners and their ability to communicate themselves, to fully assume their duties, and to rely on Parliament and public opinion. They should also be questioned about the working and communication methods they intend to adopt.

Similarly, the objectives set by Ursula von der Leyen for the Commission's '100 days' seem more cosmetic than real. Admittedly, the President's wish to '*hit the ground running on day one*' is commendable, but does it not seem ambitious, to say the least, or even unachievable?

It would mean proposing a Clean Industry Plan, a Cybersecurity Action Plan, an Artificial Intelligence Strategy for supercomputers, a White Paper on Defence, a new vision for agriculture, a new review of the enlargement policy and the introduction of annual political dialogues with young people!

Doesn't this partial inventory have more to do with the expression of cumulative needs than a genuine choice of priorities? Will the new Commission be able to pursue all these objectives without them being altered or modified by sudden crises? And is it really advisable to rush into drafting proposals on such crucial issues without taking the time for genuine consultation?

Clearly, the architecture of the future Commission aims to take on board many of the necessary adaptations to the governance of the European institutions, but is there not an underestimated risk of confusion, duplication or imprecision? Will the hearing of the Commissioners be an opportunity to call for more realism and pragmatism, as well as more logic in the distribution of functions, less verticality in the functioning of the Commission and the choice of real priorities?

The President of the Commission has not removed the ambiguities surrounding the Commission's external action.

II - THE MISCONCEPTION OF THE INTERNATIONAL

One criticism that cannot be levelled against Ursula von der Leyen is that she has not been active on the international stage. She has embodied Europe in her own way, with presence and authority. But the Treaties exclude foreign policy from Community competence, because it is always difficult to convince Member States to '*give up the prey for the shadow*', in other words, in the absence of sovereign political authority, to share the attributes of what they consider to be the

core of their sovereignty: foreign affairs and defence. This is why a common diplomatic service was created (EEAS) tasked, in liaison with the Member States and integrated into the Commission, to facilitate closer diplomatic relations, supervising the European Defence Agency (EDA) and to speak on behalf of the Union in the field of international relations. In addition, the President of the European Council is responsible for representing the Union on the international stage.

During her first term of office, the President of the Commission encroached on the competences of the Member States on several occasions; she did not succeed in sharing the many responsibilities with the President of the Council; she spoke out extensively on foreign policy issues that did not fall within her remit and thus often complicated the diplomatic task of the High Representative.

She has sometimes shocked people by responding alone to international events, particularly ongoing conflicts, which would have required the collective commitment of all European nations. Despite these difficulties, the role of High Representative has nevertheless proved its worth: Josep Borrell has given his responsibilities a special lustre and has shown courage, professionalism and perseverance. He has even broken new ground by managing to circumvent the right of veto and avoid European silence in some of the recent crises that required him to take a stand. It is around the function of High Representative that we will gradually be able to build a European voice on the international stage.

However, the other European institutional players also intend to assert their presence on the international stage. In this respect, the rivalry between the President of the European Council and the President of the Commission has proved detrimental to the Union's image abroad.

It has highlighted a lack of precision in the Treaties, which stipulate that: "*The President of the European Council shall, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy*." (Article 15 of the TEU), whilst article 17 stipulates that "*with the exception of the common foreign and security policy, and other cases provided for in the Treaties, (the commission) shall ensure the Union's external representation.*"

As for article 18, it indicates that: "*The High Representative shall conduct the Union's common foreign and security policy. He shall contribute by his proposals to the development of that policy, which he shall carry out as mandated by the Council. The same shall apply to the common security and defence policy (al. 2)*" "*The High Representative shall be one of the Vice-Presidents of the Commission. He shall ensure the consistency of the Union's external action. He shall be responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action*." (al. 4)

It is therefore clear that the only way to achieve a harmonious, if not unique, external representation is for the various protagonists to get on well together. Could we not establish some common rules of conduct between the Council and the Commission?

The President of the Commission, with her strong personality and resolve to respond to the need to take greater account of geopolitical imperatives, has occupied a position that may have offended the Member States. This was the case for solidarity with Ukraine as well as Europe's response to the conflict in Gaza.

In her defence, it should be remembered that when Europe is represented, which Ursula von der Leyen has done well, she is criticised for rushing into things or taking positions, and when she is too cautious, everyone regrets her absence!

But a common foreign policy, which is one of the Union's long-standing aims, can only really be established with the agreement of the Member States. To convince them to make a greater commitment to this, the European Union must offer them something extra and

refrain from giving the impression that it wants to take away their powers in the first place. Is the European Parliament prepared to look for European 'added value' or does it intend to try to impose its intervention in external affairs?

The post of High Representative for the Common Foreign and Security Policy was created to gradually demonstrate the usefulness of a real EU Foreign Minister. But despite Josep Borrell's laudable efforts and considerable presence on the international stage, has he been used to best effect?

In the distribution of functions within the new Commission, as envisaged by the President, the situation does not seem likely to change. Only two Commissioners would report directly to Kaja Kallas, those responsible for the Mediterranean and International Partnerships, while the Commissioners for Defence, Enlargement, Crisis Prevention, Humanitarian Aid and Development, Migration and Climate would have to answer to other members of the College or to the President herself. Isn't this something that needs to be corrected?

Is it not detrimental to the European interest to strip the High Representative's portfolio of its content, and therefore of the strength of her voice on the diplomatic stage? Shouldn't we instead be strengthening the administrative and financial resources of those who work in the service of a common diplomacy?

Moreover, the letter of mission sent to Ms Kallas specifies the President's intention: '*On all matters you will work in accordance with my directives*', '*you will coordinate the Commission's presence within the Foreign Affairs Council*', which is not in line with the Treaty, since it stipulates that the High Representative is '*authorised (representative) by the Council*' and that she '*shall chair the Foreign Affairs Council*'. Does this not herald some of the same vigorous arm wrestling in which Josep Borrell has exhausted himself?

In reality, is there not a risk of confining the High Representative to the '*reform of an international system based on law*', i.e. to '*major foreign policy*', thus depriving her of contributing to the '*international economic policy*' that Mario Draghi is calling for, i.e. bringing the Union's internal policies in line with its strategic objectives?

Is it possible to make progress in this direction during this coming term of office so as not to have, for example, ten Commissioners travelling to New York for a UN General Assembly as in September 2024?

Will the Union manage to organise itself better? And how exactly will it do this, so as to strengthen its voice on the international stage?

Kaja Kallas will need a great deal of energy and tenacity to assert herself. She has no shortage of this, as she demonstrated when she was Prime Minister of Estonia until last July. Will she be able to count on the European Parliament, which is also keen to extend its prerogatives to an area of competence that the Treaties prohibit? Will she meet with opposition from any States that are in need of sovereignty, and how does she plan to overcome it? Will her place within the Commission remain as uncomfortable as ever?

For a long time, the Union has found it difficult to make the most of its strength and power when it comes to diplomacy. At the very least, could we not demand that the High Representative always be present when an Authority of the common institutions travels abroad, and that she should have authority over all the Commission departments involved in external action?

Shouldn't Defence be entrusted to her, because there can be no diplomacy without military tools? And if we want to convince the Member States to work more closely together, wouldn't it be a good idea to include all external relations issues? Moreover the Draghi Report clearly indicated that an international economic policy must be a priority for the Union, which has sinned in the past through uncoordinated policies on trade, the fight against global warming, defence and migration. As mentioned in the mission statements sent by the President to her Commissioners-designate, is better coordination possible, and how?

III – WHICH ECONOMIC POLICY?

The Draghi report severely criticised European policies, which have led to the continent's economy falling behind the United States and China. Published in the wake of the Letta report which highlighted the lack of completion of the single market, it is a severe critique of the economic concepts used by the European institutions. In Draghi's view, Europe has failed to tackle the digital and environmental transitions because it has given priority to a policy of austerity and regulation, which partly explains why Europe is lagging behind. Mario Draghi criticises the Europeans for focusing on means rather than objectives.

The President of the Commission has taken this into account by placing her action and that of her commissioners under the slogan 'Invest-Europe' and by calling for a reduction in regulations. But so far, she has been careful not to comment on how to mobilise the huge sums needed to boost investment, estimated by Mario Draghi at more than €750 billion a year.

It is true that the idea of joint borrowing to gain access to considerable financing capacity, following the example of the United States or China, was immediately rejected by the German Finance Minister, Christian Lindner, and met with a great deal of mistrust among supporters of traditional budgetary management (notably in the Netherlands and Austria). This debate may poison the climate in Brussels for a long time to come, between the advocates of 'American-style' recipes and the supporters of a largely outdated budgetary orthodoxy. Is it not time for Parliament to hold this debate and organise it with the Commissioners concerned? Can we be satisfied with 'business as usual' in this area?

These controversies will also run up against discussions on the European budget. Without an increase in the budget, won't many of the ambitions of the new Commission and the expectations of certain Member States remain nothing more than pipe dreams?

Ursula von der Leyen has asked Piotr Serafin to lead the debate and make proposals on the future of the European budget. Will they be able to conclude only that it needs to be increased and, in the absence of agreement, on new resources linked to common activities (duties at external borders, for example), or that Member States' contributions need to be increased? The chances of success are therefore limited, and could the Commission's intentions, and the method for achieving them, be clarified before it takes office?

Valdis Dombrovskis has been entrusted with the supervision of budgetary policy and therefore the management of the 'European Semester'. The former Latvian Prime Minister and former Executive Vice-President of the outgoing Commission appears to be the strong man in the new College's economic machinery. He is officially tasked with giving concrete follow-up to the conclusions of the Draghi report and, in particular, with setting up a '*competitiveness coordination tool*' and a '*Regulatory Review Committee*'. In this capacity, will he be able to oppose new regulatory initiatives weighing on economic players, although his mission statement says nothing about this?

Moreover, budgetary convergence between European countries will remain a sensitive issue for the European Commission. Eight of them[1] are the subject of an excessive deficit procedure. Real negotiations will therefore be needed to help them return to the European rules, which are themselves likely to be debated, particularly in the light of the Draghi report. In all likelihood, it will not be a matter of accommodation, but of taking into account investments in competitiveness that are also in line with the Union's common objectives. Is the Commission ready for this? Has any thought been given to this subject? What are the provisional conclusions?

IV – THE PLACE OF *STANDARDS* IN EUROPEAN ACTION

Europeans love standards. The tradition of written law is not averse to legal activism to guide public policy. Mario Draghi notes that excessive regulation has hampered innovation. Economic players often complain about the constraints imposed by European legislation. Citizens are highly critical of them, and the rise of

[1] France, Italy, Belgium, Hungary, Poland, Slovakia and Malta (since 26 July 2024), plus Romania under procedure since 2020.

extremist or populist parties is fuelling Euroscepticism in response to increasingly intrusive regulations.

The nations of Europe are just as responsible for these shortcomings as the common institutions, but the latter must take them into account, perhaps even more so than the national governments, guardians of redistributive and generous social models.

Ursula von der Leyen has understood this perfectly well: at the end of her current term of office, she corrected, suspended or withdrew certain obligations, for example in the area of agriculture. In her projections for the work of the future Commission, she is trying to take account of the necessary agility of economic players in periods of transition, without abandoning the Green Deal or digital technology. Is this possible, and how?

Several Commissioners have been asked to make proposals to adapt European regulations. Is the Parliament ready to make these adaptations? But the future Commission is walking a tightrope. Under pressure from stakeholders, but also from a number of non-EU countries (Brazil, Malaysia, Indonesia), the current President has just suspended the implementation on 1 January 2025 of a law banning trade in products derived from deforestation and is under strong pressure to reverse the ban on the manufacture of internal combustion engines by 2035. Will it have to agree to backtrack on other legislation, as already announced for the REACH regulation, or will it be content to calm the legislative ardour of the Member States, its departments and the European Parliament? Does it feel able to resist the strong pressure from the NGOs with a strong presence in Brussels and Strasbourg, and how? Will it find other, more incentive-based ways of achieving the desired decarbonisation targets?

Financing transitions or regulating them

The major difference with the American and Chinese models lies in the method. For the Americans, incentives and transition support measures are the best means of achieving ambitious climate targets. For the Chinese, orders come from the top and each player must be aligned with them. Europeans, on the other hand, concentrate on what they consider to be effective means of achieving the same objectives, i.e. they favour obligations of means rather than obligations of result.

This lack of confidence in the stakeholders, coupled with the impasse over the necessary financing, cannot be sustained without jeopardising the competitiveness of the European economy. The alternative therefore seems to be for European leaders to either generously finance the transitions or regulate them even further.

To date, despite a clear resolve to reduce the number of binding rules, Ursula von der Leyen has ordered her commissioners to produce more than fifteen new legislative acts and as many 'strategies' or 'action plans' that will inevitably be translated into norms sooner or later.

Will the new structure of the European Parliament restrain this legislative fervour? Could this be a sign that a number of regulations will be rolled back? Is the European budget likely to be increased in the required proportions and, if not, can the idea of joint borrowing to invest prosper? These are all vital questions for the European economy. The announced composition of the new Commission does not give any real indication of what its key orientations will be.

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The round of hearings at the European Parliament starting on 4 November is particularly important. The questions raised here are likely to be addressed in the dialogue prior to the Commission's confirmation. It is to be hoped that partisan interests do not take precedence over substantive issues. In the past, we have seen candidate Commissioners rejected rather hastily because of their political label. In the corridors of Parliament, everyone accepts a little too easily the idea that the latter must show its strength and its pretensions by rejecting one or two candidates and that this must be balanced between left and right.

However, the international context and the economic situation remind us that many of these questions need to be clarified and explained. The answers will determine the effectiveness of the renewed institutions.

The main recommendation made in Mario Draghi's report calls on the European institutions to adopt a global competitiveness strategy that embraces all subjects, whereas the Union has too often legislated in silos, vacillating between greening and recovery, between morality and innovation, between modernisation and external proselytising. Shouldn't future regulations be in line with a strategic agenda to be defined in advance? What price should we accept for environmental or regulatory action? What funding should be provided for those players who are faced with a new constraint? Before legislating, shouldn't the Parliament, the Council and the Commission organise this debate and set a clear strategic line which, let's face it, will often have to choose between competitiveness and regulation?

Ursula von der Leyen has presented a Commission controlled by her, organised vertically, without any major political players. Its members will often have to impose themselves and therefore define for themselves, in practice, the true contours of their responsibilities. The most active, the most effective, the best communicators will certainly have the upper hand over their colleagues. Is this good policy?

For all that, the joint institutions have demonstrated their ability to adapt to the demands of the times. Vaccines, the joint loan and the post-Covid recovery were neither foreseen nor possible under the terms of the Treaties. They helped the Union to overcome a serious crisis. Let us hope that the same can be done in the face of the perils that now come mainly from outside. To achieve this, we need a strong and positive commitment from the Member States, a responsive European administration and, above all, a coordinated strategy that can be applied logically to the various public policies. It can be done. Is it not legitimate to seize the opportunity presented by the European Parliament's questions to define the way forward?

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