

The New European Commission: Expectations, Challenges, Priorities*

After the Irish said “yes” to the Lisbon treaty the second time round, the ratification process seems to be close to finalisation, even though the Polish and the Czech president can still cause problems (and if they succeed in stalling long enough even a new UK government could). If the treaty is ratified by then, the Swedish EU presidency wants to discuss the nominations to all EU top jobs, including that of the permanent Council president and that of the new EU high representative for foreign policy on the 29-30 October EU summit. The current Commission would probably continue in a caretaker capacity for a limited time. Also, if the Lisbon treaty is not ratified by the end of the year, a new Commission would have to be elected under the Nice treaty with as likely consequence no commission posts for member states that have not ratified the Lisbon treaty. How will this insecurity affect the work of the European Commission in a time of economic and financial crisis? What can be realistically expected from the new Commission its (old and new) president Barroso?

Nobody involved in the Convention on the Future of Europe would have believed that that there would still be no institutional reform as we go into the year 2010. 2009 has certainly not been a glorious year for the European Union. With the changing of the guard in Brussels and the economic and financial crisis, the main challenges for Barroso are: to get the Commission on its feet by making the proper appointments, to combat the intergovernmental tendency within the EU and to try and live with the Lisbon Treaty. As far as the first challenge is concerned it looks like the appointments will take place in December and a caretaker Commission will be put into place. This is a dangerous situation in times where member states are jostling. The most important short term decision Barroso has to make is who he will put in the internal market and competition positions and who will be dealing with state aid because they are the defenders of the bed rock of the European Union. Then he has to get them through the Parliament. Many MEPs are itching to make the Commissioner hearings and Barroso’s life difficult.

As for the intergovernmental trend in the EU: member states are currently focused on themselves. There is no generosity of spirit, especially in the big capitals: e.g. Germany’s state help to Opel makes other member states nervous. Barroso will have to be much stronger this time round defending the Commission. For the upcoming period, there is no big project for the EU comparable to the Euro or the big bang enlargement. He will focus on climate change and jobs and success depends on how much individual member states are allowed to play ball.

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The third challenge would be: living with the Lisbon Treaty. There will be many new personalities: the “foreign minister”, how will s/he work with the Commission, and then there is the president of the European Council. How this function will work out will depend very much on who this person is. A strong person could take the EU much more down the road of “intergovernmentality”. Also, much will depend on Barroso to be brave this time. Some factors are this time to his advantage: he is the second time in office, so he knows the ropes. And, assuming he is not going to run for a third time, he might be a little bit more forthcoming.

Size and timing

The fourth challenge for the new Commission is institutional; it’s about its size. According to the Nice treaty we will have fewer commissioners; according to the Lisbon treaty we will have 27 commission members, one commission per member state. But this decision has to be taken in unanimity. No country will volunteer to renounce a Commissioner unless it will get the post of high representative. Also, Barroso has indicated that he wants to have a say on who his deputy is going to be. Under the current treaty he doesn’t have that say, under the Lisbon treaty he would have.

It is important that member states send good commissioners. If the current Italian government stays in place, will it be able to send one commissioner who is not accused of something? A second case Rocco Buttiglione would be another weakening of the European idea.

The fifth challenge is the timing. How long can we wait? For how long can the caretaker Commission proceed? Forever, if we wanted to. There is no reference on EU level, but on domestic level, Belgium and the Czech Republic are “good” examples. The caretaker Commission can go on for longer than 6 months depending on how much passion there will be to wait for the new treaty to be in place. It is important to take a decision on the timing. The common understanding seems to be that the moment for the new Commission will be February 2010, but this is not necessarily the case: we have no guarantees that the Lisbon treaty will be in force by January 1, 2010. There is a pending case in the Czech Constitutional Court, which is larger in scope than the last one. This may take some time even though the court has given it top priority. And it would still take some convincing to make Klaus sign the treaty one way or the other. The worst thing that could happen would be Fischer taking Klaus’ problem to Brussels. If the Czech could agree whether Klaus’ problem is the official point of view of the Czech Republic, so that it is a Czech problem rather than a Klaus problem, the problem could be addressed. The worst scenario is that there is no compromise in Prague over the issue. Fischer still disagrees with Klaus and they extrapolate this to Brussels. If the treaty is not in force on 1 January 2010, but in February, this also means that we delay the issue of the permanent Council President for six months: it will be discussed on the summit in June.

Conservative-Liberal

With up to twelve Commissioners returning to the new Commission we cannot expect anything radically new. One thing is clear, the new Commission is becoming much more conservative-liberal: there will be no more than four left-wing commissioners. This will have a repercussion on its policies and priorities. It also means that it may

create more synergies with the Council and the Parliament which are also conservative-liberal. What has to stop is the use of double standards when it comes to equal treatment of member states concerning internal market rules: larger states, especially France and Germany, too often enjoyed preferential treatment in the recent past.

There are two contradictory trends going on concerning the Commission: one trend is that the European Commission becomes more and more presidential. The importance of individual commissioners diminishes. The position of the Commission President is much stronger today than in the past. The second trend is that the Commission loses significance within the institutions. There seems to be an unwritten compromise between the European Parliament and the Council, to stop the Commission on certain issues.

European spirit

To sum up, the new term for the European Union had a particularly bad start. Barroso's wish to be elected as Commission president immediately but leading a caretaker Commission for at least half a year created controversy. Even though establishing the new Commission plus president under the new rules would also have caused problems, this was not the best way to go about it.

In the last term two interesting developments took place. For once, the old alliance between the Parliament and the Commission broke up. This was the result of Barroso's policy of first asking France and Germany what he was allowed to do. This Commission did not look for alliances in the Parliament against national egotisms which is a fairly new development. Many conciliation procedures showed that the old alliance was weakened and a new alliance between some big member states and some commissioners had formed. The Commission should keep in mind that if they make alliances with Sarkozy and Merkel, they will always be in the shadow. It weakens the Commission itself because the media are under national dominance.

This tendency goes hand in hand with a development all over Europe, a weakening of the European idea. This is regrettable, certainly in the light of the financial crisis. It will no longer be possible to run European affairs as if there was still a grand coalition. There is a strong public debate on social conditions, on the need for a social agenda; there is great scepticism towards the neo-liberal agenda.

The most important issues to be tackled are: climate change, the financial and economic crisis and the new agricultural policy and its implementation. The problem is: the policy is not yet thought about; the new agenda has not yet been defined. In the light of the financial crisis and new poverty issues we cannot afford a lacklustre Commission.

Finally, there is the namedropping issue. Everybody who remembers the expectations that came with the debate on the Constitution for Europe will remember that we also wanted personalities that represented the face of Europe. Barroso will not go for a strong personality on the other side of the triangle. On the other hand, due to the lack of personalities, somebody could be found who could incorporate that new European spirit. After all, nobody knew Jacques Delors when he became the Commission President. Then we would have a kind of momentum. We cannot expect a consensus.

All national media have their own favourites. It is the Parliament which has to try to rekindle the European spirit. This is hard because under the many new members of Parliament, there are many with strong anti-European feelings. The situation is as unclear as never before.



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