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Abstract

Following a recent European Parliament resolution, the main European parties have decided to designate candidates for the post of European Commission president ahead of the May 2014 elections. The new procedure aims to increase electoral participation and, more generally, make the EU closer and more responsive to its citizens as a reaction to rising Euroscepticism in many member states. While the idea of indirectly electing the Commission president is mostly supported by Europhiles, some have expressed reservations about the new procedure, claiming that it could end up doing more harm than good to the European cause. Among these critics are Heather Grabbe and Stefan Lehne, who have recently published a paper that represents the clearest statement to date of the case against indirect election. In this contribution I respond to Grabbe and Lehne's arguments and show that although they raise important questions, their fears about the negative consequences of the new procedure are exaggerated. When all is considered, indirectly electing the next Commission president can not only contribute to solve the EU's longstanding democratic deficit, but also and more broadly set in motion a number of institutional transformations that can help the Union exit its current crisis as a more solid and legitimate political project.

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Why a partisan Commission president could be good for the EU

A response to Grabbe and Lehne

Pier Domenico Tortola

On November 6, 2013 the Party of European Socialists (PES) designated Martin Schulz, the current president of the European Parliament (EP), as its candidate for the post of European Commission president for the 2014-2019 term. While the PES's announcement came as no surprise, it nonetheless marked an important passage in EU politics, as it inaugurated a new procedure whereby the main European political groupings—notably the European People's Party (EPP), the Alliance of Liberals and Democrats for Europe (ALDE) and the Greens—will name presidential candidates ahead of the May 2014 European Parliament elections.

The new procedure enacts a non-binding resolution adopted by the EP in early July 2013,¹ which in turn built on ideas that had circulated for some time among experts and practitioners.² Its primary goal is to establish a closer link between the popular vote and the appointment of the new Commission president—who, according to the Lisbon Treaty, is elected by the EP upon proposal by the European Council. In so doing, European parties hope to increase awareness of and participation in EU affairs among European citizens, and ultimately strengthen the democratic legitimacy of the Union as a counter to rising anti-EU sentiments in many member states.

The idea of an 'indirect election' of the Commission president so far has received a mixed response by Europhiles in politics and academia. While most seem in favour of it, a substantial minority thinks that the new procedure will probably end up doing more harm than good to the European project. In the latter camp are scholars Heather Grabbe and

Stefan Lehne, who have recently authored a paper for the UK-based Centre for European Reform that represents the clearest statement to date of the case against indirect election.³ In this contribution I want to respond to Grabbe and Lehne's arguments and show that while they raise some important questions, upon closer scrutiny their fears about the negative consequences of the new procedure seem exaggerated. Unlike what they claim, when all is considered a partisan Commission president could actually be a good thing for the European Union.

Five arguments against electing the Commission president

Grabbe and Lehne's case against the indirect election of the Commission president consists of five key arguments, which can be summarised as follows:

1. *Partisanship would undermine the Commission's role as 'guardian of the treaties'*

The Commission is expected to act as an independent and impartial arbiter in areas such as competition and fiscal restructuring. Making its president beholden to a parliamentary majority would not only jeopardise the Commission's credibility and legitimacy, but also impair its enforcement ability as member states would more likely oppose its decisions and/or challenge them through judicial channels.

2. *An elected Commission president would be less capable and politically weaker*

Making the presidency an indirectly elective position will discourage member states' top executive figures from running for the job, as they will prefer the safety and prestige of their national offices over the uncertainties of a Europe-wide electoral competition. As a result, the new Commission president will likely have neither the political stature nor the sort of executive experience needed for the job.

3. *Personalising the EP elections will not increase turnout or promote better public debate*

Having party candidates for the post of Commission president will do little to bring more people to the polls because of the absence of personalities that are easily recognisable across the continent. In addition, the candidates' nationality is likely to be noticed more than their electoral platforms, thus failing to promote, if not impeding, a EU-wide public debate on policy issues.

4. *Electing the Commission president would not add to the EU's democratic legitimacy*

Indirectly electing the Commission president would not greatly increase democratic control over the EU's policies—and hence the legitimacy of the Union as a whole—for two reasons. First, because member states would still play a key role in choosing the remaining commissioners. This will determine, in all likelihood, an ideologically mixed and hence ineffective Commission. Second, because the Commission's role in important areas such as macroeconomic policy would still remain secondary to that of the European Council.

5. *Having presidential candidates would have negative consequences on the EU's political dynamics and institutional balance*

The new procedure will result in one of three possible scenarios, which are at best neutral for and at worst detrimental to the Union's political dynamics. If member states give in and propose a winning candidate they dislike, they will later obstruct the Commission's work and/or act increasingly outside the framework of the treaties. If the European Council refuses to propose the winning candidate there will be an institutional stalemate which will weaken the Commission and alienate citizens regardless of its final result. Finally, in case of a political fix between the EP and member states any effect of the new procedure on the democratic legitimacy of the Commission and the EU as a whole will be nullified.

In the remainder of the paper I will respond to these arguments reordering them according to a chronological criterion: I will first look at the selection of presidential candidates and the EP elections (points 2 and 3), then at the appointment of the Commission president (point 5), and finally at the role and functioning of the Commission (points 1 and 4).

Candidate selection and EP elections

According to Grabbe and Lehne, 'no leading politician would abandon national office to venture into a potentially damaging [European] campaign with an uncertain outcome.' Rather than speculating on the definition of 'leading politician'—do finance or foreign ministers qualify? For how long does a former prime minister remain a leading politician?—let's compare the past with the likely future. With only one exception, i.e. Romano Prodi, former Commission presidents have been recruited among

either 'second-tier' governmental figures or (former) heads of government of smaller member states. By and large, the names that have circulated in the past few months as possible candidates—most notably Guy Verhofstadt, Olli Rehn, Donald Tusk, Enda Kenny, Jean-Claude Juncker, Christine Lagarde and Michel Barnier⁴—seem to fit this pattern.

Granted, the only confirmed candidate thus far, Martin Schulz, deviates quite obviously from the past 'model,' for he has no noteworthy national political background and little political standing beyond his current position of EP president. But even conceding that this translates, currently, into low political stature, one should not forget that the latter is not an innate and immutable attribute but varies significantly with the political support one enjoys at any given moment. This means that Schulz (or any other candidate for that matter) could be able, if elected, to use his popular support to make up for any political weight he lacks in terms of 'pedigree.' Needless to say, this will be easier the wider and clearer the new president's electoral majority.

Schulz is also exceptional in that he lacks significant executive experience, confirming Grabbe and Lehne's claim that the new procedure will broaden the field to this type of candidate. But is this really that big a problem? Executive experience is undoubtedly a precious asset for a Commission president, but so are other qualities that national politicians often lack, such as familiarity with the EU's institutional machinery and operating procedures. More generally, rather than any specific attribute, one should look at the candidates' broader political and administrative capability and, perhaps more importantly, their ability to learn on the job. After all, arriving at top executive positions with no relevant experience is hardly unheard of in national settings. So unless one believes that running a country is less complex than running the European Commission, Grabbe and Lehne's worries are excessive.

Will the new procedure bring more people to the polls? None of the presidential candidates is likely to be a continental celebrity (although one should not underestimate the speed with which cross-border reputations are built: ask any Greek if she has an opinion about Angela Merkel). But having single names and faces on electoral posters across Europe will probably convey a simpler and stronger message about how consequential one's vote is than any explanation of the EP's powers and

the intricacies that regulate them. Of course, much of the message's effectiveness will still depend on parties' campaigns. But judging from the available data there is a good chance that personalisation can at least begin to reverse the declining trend in voter turnout: the latest Eurobarometer on the topic finds that 54% of voters would be more encouraged to participate in European elections if given a choice of presidential candidate (against 36% who would not).⁵

Much the same can be said about the quality of public debate. The question here is not so much whether a well-informed and genuinely European debate will suddenly emerge in member states, but rather if the May election will mark an improvement in this respect compared to the past. If nothing else, supporting common presidential candidates will force parties to talk more than before about EU-wide issues. This is partly a logical consequence of the new presidential nomination procedure but is also explicitly indicated in the EP's July resolution, which urges parties to organise Europe-wide campaigns on common platforms and with common symbols. All this can, by itself, do much to raise awareness of the Union, its functioning and relevance for European societies. Additionally, it will push European parties to act more cohesively and proactively once in parliament, so adding to the effects of indirect election on the Commission president's political capital.

To be sure, the 'nationality factor' mentioned by Grabbe and Lehne is indeed likely to be quite prominent. But one should not exaggerate its detrimental effects on public debate: for one thing geography is a physiological dimension of electoral politics in many polities, in the first place federal ones (in the US for instance, geographic balance is very often a key criterion in building presidential tickets). For another, the national factor can even help defuse rather than exacerbate existing tensions. Schulz is again a case in point as his nomination for the socialists might send the message that 'not all Germans are the same,' so to speak.

Presidential appointment

In a recent public statement German chancellor Angela Merkel dismissed the idea of an indirect election of the Commission president quite bluntly, declaring that the May elections results will be only one among several factors the European Council will take into account in making its proposal to the EP⁶ Will Merkel's attitude towards the new nomination

procedure—which is likely to be shared by other heads of state and government—cause a clash between the European Council and the EP? Should the two institutions be set on different names for the Commission presidency, a stalemate will ensue, which will be broken only as soon as either party gives in. Unlike what Grabbe and Lehne argue, however, in such a scenario the biggest risk would be neither the weakening of the new Commission—which is by no means a foregone conclusion—nor the alienation of voters, who might on the contrary appreciate the Parliament standing up for its rights. Instead, the main danger would be for the EP to lose the confrontation, so being humiliated exactly when its visibility and expectations about its role will be highest. This would hurt the EP's credibility and influence both immediately and in the years to come, ultimately producing the opposite result to what the new procedure is intended to achieve. Admittedly, the risk for the EP and the European parties is high. It is, however, a risk worth taking considering not only the potential rewards at stake but also, and more pragmatically, the likelihood of this extreme scenario (which, I concur with Grabbe and Lehne, is not that high).

The first and third scenarios described by Grabbe and Lehne are more probable. In the first, the European Council agrees to propose a winning candidate it dislikes. While this will mark an increase in the power of the EP vis-à-vis member states, such a change would probably be less dramatic than Grabbe and Lehne seem to imply. What this scenario would most likely bring about is a 'recalibration' of the EU's overall institutional balance of power, in which the European Council would still retain a crucial role in legitimising the Commission and, generally, in influencing the Union. In this picture, rather than obstruction or overt hostility one should expect a greater incidence of negotiation and compromise on the part of member states—much like what happens in any other compound political system. Moderation would also be suggested by the reputational costs states could incur were they to take blatantly unjustified political or judicial action against the Commission.

The third case is a political fix between the European Council and the EP on a Commission president liked by both. This is a very realistic scenario which, as Grabbe and Lehne correctly observe, could very well take place should current electoral expectations be confirmed and the European People's Party win with a 'member state-friendly' candidate (say

Juncker or Lagarde). In this case the political and institutional effects of the new procedure would be smaller but, unlike what Grabbe and Lehne suggest, not negligible. In the first place, the link between the popular vote and the Commission presidency would still be present, and so would the additional legitimacy the new president would derive from this link. It is not too farfetched to think that such legitimacy could be 'activated' later on in ways that might be unexpected by states. In the second place, irrespective of the Commission president's allegiances, his/her indirect election would still create an important political precedent for the Union's democratisation on which to build for the future.⁷

Role, powers and functioning of the Commission

Even in the most favourable of the above scenarios, Grabbe and Lehne contend, an indirectly elected Commission president would still not be as powerful as a traditional head of government for two reasons: first, because s/he will not be able to choose the remaining commissioners autonomously from the states. Second, because in any case the Commission's powers in important areas such as macroeconomic policy are limited compared to those of the European Council. Grabbe and Lehne are right on both counts, but these do not seem good reasons to discard the new nomination procedure. For one thing, an indirectly elected president, especially if supported by a solid electoral majority, will probably have more influence on the selection of commissioners than has so far been the case. This might not eliminate differences within the Commission but it can reduce them if at least some of the 'ideologically hostile' governments can be persuaded to pick less partisan figures than they would otherwise. By the same logic, an elected president might also be more able to steer the work of the Commission as a whole.

A similar point can be made on the Commission's powers: first, although the Commission does not have the powers of a traditional government, it does have significant prerogatives with respect to policy initiation and implementation in key areas, in the first place the Union's budget. The support of an electoral majority would increase not only the Commission's legitimacy, but also its *de facto* autonomy vis-à-vis member states in performing both tasks. Second, and perhaps more importantly, the indirect election of its president can provide the Commission with a basis on which to increase its general political weight in the Union and reacquire some of the agenda setting and leadership role

it has lost in recent years. In sum, while Grabbe and Lehne are right that voters should not be misled about the Commission's powers—once again, parties and their campaigns will play a crucial role here—the latter should not be minimised either, because at the end of the day what the Commission can and cannot do will also depend on the electoral outcome itself.

The Commission's powers, however, differ from those of a traditional government not just in quantity but also in type. In keeping with the nature of the Union as a whole, the Commission today has a hybrid identity located between a standard executive, an international secretariat and a set of independent agencies. It is especially the latter (and partly the second) role that the expression 'guardian of the treaties' refers to, and which Grabbe and Lehne claim would be violated by a partisan presidency. A first and easy response to this argument is that all governments have a mixture of policy and more neutral law enforcement functions. The latter are often safeguarded through measures such as transparency provisions, opposition controls and delegation to non-partisan bodies, many of which could be adopted more or less rapidly by the EU to counterbalance a more partisan Commission presidency.

A broader and more important point, however, is that what an institution is cannot be totally separated from what it does. In stressing the Commission's duty to act above all as an independent arbiter—a role which, incidentally, is meant in the treaties in relation to states rather than parties, as many have noted already⁸—Grabbe and Lehne seem to propose an overly rigid and legalistic view of the Union, in which the role of its various parts is set once and for all only by the letter of the treaties. This view, however, overlooks that politico-institutional orders are transformed by political praxis as much as by formal amendments. That an indirectly elected presidency would generate some difficulties with respect to the Commission's guardianship role is correct. But instead of speculating on this 'second order' aspect, we should probably look at the root of the matter and ask ourselves whether we favour the shift towards a more traditional executive model that partisanship would imply. If so, we should also be ready to accept and tackle the political friction that will inevitably come with this transformation. Again, one should not overemphasise the defining effects of next year's elections on the Commission and on the Union as a whole. But ignoring their significance would be

equally dishonest. Electing the Commission president can potentially set in motion a radical change of the EU for the years to come. To the extent that we think this is a change for the better, the issues raised by Grabbe and Lehne should not be seen as reasons to desist but rather as problems—albeit important—to sort out along the way.

Whither Europe?

The European project is undergoing its deepest crisis since its inception in the 1950s. Far from signalling a plateau in the process of integration, as Andrew Moravcsik has claimed,⁹ the travails of the Eurozone are demonstrating that Europe is now at a crossroads: we can either move back by giving up monetary union (and who knows what else), or forward to build a more complete political union. To be sustainable in the long run the latter will need more integration in areas such as fiscal policy, welfare and financial regulation, some serious changes in its policy paradigms and, finally, appropriate instruments of democratic participation. Make no mistake: the road in this direction will be long and fraught with bumps. But it is important that the turn happens right away.

The election of the Commission president can be a quick and relatively easy way to start tackling Europe's longstanding democratic deficit in order to make the EU truly a project of the people. Grabbe and Lehne are right that much of next spring's electoral battle will be fought on the terrain of political discourse. But talking to people might not be enough when Eurosceptics have the rhetorical upper hand. To fully counter populist messages, EU supporters must offer voters something more tangible and appealing than lectures on the advantages of European integration which, let's face it, will be lost on many—and understandably so. The possibility of picking a candidate for one of the EU's highest offices can be a good start in this respect. Is it a risky move? Sure, and the results are not guaranteed. But it is definitely worth a try if we want to turn this crisis into a new opportunity for Europe.

Notes

- ¹ European Parliament resolution on improving the practical arrangements for the holding of the European elections in 2014 (2013/2102 INL), 4 July 2013.
- ² On this see e.g. Gianni Bonvicini, Gian Luigi Tosato and Raffaello Matarazzo, “Should European parties propose a candidate for European Commission president?”, in G. Bonvicini (ed.), “Democracy in the EU and the role of the European Parliament: A study and a call”, Quaderni IAI, March 2009.
- ³ Heather Grabbe and Stefan Lehne, “The 2014 elections: Why a partisan Commission president would be bad for the EU”, Centre for European Reform, October 2013 (Available at http://www.cer.org.uk/sites/default/files/publications/attachments/pdf/2013/esy_commissionpres_11oct13-7937.pdf).
- ⁴ See for example Toby Vogel, “Presidential ambitions”, European Voice, 10 October 2013. <http://www.europeanvoice.com/article/imported/presidential-ambitions/78378.aspx> (accessed 1 December 2013).
- ⁵ European Commission, “European Parliament Eurobarometer (EB79.5) – Analytical overview”, August 2013. Interestingly, the survey also finds that 70% of the interviewed sample would be in favour of directly electing the Commission president.
- ⁶ Honor Mahony, “Merkel: EU vote not decisive on Commission president”, *EUobserver.com* 25 October 2013. <http://euobserver.com/political/121906> (accessed 30 November 2013).
- ⁷ The only case in which neither of these statements would hold—so nullifying the effects of the new procedure, as Grabbe and Lehne contend—would be if on the EP side the political fix takes the form of a coalition electing a person other than the party candidates. Such a scenario, which is certainly a possibility, would amount to a return to the old method of presidential appointment. Exactly for this reason, however, it cannot really be used as an argument against indirect election, since the latter would not take place in this case.
- ⁸ See for instance Gianni Bonvicini, “Verso una nuova procedura di nomina del presidente della Commissione europea: i documenti della

Commissione e del Parlamento europeo”, *La cittadinanza europea* 10, 2 (2013): 119-26.

- ⁹ Andrew Moravcsik, “Europe after the crisis: How to sustain a common currency”, *Foreign Affairs* 91, 3 (2012): 54-68.

CENTRE FOR STUDIES ON FEDERALISM

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The activities of the CSF are focused on interdisciplinary research, documentation and information on internal and supranational federalism, the developments of regional and continental integration (notably, of the European Union), the issues related to the world order and the democratization process of the international system.

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