

From collegiality to Iron Towers

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Opinion Plus

Spyros Pappas examines the European Commission's constantly changing but always challenging role in the European Union.



European Commission's Berlaymont Building | Photo credit: European Commission Audiovisual

There is no mystery. Each time something goes wrong at EU level, the European Commission is made the scapegoat.

Yet it was under the Commission's guidance that the European Economic Community was transformed into the European Union, and it was primarily the Commission's determination that, slowly but surely, offered sustainable solutions to cope with the recent existential Eurozone crisis.

But can we then expect the Commission to again act accordingly in the fight against the Coronavirus outbreak and its aftermath? Of course, we can, for the simple reason that there is nobody else to

competently replace the EU executive in its coordinating role.

This is its duty, irrespective of the fact that health policy remains a national competence; there is a need for coordination and serving the European common interest that goes beyond purely national remits.

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Does this mean that the Commission’s role is undisputed? Unfortunately not, over the last 20 years, the EU has shifted from systematically adopting solutions in its best interest.

Realistically, the Union is at its limits. One step further in this direction and it might find itself back in the 1950s.

Citizens are tired and, although they want “more Europe”, are disappointed by the consequent “bureaucracy” characterised by a lack of decision-making and sluggish and timid reactions.

Apart from the many external reasons, as to why the engine of the EU, is now a shadow of its former self, there are two internal ones.

Firstly, up until the end of the Jacques Santer Commission in 1999, all decisions were taken in “the garden of collegiality” - by consensus among all commissioners, with debates lasting as long as needed for the last objection to be withdrawn. There was no conception then of Minority voting.

"No Commission president can be as powerful as the European Council of heads of state unless they speak on behalf of the entire College of Commissioners - that in turn is based on an independent European civil service"

All commissioners were equal and co-responsible irrespective of their portfolios. Decisions were adopted following the so-called community method: all for one and one for all.

Secondly, each political decision was the fruit of technocratic development following a systemic approach. All directorates general contributed to the formulation of policy proposals, not only the directorate general in charge.

This was a prerequisite for the sustainability of the adopted options and an example for national administrations.

Also, each director general, in the development and formulation of policy proposals was independent from the College.

Neither of these prerequisites that distinguished the European Commission during the first forty years exists today. The system has become a “presidential”, top down one.

Moreover, commissioners belong to a hierarchical scale; from the president to three executive vice-presidents and one high representative, and then to six vice-presidents and eighteen commissioners.

The boundaries of their action are well defined at the highest level, with little room left for initiative, their mandate being solely to execute assignments coming from the top. Does this mean a more powerful President, and consequently a more powerful Commission? I don't think so.

No Commission president can be as powerful as the European Council of heads of state unless they speak on behalf of the entire College of Commissioners - that in turn is based on an independent European civil service.

Walter Hallstein and Jacques Delors, the two most influential Commission Presidents until now, weren't prime ministers, they were statesmen, experts and intellectuals.

"The gradual watering down of the EU executive over the years, amid the institutional power game, has ultimately affected the prestige of the Union as a whole and contributed to the revival of the struggle between the national and European levels"

They were supported by their respective Commissions and fully capitalised on the work of the technocracy, guided by the civil service spirit of the first Secretary General Emile Noël, and then by David Williamson.

The gradual watering down of the EU executive over the years, amid the institutional power game, has ultimately affected the prestige of the Union as a whole and contributed to the revival of the struggle between the national and European levels.

Therefore, the recent and controversial decision of the German Federal Constitutional Court - to prohibit the Bundesbank from participating in the European Central Bank's (ECB) Public Sector Asset Purchase Programme - should not be seen as a surprise.

It unethically offended the authority of the Court of Justice (CJEU) and was an attempt to control the validity of the European Central Bank's decisions by invoking the marginal theory ultra vires - beyond their authority.

Nonetheless, this decision, if followed by the ECB, risks upsetting the basis of European integration by opening a backdoor that could undo recent European achievements.

This is yet another challenge for the European Commission: will it react effectively in response to this “insubordination” as the true and unaffected Guardian of the Treaties, possibly by initiating infringement proceedings or otherwise?

Initial signs have been rather positive, however it remains to be seen if, and how, the Commission will regain its leading position.

About the author

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