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## How is Juncker's 'last-chance Commission' faring at mid-term?

### Abstract

Now that the European Commission has reached the half-way point in its five-year term, it is an appropriate time to assess its performance to date and to look critically at the remainder of its time in office. Drawing on expert interviews, this contribution analyses two major elements of the Commission's mandate, the first being the implications of its new way of working, involving a restructured College around ten priority policy fields, for the Commission's internal dynamics. The paper finds that the internal processes are now more streamlined and team-oriented, but they are carried out under a flawed hierarchy, making the best of an oversized College. Second, the paper examines the Commission's rationale for and the effect of its White Paper and the reflection process on the future of Europe. It observes an innovative approach, which aims to redefine the level of ambition for European integration and will lead to both policy prioritisation and differentiation.

### 1 Introduction

When the current European Commission began its mandate on 1 November 2014 under President Jean-Claude Juncker, it did so in highly inauspicious political circumstances. The EU was still suffering one of the most severe financial and economic crises since World War II; unemployment hit unprecedented high levels;<sup>1</sup> intergovernmental emergency measures burdened the Union's democratic quality; and the trust in European institutions of a politics-fatigued electorate hit an all-time low.<sup>2</sup>

President Juncker introduced changes to the Commission's working style. He limited legislative action to ten policy

fields and restructured the internal setup of the College to enable the so-called 'Commission of the last chance' to turn the corner. The revised structure was supposed to channel the Commission's attention onto the 'big-ticket' items – laying off the regulation of eco-friendly light bulbs<sup>3</sup> and water-saving shower heads.<sup>4</sup>

Yet beyond Juncker's control, political circumstances deteriorated and did not bode well for his term. There was an unexpectedly high influx of people seeking refuge on the European continent; severe instability in Europe's direct neighbourhood; terrorist attacks; and the rise of

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<sup>1</sup> Since the start of the series in 2000: [http://ec.europa.eu/eurostat/statistics-explained/index.php/Unemployment\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Unemployment_statistics)

<sup>2</sup> According to Eurobarometer data only 31 per cent of European citizens tended to trust the EU institutions, 55 per cent indicated to tend to not trust them. This marks a significant fall compared to pre-crisis EU in 2007, in which 58 per cent of the citizens tended to trust and 32 per cent tended to not trust the EU institutions: <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Chart/getChart/themeKy/18/groupKy/97>

<sup>3</sup> [http://europa.eu/rapid/press-release\\_MEMO-09-368\\_en.htm](http://europa.eu/rapid/press-release_MEMO-09-368_en.htm)

<sup>4</sup> <https://www.euractiv.com/section/sustainable-dev/news/brussels-rules-out-eu-wide-water-efficiency-target/>

populist forces across Europe. This ‘poly-crisis’<sup>5</sup> revealed deep divisions and incompatible preferences for problem-solving strategies among member states, which undermined the unity of the EU and its members and triggered a far-reaching debate on the future direction of the bloc. Following the political ‘hurricane’ of the British referendum on EU membership on 23 June 2016, the European Council introduced an emergency plan: the Bratislava process, giving policy priority to the fields of migration, security and economy.<sup>6</sup> Shortly after the celebrations to mark 60 years since the signing of the Treaty of Rome, the European Commission made its own contribution to this debate, the White Paper on the Future of Europe, outlining five possible governance modes.<sup>7</sup>

In light of this debate, the mid-term of this ‘Commission of the last chance’ is a suitable moment for analysis.<sup>8</sup> This paper will assess the performance of the European Commission, paying attention to two significant developments. First, it will assess the effects and effectiveness of the ‘new way of working’ of the Commission. Did the ten priority policy fields and the new College structure bring added value to its work? Statements on the improvements of the policy output can only be made after comprehensive impact analyses in all prioritised policy fields, once the mandate is over. As a mid-term review, this contribution will assess the implications of the new structure on the decision-making process and on the internal dynamics of the College.

Second, this paper will investigate the Commission’s current reflection phase, which was triggered by the White Paper on the Future of Europe. Unlike other such debates, this one does not focus on specific policies. As the EU’s problems go further and deeper than what is covered by any one policy field, the White Paper takes a broader view of the future of

Europe debate, raising fundamental questions about how the member states see their future together. In this way, the Commission is stimulating debate that goes beyond policy-related and institutional detail, but rather urges all stakeholders to reconsider their own motivation to buy into the European project.

Since no other stakeholder in the EU arena has come up with a competing model or a complementary scenario with the same breadth of vision, the current ‘future of Europe’ discourse gravitates around the Commission’s five scenarios.

This paper will take a closer look at the Commission’s approach towards and intentions behind this reflection period and will consider how far this debate might affect the second half of its mandate, speculating on a likely way forward. It will give a brief outlook on the developments and time frame of the future of Europe debate, before concluding with a summary of the main take-aways from these developments.

## 2 Juncker’s new way of working

### 2.1 Overview

The Commission President is entitled to set up the College “ensuring that it acts consistently, efficiently and as a collegial body” (Article 17(6) TEU), which effectively leads to varying organisational structures and internal working procedures in every Commission. When President Juncker took office in November 2014, not only did he reshuffle portfolios, he substantially revised the structure of the College. Under the motto ‘big and more ambitious on big things, and small and more modest on small things’, Juncker set out ten political guidelines (European Commission, 2014), a political agenda that aims to limit all Commission action to

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<sup>5</sup> The term was coined by Juncker: [http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/583827/EPRS\\_BRI\(2016\)583827\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2016/583827/EPRS_BRI(2016)583827_EN.pdf), p. 2.

<sup>6</sup> The Bratislava process marks the time between the European Council Summit in Bratislava on 16 September 2016 and the anniversary of the Rome treaties on 25 March 2017, which aimed to diagnose the EU’s key problems and the reason for the decline of its popularity among citizens. This process includes a political declaration, in which the EU 27 reaffirm unity and their willingness to reconnect to EU citizens. The accompanying work programme, the ‘roadmap’, “set out orientations” for the common future ahead, outlining policy priorities and objectives as well as concrete measures for each of them. This programme was proposed by the President of the European Council, the Presidency of the Council and the Commission.

<sup>7</sup> The Commission published the White Paper on 01 March 2017 [https://ec.europa.eu/commission/white-paper-future-europe-way-ahead\\_en](https://ec.europa.eu/commission/white-paper-future-europe-way-ahead_en)

<sup>8</sup> The qualitative data on which this paper is based was gathered in semi-structured expert interviews. The author conducted 25 interviews in two rounds; the first between May and August 2016; the second between April and June 2017. The author would like to thank interviewees from the European Commission, the European Parliament and the General Secretariat of the Council for taking the time to share their insights.

predefined policy fields. This approach was meant to focus the Commission's work on the most pressing of current problems.<sup>9</sup> To facilitate this 'big ticket' approach, Juncker adapted the structure of his College. He reshuffled it in a more team-orientated way, grouping related portfolios and upgrading the hitherto honorary role of the Vice-Presidents, entitling them to coordinate and steer the work of portfolio-related Commissioners in so-called project teams. He appointed a First Vice-President, tasked with managing the Commission's better regulation agenda and safeguarding the principles of subsidiarity and proportionality by overseeing all legislative attempts made by the project teams (European Commission, 2014a).

The project teams operate as pre-coordination bodies, where several Commissioners come together to discuss dossiers from different policy angles, each one headed by a Vice-President. These groups are meant to discuss the overriding policy lines, rather than the technical details (Interview 7). This new structure does not replace but complements the subsequent administrative process, as the project teams do not possess formal decision-making powers (Interview 17). Once the project team initiates the legislative process, the DGs, in cooperation with the Cabinets, begin their usual working procedure.

The project team approach and the 'gatekeeper' role of the vice-presidents were supposed to streamline all European Commission actions; to foster teamwork among Commissioners and their Cabinets; and to design a more 'political' Commission (European Commission, 2014b, 2). There is ongoing discussion, however, about the definition of 'political' (as distinct from 'policitisation', which entails the creation of stronger partisan lines); the compatibility

of being 'political' with the Commission's mandate as guardian of the treaties; and the question of whether and to what extent the Commission was already 'political' under President Juncker's predecessors.

Notwithstanding, the Commission labels itself as "highly political" (European Commission, 2014, 32), in an attempt to respond to criticisms about being a faceless technocratic bureaucracy that over regulates the lives of European citizens. It defines 'political' as the prioritisation of policy fields in which action is most needed and as a demarcation of the political from the administrative level of the Commission, defining the latter as being subordinate to the former. The new way of working facilitates involvement at the political level from the very early stages of the policymaking process, in contrast to an approach whereby legislative initiatives are triggered in the DGs (Interview 2). A 'political' Commission under Juncker therefore stands for policy prioritisation as well as for a top-down rather than bottom-up approach, entailing greater political control over administrative actions.<sup>10</sup>

## 2.2 Implications of the new working style

**Policies.** As a first finding, one can observe a positive effect on the quantity of announced policy initiative deliverables. According to the European Parliamentary Research Service (EPRS)<sup>11</sup> the Commission delivered<sup>12</sup> 256 out of 373 policy proposals (approximately 69 per cent) across all policy fields, already by January 2017. Some 111 of those have been adopted; whereas 145 have been submitted by the Commission, but are still being processed in the inter-institutional procedure.<sup>13</sup> On average and across all policy fields, one-third of initiatives has been adopted, one-third is with the other institutions and one-third is yet to be processed.

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<sup>9</sup> President Barroso also issued political guidelines for the work of his second term, as required by the Lisbon Treaty (Article 17(6) TEU). However, there is a difference in the approach to this contractual duty: in view of structure and length, Barroso's political guidelines seemingly did not target the wider public. Juncker, by contrast, exploited the Political Guidelines' full potential, promoting them very actively. While Barroso's guidelines were hardly known, Juncker's are impossible to overlook for any observer of EU politics.

<sup>10</sup> Juncker stresses the political control over the DGs for instance in his political guidelines: "The Commission is not just a troop of anonymous high officials. The directors-general, all highly competent, have to obey their Commissioners and not the other way round" (European Commission, 2014, 32).

<sup>11</sup> To assess where the Commission stands on the implementation of its ten priorities, the European Parliament's in-house think tank, the EPRS, provides in-depth research, which tracks the status of all legislative and non-legislative actions stemming from the ten priorities. The January publication is the latest available, a follow up is expected for July 2017.

<sup>12</sup> The EPRS defines 'delivered' as the total of all legislative initiatives that are either submitted by the Commission; which are close to adoption; blocked or processing currently slow; or already adopted.

<sup>13</sup> Some 16 initiatives have been withdrawn.

As Table 1 shows, some policy fields are more advanced than others, but the level of ambition regarding the number of initiatives also varies.

Certainly, this quantitative exercise does not take into account specific political and external challenges facing the respective policy fields. Furthermore, it is usual that the first half of a Commission term always processes more legislation than the second, because the inter-institutional legislative process is very time-intensive and there is a desire to complete announced policy files before the end of the mandate. This does not mean that the Commission runs out of work for the second half of its mandate; there is still much negotiation work with the EP and the Council and implementation work for the initiatives submitted ahead. Nevertheless, it shows that the particularly difficult political circumstances of multiple crises have not appeared to distract the Commission from delivering on all the priorities they set out.

Policymaking did not come to a full stop in policy fields that are not prioritised (such as environment or health policy). But the Commission's main legislative dossiers and the Commission Work Programme indeed focused on the

ten predefined areas. This also drew criticism, however, for instance from the European Parliament: as its committee structure did not adapt to the Commission's priorities, there is a broader diversity of topics within the EP. Not all MEPs are happy with the Commission's policy choices, as some of the topics covered are not reflected in Juncker's prioritisation (Interview 20). The prioritisation also has an effect on the visibility of individual Commissioners, which differs considerably according to whether portfolios fall under the ten priorities.

**Collaborativeness.** As a result, the new College structure facilitates greater cooperation, not only between the Commissioners, but also their Cabinets (Interview 4). Certainly, there was always cross-portfolio engagement between Commissioners, also in a more horizontally organised College. These were, however, on an informal and less organised basis, leading to last-minute changes on proposals, shortly before adoption by the College (Interview 10). The new structure gives intra-College cooperation a more structured and institutionalised framework, and starts at a much earlier stage. Instead of 'rubberstamping' the final proposal in the College, as the very last stage of the Commission internal decision-making process, the new structure facilitates multidisciplinary cooperation from the beginning of the process, and the opportunity to actively shape policies collaboratively (Interview 13). As the Commissioners are involved in the policymaking process right from the start and the Cabinets also intervene during the administrative process, the political level has greater control over the processes (Interview 24). In this way, no proposal comes as a surprise to the political level after administrative processing (Interview 9).

Unsurprisingly, there is a trade-off between a collaborative and an efficient working style, as intensified coordinating processes call for increased coordination efforts. The increased intensity of collaboration made the decision-making processes lengthier and more time-intensive (Interview 23). However, inefficiency in the policy process is the price to be paid for a wider participation and a more mature debate (Radaelli, 1999, 154).

**Collegiality.** The new structure also has significant implications for College meetings and the discussion culture therein. Whereas former Commission President Barroso gave less prominence to College meetings by maintaining close bilateral contact with his Commissioners (Kassim et al., 2016, 10), Juncker delegates these tasks to the Vice-Presidents. In both cases, the in-depth discussion of issues takes place outside the College. Under the presidency of

**TABLE 1 PRIORITIES: STATE OF PLAY IN NUMBERS**

Priority	Announced initiative	Delivered initiative	Per cent
1. Jobs, growth and investment	28	15	53
2. Digital single market	32	26	81
3. Energy and climate	30	13	43
4. Internal market	123	80	80
5. A deeper and fairer economic and monetary Union	26	22	65
6. A balanced EU-US free trade agreement*	25	23	92
7. Justice and fundamental rights	42	27	64
8. Migration	37	28	75
9. A stronger global actor	19	13	68
10. Democratic change	10	9	90

\*This priority is exceptional, however, in that the Commission has acted upon its promises, but the current US administration has suspended further negotiations.

Source: Author's own compilation based on the EPRS research.

Barroso, the appearance of collegiality was maintained, as he would call for collegial discussion of topics that had already been addressed and agreed upon at a lower level. Juncker, by contrast, does not expect a symbolic repetition of what has been discussed among a number of ‘experts’ already, but focuses the College’s discussions on the issue that demands the highest political attention (Interview 22). That diminished discussion culture in the College consequently affects the Commission’s most important guiding principle: the principle of collegiality.<sup>14</sup>

It is important to note, however, that a high-level discussion within the College is hardly possible. Due to the large number of Commissioners and portfolios, and the complexity of most of the dossiers, the aspiration for in-depth discussion among all members of the College almost seems audacious. The project teams facilitate a more genuine debate among Commissioners who are knowledgeable in the matter at hand. The concept of collegiality cannot be upheld to the extent that it was intended at the beginning of the European integration process, convening only six member states. In the realm of modern political reality and 28 members of College, the new system provides a redefinition of the collegiality principle, focussing on the Commissioners who are concerned.

**Hierarchy.** When Juncker and his College took office in November 2014, he highlighted the equality of all posts in the College and stressed that the Vice-Presidents are “no chiefs who will hand out instructions to the other Commissioners”, and that “all Commission members have the same rights” (European Commission, 2014, 34). Nevertheless, early academic assessments by other authors suggested a hierarchical relationship between the

new members of the College: the Vice-President post was interpreted as being superior to the rest of the College, “endowed” with “authority” and “significant powers” to govern the work of the Commissioners (Nugent & Rhinard, 2015, 98-99) as the new system would “empower” the Vice-Presidents (Peterson, 2016, 15). At first glance, the new Commission structure indeed appears to be hierarchical, as the Commissioners report to the Vice-Presidents, who have a filter function and seem to be the access point to the President. Therefore, one could suggest that the Vice-Presidential post is superior to that of a Commissioner.

Nevertheless, a glance at the nationalities of the Vice-Presidents indicates that the internal dynamics might be different, as the four sectoral Vice-Presidents come from Latvia, Estonia, Finland and Slovakia, and none of the large member states occupies these posts. A closer assessment reveals another game-changing circumstance: the Vice-Presidents<sup>15</sup> enjoy very limited administrative support from these services, as no Directorate-Generals are allocated to them.<sup>16</sup> The Vice-Presidents and their Cabinets are not even formally authorised to contact the DGs (Interview 23). Instead, if the Vice-Presidents need portfolio expertise from the administration, they have to obtain it via the portfolio Commissioner, the Secretariat-General, or an informal network (Interview 15). From a managerial point of view, reporting to the DG through only one member of the College seems intended to avoid contradictory work orders from two members of College and to ensure smoother working procedures between the administrative and political levels. Vice-Presidents do not have a policy-shaping but rather a process-steering function. Nevertheless, to execute their filter function, a sound technical understanding of the files under consideration is necessary. A certain degree of

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<sup>14</sup> The principle of collegiality governs all internal Commission procedures. It is based on the notion of the Commission as a collective body which adopts decisions commonly. In practical terms this means all decisions are collectively adopted by the College and that every Commissioner has the right to vote on all EU matters, not only on his own portfolio issues. No Commissioner has an individual decision-making power, unless authorised by the Commission.

<sup>15</sup> For the sake of accuracy, the statements made apply to the four sectoral Vice-Presidents Ansip, Dombrovskis, Katainen and Šefčovič. Frans Timmermans constitutes an exception, as the First Vice-President holds a special post and a portfolio which is mainly (although not solely) horizontal in nature. Another outlier is Federica Mogherini, due to her hybrid role as intergovernmental High Representative of the Union for Foreign and Security Policy and her supranational post as Vice-President of the Commission. She heads the Commissioners’ Group on External Action, which is a project team in its most advanced form, due to the special status that Common Foreign and Security Policy (CFSP) enjoys (see Blockmans & Russack, 2015). Furthermore, as of July 2016 Vice-President Dombrovskis is responsible for DG Financial Stability, Financial Services and Capital Markets Union. This, however, is an exceptional situation, as he took over the portfolios of the former British Commissioners Jonathan Hill (portfolio of Financial Stability, Financial Services and Capital Markets Union), as a reaction to his resignation after the UK’s referendum on leaving the EU.

<sup>16</sup> Instead, their work is supported by a unit in the Secretariat-General, which, numerically speaking, cannot compensate for a DG.



expertise on the respective portfolios is needed to facilitate well-grounded verdicts on the draft proposals. This is difficult without direct contact to the experts in the DGs.

The portfolio Commissioners guard access to the DG and determine how much the Vice-President is formally involved in administrative processes. This shows how important the relationship between the Commissioner and the Vice-President is, which is also the Achilles' heel of the new system as it depends on and is therefore susceptible to personnel decisions (Interview 19). The new system established two categories of Commissioners with diverging job descriptions; it is thus crucial that the incumbents understand their respective roles. The system is not designed for strong Vice-Presidents in the role of decision-maker. They fulfil the function of policy coordinators rather than policy leaders. This leaves room for friction between the Commissioners and the Vice-Presidents, which makes the success of the individual project teams very dependent on the incumbents (Interview 6). Without access to expertise in the DGs and actual authority over the Commissioners, the vice-presidential filter function appears flawed.

**Size of the college.** The new College setup responds to the intergovernmental restraints that the Commission is facing. The size of the College lies within the responsibility of the Heads of State and Government, and is an issue that has been passionately debated since the Treaty of Maastricht. The Heads of State and Government paved the way for a decreased number of Commissioners in the Treaty of Nice; the Intergovernmental Conference (IGC) negotiating the Lisbon Treaty fine-tuned that option by proposing a rotational system in which the number of Commissioners should equal two-thirds of the member states (Article 17(5) TEU). However, to avoid what looked like the imminent rejection of the treaty by the Irish electorate (which demanded to nominate a permanent Commissioner), the European Council meeting in December 2008 abandoned this proposition (Peterson, 2016, 3). Ever since, the reduction in size of the College has been a delicate topic and one seen as being politically unworkable (Blockmans & Piedrafitá, 2014, 8). Nevertheless, it is inconceivable to attribute 27<sup>17</sup> meaningful policy fields and ensure coherent policy results, as Juncker himself acknowledged at the beginning of his mandate (European Commission, 2014, 34). For this reason, the introduction of policy-steering Vice-Presidents without genuine policy fields effectively

built a College of 20 portfolios. The system maintains the same number of College members, but executed a virtual reduction of portfolios and policy-shaping actors. In effect, the new system has achieved similar results to what was initially intended under the rotating principle, but which was never implemented. The new setup is a valid and pragmatic approach that makes a virtue of the political necessity of an oversized College.

Although these measures created a somewhat flawed hierarchy, they brought improvement to the Commission's internal decision-making-processes. Notwithstanding these institutional improvements, last year the political situation took a dramatic and unexpected turn, culminating in the decision of one of the key member states to leave the bloc. This gave rise to a more fundamental discourse on the future of European integration and a re-examination of the purpose, added value and limitations of the EU as such. The 'Commission of the last chance' thus embarked on the ambitious endeavour to not only deliver on the most pressing policy problems, but also to guide the redefining and reshaping process of the Union itself, by means of the reflection process that followed the White Paper on the Future of Europe.

### 3 The Commission's reflection process

**3.1 The White Paper on the Future of Europe**  
During his State of the Union speech in 2016, Juncker sought to set out a vision for the future of Europe, although back then it was meant to "address how to strengthen and reform our economic and monetary union (EMU)" (European Commission, 2016, 8). Due to the British referendum and the Council's Bratislava process, the Commission decided to cast its net wider than this policy field and stimulate a far more substantive debate (Interview 12). Since its publication in March, the 'White Paper on the Future of Europe' has served as the key discussion paper.

The Commission outlined five possible ways for the future of European integration:

- i. to maintain the status quo;
- ii. to reduce European cooperation to the single market;
- iii. to integrate in a differentiated manner;
- iv. to intensify European action in fewer policy fields; and
- v. to integrate more across all policy fields.

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<sup>17</sup> Before Brexit; excluding the post of the President.

Despite criticism,<sup>18</sup> the White Paper went beyond short-term policy priority settings and has managed to take the debate out of specific policy discussions and on to broader questions of political relevance. The Commission did not draw any definitive conclusions but outlined the respective consequences, risks and opportunities of all the scenarios it presented. Although some commentators felt that the Commission lacked vision on the future for Europe, and others attempted to read between the lines to discern its preferred option,<sup>19</sup> the Commission did not show support for one or the other scenario.

**Approach.** This was in fact a strategic move, in line with its innovative approach: the Commission refrained from presenting a blueprint (as it did in the Five President's report, for instance), but instead chose to ignite debate and put the onus of decision onto the member states (Interview 14). The overall purpose of the contribution was to stimulate, frame and structure the debate on the future of Europe (Interview 8). The paper aimed to close the gap between policy promises and policy performance by to not only improve the Union's performance, but to also recalibrate expectations towards the EU and to define a new level of ambition for European integration (Interview 12). By stealing the thunder of those who accused it of imposing its will on reluctant member states and consequently of alienating them from the EU institutions, the Commission made clear that it was the member states that were ultimately in the driver's seat.

**Directions.** Observers should not expect implementation of these modes with the same clarity of purpose as seen in the White Paper. The paper's scenarios are designed as ideal types; they are artificial modes that are not mutually exclusive, nor are they intended to be. Rather than aiming for a clear-cut decision for one scenario, the White Paper encourages all stakeholders to reflect on the direction they want the Europe's integration process to take (Interview 8).

In a way, the process has an educational effect: by presenting provocative, clear-cut models, it lays bare the different underlying dynamics and driving forces behind EU integration. Although it explicitly rejects the narrow choice between more and less integration, these scenarios ultimately boil down to three directions: deeper, less or differentiated European integration.

**The way forward.** Against this background, the pursuit of more intense cooperation in fewer policy fields seems a likely option, possibly in, among others, the fields of energy, digitalisation, migration and security. Furthermore, scenario three, differentiated integration modes, is seen as inevitable, particularly for fields such as defence, social policy and EMU. The other scenarios can be discounted, as the muddling-through option is clearly not favoured as there is broad recognition of the desperate need for a re-definition or change of course for the EU; the single-market-only option was the only one that the Commission publicly ruled out and would be endorsed only by Europe's extreme right-wing forces (and a departing UK); and no stakeholder has any appetite for the fully fledged federalist approach.<sup>20</sup>

**Prioritisation.** The fourth scenario describes closer cooperation in a smaller and selected number of policy fields. According to this mode, the EU 27 define policy fields in which closer cooperation is desired and in which member states are better equipped to cooperate.

The White Paper describes "stronger tools" to "directly implement and enforce collective rules" to achieve better policy results and to solve implementation issues (European Commission, 2017, 22). It attempts to align Commission and EU competences and the policy outcomes with member state governments' and citizens' expectations. Institutionally speaking, there are two levels of ambition underpinning this model. A high ambition mode, where certain competences are returned to national level, as suggested in the White Paper, would trigger a wholesale review of competences across all policy fields and make a clear cut between the EU and the national competences. At the same time, the Commission's competences could be strengthened, for instance by means of granting exclusive competences in more policy fields. These measures, however, would require treaty revision.

A low-level implementation of this mode, avoiding treaty change, is also possible. This would aim to reduce the execution of shared competences. The Commission already operates in this manner, as the focus on ten priorities also implies acting less in other policy fields. The administrative body of the EC has shown a certain amount of flexibility in the past; DGs could also now be restructured to allocate

<sup>18</sup> See, for instance <http://bruegel.org/2017/03/what-future-for-europe/>

<sup>19</sup> See, for instance <http://www.euractiv.com/section/future-eu/news/junckers-real-scenario-is-multi-speed-europe/> or <http://www.politico.eu/article/breaking-politico-obtains-white-paper-on-eu-future/>

<sup>20</sup> Vote Watch has used its capabilities of monitoring and measurement of the views of political parties across the continent to forecast likely developments and estimate which scenario is likely to unfold (see <http://www.votewatch.eu/blog/future-of-the-eu-which-scenarios-are-the-most-likely-to-unfold/#sthash.pb2gu6r4.dpu>).

officials from DGs with fewer to those with more (executed) competences (Interview 16). Stronger implementation tools and enforcement within the treaties could lead to the endowment of European Agencies with more direct intervention rights, following the example of the new European Border and Coast Guard Agency, formerly Frontex.<sup>21</sup>

*Differentiation.* Whereas the Commission traditionally promotes unitary integration, the institution seems to acknowledge that in some fields the EU has reached its inherent policymaking capacities and is supporting the general concept of non-unitary integration, meaning integration modes which allow some member states to pursue deeper cooperation while others do not (Interview 5). Continuous deepening (as in increasing the ambition of the European project and expanding into new policy areas) as well as widening processes (integrating new member states with diverse institutional traditions in several enlargement rounds) have significantly increased the Union's heterogeneity (Schimmelfennig, 2016). Differentiated integration provides legal flexibility for the integration of heterogeneous states and circumvents political gridlock (Duttler et al., 2016, 17). Differentiated integration is not a new phenomenon; rather it is a prominent feature of European integration, as the euro area and Schengen as the prime examples show.<sup>22</sup> There are different mechanisms to implement this integration mode (Pirozzi, Tortola & Vai, 2017, 5). One option is to operate outside the treaties: the financial and sovereign debt crises led to intergovernmental agreements, such as the so-called Fiscal Compact or the European Stability Mechanism (ESM), as it called for fast and efficient solutions in the fiscal and financial domain. Apart from this "no man's political land" (de Schoutheete & Micossi, 2013, 2), the second option is to amend the treaties, as was done for the EMU. And the third option, working within the treaty framework, is by means of enhanced cooperation (Cantore, 2011).

Enhanced cooperation is the only option that respects the community method and allows a group of (minimum nine) member states to push for deeper integration in one specific field (following an opting-in logic).<sup>23</sup> This mechanism was introduced by the Treaty of Amsterdam, adapted by Nice and Lisbon, is applicable in non-exclusive competence areas (Article 20 TEU, Article 329 TFEU) and has so far been invoked twice.<sup>24</sup> Wary of intergovernmental non-uniform integration modes, the Commission supports the mechanism of enhanced cooperation while underlining the importance of congruence in the eurozone; thereby avoiding permanent opt-outs and division between member states, and honouring the objectives of the treaties (Interview 12).

*Treaty change.* When discussing EU reform, the subject of EU treaty revision inevitably comes up. Wishing to avoid fanning the flames of institutional debate, the Commission omitted any reference to institutional implications or treaty change (Interview 3). Nevertheless, the scenarios outlined in the White Paper and the ideas developed in the reflection papers in part necessitate treaty change. Revising the treaties is the natural way to equip the European community to meet future challenges and to align expectations and performance, and should therefore not be a taboo subject (Blockmans & Russack, 2017). One must distinguish, however, between what is theoretically desirable and practically feasible. The Commission is wary of a new round of treaty revision, as the painful last round (see Church & Phinnemore, 2013) has still not been fully digested. It seems dangerous to reopen that Pandora's box in the current state of affairs, and hardly manageable to find agreement on a future treaty and ratify this in the remaining time of the mandate (Interview 14). Hence, for the current legislative cycle, there is little appetite to trigger a revision procedure but rather a preference to exploit the options that the Lisbon Treaty still provides (Interview 5). By 2025, however, the time-frame set by the White Paper, the EU treaties will certainly be subject to revision.

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<sup>21</sup> The Council can, as a final stage and based on a proposal from the Commission, decide on a direct intervention by the Agency, requiring the member state to cooperate with the Agency in the implementation of specific measures to eliminate risks to the proper functioning of the Schengen area: [http://europa.eu/rapid/press-release\\_MEMO-16-3308\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-3308_en.htm)

<sup>22</sup> See Koenig (2015) for further details.

<sup>23</sup> As opposed to an opt-out logic, where individual member states decide not to follow an initiative, as illustrated most prominently by the British and Danish opt-outs from the euro area.

<sup>24</sup> On divorce law, Council Decision of 12 July 2010 (2010/405/EU), OJEU, L 189/12; and on patent law, Council Decision of 10 March 2011 (2011/167/EU), OJEU, L 76/53). As a potential third case, the Commission's proposal for a Financial Transaction Tax (FTT) is currently under discussion in the Council. A fourth case of enhanced cooperation, to create a European Public Prosecutor's Office, has just been launched: <https://euobserver.com/justice/137421>.



### 3.2 The reflection papers

The Commission followed through with the production of a series of so-called reflection papers, addressing five different topics, each under the leadership of two Vice-Presidents and/or Commissioners: the social dimension of Europe (Dombrovskis/Thyssen); harnessing globalisation (Timmermans/Katainen); deepening of the Economic and Monetary Union (Dombrovskis/Moscovici); the future of European defence (Katainen/Mogherini); and the future of EU finances (Oettinger/ Crețu).<sup>25</sup>

These papers each present the status quo and challenges ahead for the respective policy fields.

While some papers are more specific in their outline of possible ways forward than others, they all intend to offer visions rather than policy proposals or precise roadmaps. They flesh out the White Paper in policy terms, with differing degrees of reference to the five scenarios. Due to the very different nature of the topics addressed and different teams of authors, these papers' approaches are quite divergent. According to the Commission, they reflect dialogues that the authors held with national governments, national parliaments, and citizens, and are meant to reveal the desired level of ambition for European integration in respective fields (Interview 21). Hence, they are supposed to reach beyond the 'Brussels bubble', also with regards to their dissemination (Interview 3).

**Political nature.** The Commission places great importance on the political, non-technical nature of these documents, which is also reflected in the format and authoring process: like the White Paper, these papers follow a top-down approach. Although the reflection papers are formally adopted by the College, they are not processed through the Commission's usual internal procedure, such as the interservice-consultation (Interview 11). The co-authors do not necessarily reach a compromise between different members of the College and policy angles, as in the project team under the regular procedure. Other members of the College support the co-authors, but the co-authors have the final say (Interview 14).

**Visions.** In a way, the chosen topics can be understood as an update of the political priorities that were set three years ago. Whereas the EMU continues to be high on the Commission's agenda as a political priority, the social pillar

and defence cooperation are certainly emerging policy fields. Cooperation in the social sphere still meets with some resistance, in the field of defence proposals are now being discussed that were unthinkable at the beginning of the mandate. After initially pursuing "a reasonable and balanced free trade agreement with the U.S.", the Commission has no choice but to recalibrate its focus on 'harnessing globalisation' and to take the internal as well as the external dimension into account.

Lastly, the focus on the EU's finances is a natural one, given the budgetary situation after Brexit and the pending negotiations for the next Multiannual Financial Framework (as of 2020). Having said that, the reflection topics are not 'new priorities'. These are visions that outline possible scenarios up to 2025, and can only be implemented in this term if budgetary constraints allow.

### 3.3 Outlook for remainder of the mandate

The election of French President Emmanuel Macron has given all member states some breathing space. Without doubt, the reflection process would have been very different under a President Le Pen. The general mood in Europe is therefore more upbeat than in the recent past, and the German general election is expected to provide continuity, irrespective of who the next chancellor is. Hope also stems from the commitment by Emmanuel Macron and Angela Merkel to "reconstruct the Union",<sup>26</sup> and a possible revitalisation of the Franco-German tandem.

Nevertheless, the situation remains precarious and the future of Europe debate will remain high on the agenda. After the publication of the last reflection paper at the end of June and the succeeding summer break, Juncker's annual State of the Union speech will draw preliminary conclusions from the reflection process. At December's European Council meeting member states are then expected to take stock of the debate. The Commission aims to flesh out the initiative of the White Paper within one year of the French election (Interview 12), for two reasons: first, the Brexit negotiations will enter the crucial phase by that time, as the exit agreement should be finalised by the end of 2018 to be passed by the European Parliament and the Council on time. And second, the next Multiannual Financial Framework is expected to be tabled next summer<sup>27</sup> and will call for reflection on the prioritised policy fields.

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<sup>25</sup> To date, four reflection papers have been published, whereas the EU finances paper will be published in the course of June.

<sup>26</sup> <https://euobserver.com/political/137915>

<sup>27</sup> <http://www.euractiv.com/section/global-europe/news/brexit-and-future-of-europe-muddle-eus-budget-decision-making/>

Outcomes of this debate will then feed into the pre-election cycle, and in 2019 cumulate in a newly elected Parliament and new Commission. Hence, the implementation of the fresh narrative for Europe will, most likely, be left to Juncker's successor. Depending on the outcome of the debate, however, the current Commission could go beyond what it has set out in its ten priorities, by starting to implement ideas from the reflection papers, if mandated by the member states (Interview 1).

#### 4 Conclusion

The Commission began its mandate under President Juncker in the most inauspicious of political circumstances, facing numerous crises and fundamental questioning about the entire process of European integration. Thanks to the adoption of ten political guidelines and their embodiment in the organisational structure of the College, the Commission has managed to focus on fewer policy fields and deliver across all stated priorities. Institutionally speaking, there are four detectable effects: first, the new system improves the processing of legislative dossiers on a vertical and horizontal axis; vertical in the sense that the project teams facilitate political guidance and steer the dossiers right from the start, and horizontal in that all Commissioners whose portfolios are potentially affected are involved and the dossiers are assessed from different policy angles. Second, the new working style affects the principle of collegiality, as substantive policy discussions are outsourced from the College to the project teams, leaving Commissioners less informed about other portfolio work, but facilitating more substantive debates. Third, the system is very susceptible to personnel decisions, due to an inconsequential hierarchy in which the newly created and supposedly 'empowered' vice-presidential posts do not enjoy the administrative backing of the DGs, or *de facto* authority over the portfolio Commissioners. Fourth, despite its shortcomings, the system is a pragmatic solution to an oversized College, which is intergovernmentally bound to represent all the current 28 EU member states.

The first important take-away from the White Paper and resulting reflection process is the Commission's overriding aim to stimulate genuine debate among all stakeholders and to redefine the level of ambition for European integration,

thereby aligning expectations towards European politics and policy outcomes. Furthermore, within the framework of the current treaties, a move towards policy field prioritisation, entailing a clearer definition of responsibilities and stronger implementation tools and differentiation by means of enhanced cooperation are likely ways forward for the coming two and a half years.

Nevertheless, these scenarios are meant to function as a gauge of the desire for European integration, rather than as aspirational goals on a fixed path. Ultimately, the true added value of the reflection process in general and the White Paper in particular lies in the injection of voluntarism into the process of European integration. In setting this intellectual challenge, the White Paper demonstrates that the underlying dynamic of European integration is after all the voluntary commitment of its member states.

The Commission labelled itself a 'political' Commission, which can be defined in different ways, as academic as well as policy circles show (see Peterson, 2016). Two elements feed into the Commission's narrative about it being more political, however. The first is policy prioritisation. The definition of and limitation to policy areas in which the EU can offer added value to national politics is crucial and an element that shapes the Commission's current *modus operandi*, as well as its reflection phase.

The second element that feeds into a more 'political Commission' is the top-down approach. Both the VP system and the reflection process show the relative strength of the political level over the decision-making process. The project teamwork precedes and steers the administrative procedure and the reflection papers do not run through the interservice-consultation, whereas the White Paper was even a presidential *Chefsache*.<sup>28</sup> In responding to the traditionally strong agenda-setting role of the DGs (Hartlapp, Metz & Rauh, 2013), the Commission attempts to give political impetus to its actions and considers the political appropriateness of any particular action. This is an attempt to shift the Commission's legislative focus away from small-scale technocratic intervention towards engagement in the major political and economic problems facing the EU.

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<sup>28</sup> The White Paper was authored by President Juncker and his Cabinet, supported by First Vice-President Timmermans, the Commission's in-house think-tank European Political Strategy Centre (EPSC), and the Commission's Spokesperson's service.

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## APPENDIX I OVERVIEW INTERVIEWS<sup>29</sup>

NO	DATE
1	05 May 2017
2	23 June 2016
3	08 May 2017
4	22 July 2016
5	28 April 2017
6	08 May 2017
7	23 June 2016
8	08 May 2017
9	07 July 2016
10	23 June 2016
11	03 May 2017
12	04 May 2017
13	27 July 2016
14	05 May 2017
15	06 July 2016
16	19 April 2017
17	02 May 2016
18	05 May 2017
19	04 May 2017
20	03 May 2017
21	10 May 2017
22	23 August 2016
23	27 July 2016
24	08 June 2016
25	09 June 2017

<sup>29</sup> For the sake of anonymity, the names and affiliations of the interviewees are not mentioned. The interviewees are either affiliated with the President’s, a Vice-President’s, or a Commissioner’s Cabinet; one of the Commission’s Directorates-General; the Secretariat-General; a MEP’s Cabinet; the European Parliament’s administration; or the General Secretariat of the Council.