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The European Commission: Less a Leader and More a Manager?

Abstract

The European Commission is commonly seen as having two main roles in the European Union. On the one hand, it is a policy leader, charged with initiating policy and legislative proposals that will advance the interests of the EU as a whole. On the other hand, it is an administrative body, charged with an array of essentially routine executive tasks. In this paper, we examine two questions that recently have been much asked about these roles and the Commission's seemingly hybrid nature. First, has the policy leadership role declined as much as is often suggested in the literature and in commentary? Second, has the growth in number and range of the Commission's managerial tasks been at the expense of its ability to provide leadership? In broad terms, we conclude that the supposed decline in the leadership role has been over-stated and that in certain respects it is a role that has been enhanced of late.

1 Introduction

A classic debate in EU studies is whether the European Commission is best characterised as an entrepreneurial policy leader seeking to promote the interests of 'Europe' as a community or as an administrative policy manager charged with tasks of an essentially technocratic and executive nature. It is a debate that is once again much *en vogue*. One reason for this is that some recent scholars have suggested that the management side has 'won out' over the leadership side, with the Commission's potential for policy leadership having ebbed (Puetter, 2012; see also Hodson *et al.*, 2015) whilst its managerial tasks have grown. This is seen as having led to introspection (Bauer, 2008) and to the Commission increasingly becoming a reactive policy actor that does little more than take instructions from others (Ponzano *et al.*, 2012). In contrast to this, and another reason for the

recent revival of interest in how the Commission is best characterized, is that the current Commission, led by Jean-Claude Juncker, is seeking to present itself very much in the entrepreneurial camp. It openly describes itself as being a political body that is providing a policy lead on such key issues of current concern to the EU as under-investment, stabilizing the eurozone, and tackling the migration crisis.

This paper asks and addresses two central questions regarding the Commission's hybrid nature. First, is the Commission's capacity for policy leadership – which we define as its potential to propose, motivate, and achieve innovative policy change at the European level – as 'damaged' as is often reported? Second, has the rise in the Commission's managerial tasks – which we define as making

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administrative rules, implementing laws and carrying out executive functions – been at the expense of its leadership potential? Running through our analysis, consideration is given to whether the leadership and administrative tasks are essentially incompatible because the organizational qualities required by policy management detract from those underpinning policy leadership.

We find that claims of the Commission's decline as a policy leader are overstated, for a number of reasons that we outline. We further find that policy management itself affords some unique opportunities for leadership.

The information used to substantiate the analysis herein is drawn from a larger research project on the European Commission, which examines the points made in this paper in greater detail (Nugent and Rhinard, 2015). In asking and answering the questions above, the paper hopes both to contribute to the ongoing debate over the Commission's hybrid nature and to offer a broader, systematic way in which to assess the arguments comprising the debate.¹

2 The hybrid nature of the Commission

One of the longer-standing debates in EU studies concerns the hybrid nature of the European Commission and whether one of its 'two sides' dominates the other. As early as 1956, Pisani contrasted two parts of the Commission's predecessor, the High Authority of the ECSC: the *administration de mission*, which was dedicated to and organised around the pursuit of a central goal, namely European integration, and the *administration de gestion*, which was focused on traditional management functions (1956: 324-325). Uniquely, it was argued by Pisani, the High Authority carried out functions and tasks which could be associated with either type of *administration* (for similar arguments on the Commission, see Michelmann, 1978; and Morgan, 1992).

David Coombes (1970) was the first scholar to note not only the hybrid nature of the Commission but also to emphasise the tension between the dual roles it exercised: namely those of being a promoter of integration on the one hand and a policy administrator on the other. According to Coombes, the former role required dynamic and innovative

leadership whilst the latter was dependent on more routine and bureaucratic capacities. Furthermore, Coombes argued that the tasks of formulation and implementation require different types of structures. Formulation, he suggested, requires an organic organisation in which tasks are not broken into compartments, in which there is no strong hierarchical command structure, and in which control is not externally imposed on the members of the organisation but is internally generated from a commitment to the enterprise. Such an organisation requires dynamic leadership to hold it together, must be adaptive to changing circumstances, must be good at generating ideas, and is unlikely to be particularly efficient in matters of routine administration. By contrast, implementation, Coombes suggested, requires a mechanistic organisation resembling Weber's classical bureaucracy. Such an organisation is marked by a high degree of internal specialisation and fragmentation of tasks, by a clear definition of the rights and obligations of each section and of each individual, and by a rigidly hierarchical system of control, authority and communication. While this kind of organisation is unsuited to innovative tasks, it is well adapted to the efficient performance of routine administration.

As Schön-Quivlan (2011: 4) notes, subsequent literature took the argument further and suggested that the increasing size and inevitable bureaucratisation of the Commission was leading to the death of its political capacity. Indeed, studies dating back to the early 1970s began arguing that, because of a growing workload – occasioned by the development of core policies such as the internal market and the Common Agricultural Policy and of new policies such as fishing and foreign policy – the Commission's *administration de mission* was giving way to an *administration de gestion* (see, for instance, Neunreither, 1972; Berlin, 1987; and Caremier, 1997). Michael Bauer (2008: 691) echoed the impressions of other scholars when he argued that 'the Commission will probably become more inward-looking and previously crucial policy entrepreneurs will have less time and other resources for advocating policy content than in the past'. Ponzano *et al.* (2012: 37) state that the rise of new institutional actors – especially the new semi-permanent president of the European Council – has robbed the Commission of its leadership position and taken over

¹ A return to an analysis of the Commission's hybrid nature is particularly appropriate at this juncture given the debate on the subject that has been stoked recently by the widely-reported comments on the matter by Wolfgang Schäuble, the German Finance Minister. Seemingly irritated by a feeling that the Commission's 'political' and 'technical' responsibilities had become too enmeshed, Schäuble proposed that some of the technical tasks – and he specifically identified competition and internal market issues – be handled by separate technical bodies (EUobserver, 30 July 2015).

key agenda-setting and debate-shaping roles, thus relegating the Commission to the position of a glorified secretariat. The 'new intergovernmentalism' agenda similarly discounts the Commission's entrepreneurial drive, arguing that the Commission has become introspective and self-absorbed which, along with a lack of virgin policy areas (no more 'low hanging fruit') and a hostile political context means it tends to prioritise its management rather than leadership roles (Hodson *et al.*, 2015).

Peterson (2009: 1; see also Hartlapp *et al.*, 2014) summarises the controversies and highlights their normative content when asking: 'Should the Commission be an *administration de mission*, which charts new directions and projects in European integration? Or an *administration de gestion*, which simply manages the policy agenda collectively chosen for the EU by its member states?' Peterson indicates that a number of factors, including overly pragmatic and unambitious Commission presidents since Jacques Delors, have accelerated a trend towards the *administration de gestion*, while Wille (2013) concludes derisively that the Commission has turned into a 'normal' bureaucracy owing to structural and managerial reforms (see also Hooghe, 2012; Kassim *et al.*, 2013).

The literature thus paints a picture of a hybrid organisation hardly in balance. The Commission's leadership functions are supposedly in decline (because of a number of factors too numerous to explore here, but they include competition from other institutional actors, a hostile political environment, a self-absorbed bureaucracy, and unambitious leaders) while its managerial tasks – which include making routine administrative rules and implementing laws – dominate its activities.

We question this bleak conclusion. We do so in the next section on policy leadership by returning to some of the key factors underlying the Commission's leadership potential and by providing examples of how these factors have been mobilised recently. This is followed by a section on policy management, where we tackle the question of whether the prevalence of managerial tasks in the Commission has come at the expense of the Commission's leadership potential.

3 The Commission as policy leader: On the decline?

Notwithstanding the suggestions in the literature that the Commission's policy leadership roles have been undermined and weakened of late, there are a number of traditional and new resources at the Commission's disposal that enable it to continue to exercise significant leadership responsibilities

and that enable us to qualify the pessimistic assertions that are made about it. This section outlines five of these resources and gives examples of how they have been used by the Commission to exercise leadership.

3.1 The treaties

It is important to emphasise the sometimes overlooked fact that the various rounds of treaty reform since the Single European Act have contained no direct reductions of the powers bestowed on the Commission by the founding treaties. So, there are today, as there always have been, a number of treaty articles that give the Commission a general responsibility to seek to shape the terms of the ongoing debate about EU policies and to launch broad policy initiatives. For, example, Article 17(1) TEU states: 'the Commission shall promote the general interest of the Union and take appropriate initiatives to that end'. This article, which is deliberately phrased in a very vague manner, permits the Commission to move on a broad front if it so wishes – by, for example, issuing position or discussion papers which are designed to set or shape the agenda. If the ideas expressed in such papers are then endorsed by other institutions, especially by the European Council and/or the Council, or if they lead to requests for the Commission to develop its thinking further, perhaps in the form of a White Paper, they can then become a source of legitimacy and a framework in which more specific proposals are advanced. Such, for example, has been the case in recent months with the Commission's plans for the creation of a single digital market.

At more modest levels, that is to say at those levels where leadership is concerned with the advancement of specific proposals rather than with the broad sweep of institutional and policy development, the Commission is also strongly positioned by the treaties – in two particular ways. First, it enjoys considerable legislative powers. Article 17(2) TEU states: 'Union legislative acts may only be adopted on the basis of a Commission proposal, except where the Treaties provide otherwise'. The treaties provide otherwise only in a very few competences within the Area of Freedom, Security and Justice (AFSJ), so the Commission enjoys an almost exclusive right to propose and draft legislation. Furthermore, after it has issued legislative proposals the Commission is given by the TFEU a considerable control over them as they make their way through legislative processes – notably by making proposals difficult to amend without the Commission's agreement. Second, the lack of precision of the TFEU in many respects has provided opportunities for the Commission to take action and to advance proposals where it has felt it to be necessary and appropriate to do

so. For example, it has taken advantage of Article 352 – the so-called ‘flexibility’ clause, whose remit was expanded by the Lisbon Treaty to include any of the objectives set out in the treaties and not simply, as formerly, single market objectives – to make in-roads into the sensitive area of tax harmonisation amongst member states (Commission, 2015a; but cf. Wasserfallen, 2014).

3.2 The fragmented Institutional framework

A number of new institutional actors have emerged over the years – and existing actors, especially the EP, have been empowered – but, contrary to what is often suggested in the literature, this has not been to the complete detriment of the Commission. One reason for this relates to the long-standing fragmentation of leadership in the EU. As Ellinas and Suleiman (2012: 9) have noted about the operating independence of appointed officials in all types of democratic systems, ‘the more fragmented a political system is, the larger the scope for bureaucratic autonomy’.

While the European Council, the Council and the EP have the formal power to take the most important EU decisions and have the most claims to democratic legitimacy, they are constrained in what they can do. The European Council and the Council are constrained by, amongst other factors, their internal divisions, their very nature as rolling series of negotiations between national governments, and, for all formations of the Council other than the Foreign Ministers, their rotating presidency. It is true that the growing involvement of the European Council in ‘grand issues’ clearly incurs upon the Commission’s agenda-setting powers, but summit meetings are still not usually capable of acting as forums in which national leaders identify and agree on principles designed to provide a reference framework for future policy action. Rather, much of the discussion at summits is on the basis of papers and documents that have been drawn up by the Commission – either on its own initiative, or at the request of an earlier summit, or on the basis of ideas that have been originally floated by the Commission and on which a summit has then requested further information or a more detailed report. Once a decision, Commission inspired or otherwise, has been taken by the European Council, subsequent Commission action to give effect to the decision is underpinned with considerable political authority and legitimacy.

The EP is constrained by the size and heterogeneity of its membership and also by the restricted nature of its powers which, as with legislatures everywhere, favour it being a reactive rather than a proactive body. The Parliament is certainly improving its capacities for leadership (as the

growing use of ‘own initiatives’ suggests) but it still lags behind the Commission and its formal-institutional powers of agenda setting.

3.3 Expertise and procedural knowledge

The Commission remains the main EU repository of new ideas, policy arguments, and policy expertise, as the recent high policy activism of the Juncker Commission in respect of pressing challenges facing the EU, ranging from the migration crisis to the need to build a single digital market, demonstrates. The Commission has the ability to marshal policy expertise (partially co-opted from its vast range of expert groups) and to take advantage of its procedural knowledge and historical memory to, at the very least, ‘keep itself in the game’ even in highly politicised and controversial policy areas, such as those associated with the eurozone crisis (for a similar argument, see Bauer and Becker, 2014). Such expertise and information are key power resources: little that is sensible or workable can be done in any policy area without an understanding of highly complex issues and without access to a mass of what are often almost impenetrable facts and figures. All EU actors develop some such understanding and access, but not usually to the same extent as the Commission, which results in it being advantageously placed to make itself indispensable to most initiatives and developments. The Commission’s procedural knowledge and policy memory lends itself to taking advantage of windows of opportunity and of seemingly innocuous policy instruments to promote significant expansions of the EU’s policy agenda. Boswell (2015; see also 2008), for example, notes a variety of cases in which this has taken place in the area of migration policy, including the instrumental use of an expert group – the European Migration Network – to build shared knowledge and to support new policy initiatives.

3.4 Composition and selection

The Commission enjoys a number of leadership resources related to its composition and the selection of its leaders. Despite claims of a changed culture in the Commission, ostensibly accounted for largely by enlargements, Ellinas and Suleiman (2012: 165) report that senior Commission staff – Commissioners, *cabinet* members, high-ranking officials in the services – still believe, albeit with varying degrees of intensity, that the Commission has a duty to provide leadership for the EU. Most also believe that the leadership so provided should foster the process of European integration. They find that the great majority of their (almost 200) respondents ‘share a common culture of supranationalism’. This common Commission culture, they found, is grouped broadly around a widely-shared

mission to 'build Europe', 'advance the European project' and 'construct a new Europe'. There is, therefore, still much truth in Ludlow's observation of over 20 years ago: 'the function of *animateur* permeates the whole structure and ethos of the institution' (1991: 97).

As suggested above, other EU political actors may be able to make important contributions in this 'mission' regard, but their heterogeneous memberships, their organizational structures, their closeness (often) to specific national interests, and the nature of their powers make it extremely difficult for them to be able to initiate and drive ahead with integrative developments on a consistent basis.

At the political level, the unmistakable process of the presidentialisation of the Commission is leading to a stronger platform upon which to exercise leadership. While a few early Presidents were able to stamp their personal mark on the office through strong personalities and/or favourable circumstances, only in the past twenty years has the President gained, through sequential treaty revisions, formal and institutional power to become more than simply *primus inter pares*. There are multiple reasons for this formalisation and institutionalisation of the President's position, most of which stem from a perceived need to enable the President to exercise greater discipline over a College that has grown substantially in size owing to EU enlargements. The President's increased powers include a greater ability to influence the nomination of Commissioners, to exercise political direction over the College, to determine Commissioners' portfolios, and to dismiss Commissioners if necessary. And none of these formal power resources take away from the President's additional ability to leverage his informal resources. Barroso did this by using the Secretariat-General to boost his position vis à vis other Commissioners and to provide stronger administrative discipline under his direction. Juncker has gone further in restructuring – in a hierarchical fashion – the relationships between Commissioners, using his appointment as a *Spitzenkandidat* to embolden and justify his moves.²

An example of Juncker using the presidency to provide leadership is seen in the way he took advantage of a window of opportunity – created by the economic and financial crises – to considerably alter the Commission's capacity for financial investment when he persuaded EU

decision-makers that there was an urgent need to generate a momentum behind increased investment. To this end, he proposed, even before assuming office, the creation of a new investment fund capable of generating some €300 billion of 'new money'. Soon after the new College assumed office in November 2014, a Commission Communication was issued detailing the nature and purpose of the fund (Commission, 2014), which was now called the European Fund for Strategic Investments (EFSI). The target figure was set at €315 billion and the fund was to be used primarily for investing in infrastructure projects related to transport, energy, information technology, and trading. The EFSI was to be only marginally based on existing EU financial resources: a €16 billion guarantee from the EU budget and a €5 billion contribution from the European Investment Bank (EIB) were to serve as leverage to raise the rest of the money from member states and on capital markets. The investment plan was approved in principle by the European Council at its December 2014 meeting.

3.5 Broader contexts

The Commission's potential for policy leadership is inextricably linked to broader forces, namely the political contexts in which it is operating. The Commission's prospects of advancing the policy agenda and bringing forward policy proposals that will be received favourably are considerably enhanced when those who make the final decisions – which means particularly the representatives of the member states in the European Council, Council and EP – are convinced of the need for, and the desirability of, policy activity at the EU level. The internal market, information technology and internal security are amongst many policy areas that have given the Commission latitude to bring forward new proposals (Kaunert and Della Giovanna, 2010; Brattberg and Rhinard, 2012). In all these examples the Commission both stoked and leveraged changing national attitudes to establish itself as an important agenda-setter.

Of course, we would be remiss only to focus on examples when member states seemed favourable to further steps towards integration, and, indeed, the Commission has had recent difficulties with policy areas in which it would have liked to provide a bolder lead. Such, for example, has been the case with the opening up of infrastructure

² One might also mention the political background of Commissioners themselves, which is a form of political resource, with the College being composed of former national politicians, most of whom have held senior office in their countries. Commissioners, in other words, are people who are used to exercising power and influence and they usually come to Brussels with the idea of wishing to continue to exercise such powers and influence both in respect of the portfolio they are assigned and the College as a whole.

and network-based industries such as gas, electricity and telecommunications.³ More broadly, the rise of institutionalised euroscepticism in elections across the EU (especially in the aftermath of the financial crisis), the reluctance of member states to give the Commission too much ‘free rein’, and the absence of the traditional German-France axis of support of integration, has indeed constrained the Commission. However, it is worth noting a possible side-benefit to these developments. In a major study of the Commission’s internal policy-making routines, Hartlapp *et al* (2014: 299) find a greater appreciation amongst Commission officials of the importance of public opinion and the need to justify proposals not only using a technocratic rationality (a long-standing practice of the Commission) but also ‘political rationality’. The effort to rationalise new proposals in line with wider societal needs and narratives may bode well for the future – and enable the Commission to wield stronger, more persuasive arguments vis-à-vis member states.⁴

4 The Commission as policy manager: The antithesis of leadership?

The Commission’s routine policy management and executive tasks encompass a number of areas (which are examined in Nugent and Rhinard, 2015). Here we focus on three sets of tasks which garner the most attention in the debates over the Commission’s hybrid nature: making administrative rules, directly implementing laws and managing the EU budget. We show that even in respect of these seemingly straightforward executive tasks, the Commission still exercises responsibilities that are politically tinged and sometimes involve the exercise of leadership.

4.1 Administrative rule-maker

The greatest quantity of EU law is issued in the name of the Commission. Of the roughly 2,000-2,500 legal instruments issued by the EU each year, over 70 per cent take the form of Commission rules – or in legal terminology, ‘non-legislative legal acts’. In addition, the Commission issues non-binding instruments, such as recommendations and opinions, which are designed to be advisory or exhortive in nature, but which have sometimes been interpreted by the CJEU as having legal effect.

The Commission’s legal acts mainly involve implementing measures or administrative rules, akin to what executives and agencies produce at national levels. Such acts tend to be highly specific and technical in character. For instance, in the course of managing the EU’s CAP, the Commission may need to alter agriculture prices or adjust market support measures because of changes in the global market. However, although Commission acts are usually highly technical and/or ‘non political’ in nature, there is a grey area in which supposedly technical and subordinate legal acts can raise questions of political judgement. So, for example, the Commission adopts implementation rules on sensitive issues such as contaminants in food (requiring member states to embargo products), toxic chemicals in children’s toys (banning companies from using certain chemicals), and carbon emission allowances (benefitting some industrial interests over others). The Commission is also allowed to make legally binding rules in such sensitive areas as the CCP, where it has the power to impose anti-dumping duties on foreign countries.

4.2 Direct implementer of laws

Most EU policies and laws are directly implemented by agencies of various sorts in the member states. The Commission does have some direct implementation responsibilities – in respect of, for example, aspects of development policy, disaster relief, and (increasingly in the wake of the eurozone crisis) macroeconomic policy – but its role in these areas is either primarily supportive of work undertaken by others (development policy and disaster relief) or highly dependent on Council support (macroeconomic policy). However, in one policy area – competition policy – the Commission does undertake very important, very high-profile, very independent, and very direct implementation work.

The Commission’s strong direct implementation responsibilities in respect of competition policy stem back to the origins of the EU, which was based on the logic that the creation of an internal market requires a ‘level playing field’ amongst firms and state-owned utilities in which anti-competitive practices are not permitted. According to that logic, an independent body was required to enforce

³ Many member states just have not been convinced that the wholesale liberalization of these industries has been in their interests and so have been resistant to being led too far by the Commission in this direction. Consequently, since it began in the early 1990s to attempt to liberalize such industries the Commission has had to take an essentially incrementalist, rather than a ‘big bang’, approach.

⁴ This awareness was reflected in the Political Guidelines President-elect Juncker presented to the EP in July 2014 (Juncker, 2014a) and even more so in the Mission Letters he sent in the following November to all incoming Commissioners (Juncker, 2014b): he stressed that the incoming College would concentrate its efforts only on areas where joint action could indisputably produce better results.

competition rules. The Commission was given that role and has – making use of favourable Court judgements and the increasingly liberal economic climate – acted as something of an institutional entrepreneur in five main subfields of competition policy: prohibiting agreements between firms that limit competition (Article 101 TFEU); prohibiting abuse of a dominant position by one or more large firms (Article 102 TFEU); prohibiting industrial mergers that may give one firm a dominant position (EU Merger Regulation 139/2004); requiring the liberalization of public utilities and infrastructure industries (Article 106 TFEU); and prohibiting most forms of state aid from a member state to a firm or category of firms (Article 107 TFEU). The first three of these subfields target private companies while the latter two focus on the actions of member state governments. In all cases, the accumulation of principles and powers related to these subfields places the Commission in a powerful position – arguably the most powerful of any EU policy field (Cini and McGowan, 2009: 1). They allow it to intervene and discipline governments as well as companies, and to do so in high-profile ways. Examples include: repeated decisions against Greece for providing unfair state aid to Olympic Airways (most recently in 2014); the Commission's finding in 2004 that Microsoft abused its market position by bundling software with its operating system, which initially resulted in a €497 million fine and was then followed by further very large fines for not having complied with the conditions of the 2004 fine; and the rejection of proposed mergers between the air carriers Ryanair and Aer Lingus in 2007 and between the stock exchanges Deutsche Börse and NYSE Euronext in 2012.

State aid is in some respects the most politically sensitive sub-field of competition policy. One reason for this is that the Commission must target – and often prohibit the actions of – member state governments directly, including, for instance, efforts to assist firms or industries that provide much-needed jobs. Another reason is that until recently many of the newer member states (and some of the older ones, too) used large subsidies as a major tool of industrial policy.

Prohibition of state aid by the Commission can thus involve removing a very significant economic policy instrument from member state governments. As such, state aid decisions involve the Commission having to weigh national preferences against perceived Union-wide interests and claimed short-term national necessities against the long-term efficiency of the Union economy. Decisions made can therefore be finely balanced, very high-profile, and not only extremely politically sensitive but also strongly politically

contested. Two examples of how important and varied in nature the state aid issues with which the Commission deals can be taken to illustrate this:

- The political sensitivity of state aid became particularly acute with the onset of the financial and sovereign debt crisis from 2007-08, when governments began offering state guarantees and making massive cash transfers to national banks to keep them solvent. The Commission found itself in a politically challenging situation if it was to reject all such efforts so, in response, a lenient but not complexly permissive stance was taken. New guidelines on what was permissible as 'emergency state aids' were issued (Commission, 2008), with a more 'constructive approach' including: a focus on only the largest cases which had major impacts on the internal market; a relaxation of some prohibitions if they could be demonstrated as temporary measures; and a 24-hour decision response if state aids met the terms set out in the guidelines. Those guidelines were replaced in 2013 with a new 'Banking Communication' that preserved many of the previous exemptions but emphasised bank restructuring requirements as a condition for state aid (Commission, 2013).
- In June 2014 the Commission initiated actions against the Irish, Dutch and Luxembourg governments for offering market-distorting tax breaks – in effect, subsidies – for three major firms: Apple, Starbucks and Fiat, respectively. This led, in August 2016, to Apple being ordered to repay a record €13 billion of unpaid taxes to Ireland: a decision that both Apple and the Irish Government are currently appealing – the latter because it wishes to continue attracting businesses to Ireland by granting tax advantages.

4.3 Manager of EU finances

The Commission undertakes four main tasks in connection with EU finances. First, it is centrally involved in shaping the sizes and natures of the two main instruments within which EU budgetary resources are framed: multiannual financial frameworks (MFFs) and annual budgets. Second, it undertakes a number of management tasks in respect of EU revenue. Third, it also undertakes a number of management tasks in respect of EU expenditure. Fourth, it has important responsibilities in managing the new and extra-budgetary financial resources that have been created in the wake of the economic and financial crises. Only the fourth of these tasks is considered here, partly because of wordage pressures and partly because it is the most telling in terms of our overall interest in this paper of the inter-connectedness between the Commission's political and administrative roles.

The economic and financial crises that hit Europe, and more specifically the eurozone, from 2007-08 had serious repercussions in terms of being part of a severe economic slump, generating social unrest, bringing the foundations of the eurozone system seriously into question, and promoting political conflict as member states attempted to pin blame on one another and on the EU. The crises also had institutional implications in terms of how the EU institutions vied for influence while attempting to manage the crises. While some commentators note the intergovernmental nature of many of the arrangements put in place to help stabilise the eurozone (see, for instance, Puetter, 2012), Bauer and Becker (2014) argue that the Commission strengthened its hand in an area of European integration in which it previously had an only limited role: economic governance. Of the four aspects of the eurozone crisis response examined by Bauer and Becker – financial stability support, economic policy surveillance, coordination of national policies and supervision of the financial sector – the first is the most relevant to the discussion in this paper and the area in which Bauer and Becker claim the Commission has been able to wield the most significant influence.

Bauer and Becker note that as the EU and international responses to debt-ridden eurozone members took shape, they were based on a decision-making model prominently featuring the Commission: it assesses the systemic risk posed by a country, conducts a needs assessment, checks for compliance with other internal market rules, and then makes a proposal to the Council. If approved, the Commission: helps to raise the money through bilateral agreements, international funders, or on capital markets (using the EU budget as guarantee); draws up a memo of understanding with the receiving country; and monitors compliance (Bauer and Becker, 2014: 217-8).

Subsequent funding schemes to help save stricken countries – notably the European Financial Stabilisation Mechanism, the European Financial Stability Facility, and the funding mechanism that replaced them both in October 2012, the European Stability Mechanism (ESM) – were much better funded and were moved outside of the EU's decision-making and legal frameworks: with the ESM, for instance, being governed by a new legal organisation registered in Luxembourg. But, as Bauer and Beckman point out, much of decision-making covering new funding is still highly dependent on key roles for the Commission: it continues to make assessments, to issue recommendations to decision-takers, to negotiate with stricken states, and to monitor compliance, even though some of these activities are now undertaken in conjunction with the ECB and the IMF.

5 Concluding remarks

This paper has examined the oft-cited claim in the EU studies literature that the Commission has become more of a manager and less of a leader. This claim, as we pointed out in the second section, is normally underpinned by the assumptions that (a) the Commission's traditional leadership resources are on the decline, and (b) the Commission's management tasks have grown to the extent that its capacities for entrepreneurial leadership are undermined. We recognise the bases upon which these assumptions rest and, indeed, our own previous work has shown how the Commission operates within a more rule-bound environment (as an organisation) and a more politically constrained environment (as an EU institution) when compared to previous decades (see Nugent and Rhinard, 2015). However, in this paper we have offered an analysis that cautions against drawing overly strident conclusions regarding the decline in the leadership provided by the Commission to the EU. Not only do the main factors shaping Commission leadership continue to afford it entrepreneurial opportunities, for instance by allowing it room to manoeuvre even within today's more complicated institutional landscape, but some of the Commission's management tasks also provide opportunities to exercise leadership – for example through making assessments and issuing recommendations as part of the EU's enhanced economic governance that has been created in response to the eurozone crisis. Considering the nuanced nature of the Commission's political and managerial roles, several issues stand out for further reflection by academics and practitioners at supranational and national levels.

As one of the more enduring characterisations of the Commission, the hybrid role of this unique organisation – as both policy leader and policy manager – is a topic worthy of regular analysis. One reason for this is that, empirically, the 'balance' may shift over time. Another reason is that, theoretically, this balance speaks to a variety of dynamic agendas in EU studies. One such agenda concerns the question of the Commission as an organisation and how its functioning affects outcomes. We saw how David Coombes and others have suggested that policy formulation (and leadership) requires a particular kind of 'organic' organisation in which tasks are not broken into compartments whilst policy implementation (which approximates to our definition of management) requires a 'mechanistic' organisation in which there is a rigidly hierarchical system of control, authority and communication and a high degree of internal specialisation and fragmentation of tasks. Our evidence suggests that these

various types of organisation are not, in fact, at odds with another. Further research from an organisational perspective is required to fully understand why.

Another scholarly agenda to which the ‘hybrid issue’ speaks concerns the current and future drivers of European integration. This ‘classic’ debate has put much emphasis on the meaningful role – or lack thereof – of the Commission in formulating ideas, generating consensus, and securing integrative decisions. Claims that the Commission is becoming ‘more a manager and less a leader’ affects our understanding, and leads to questioning, of the main forces driving integration. The results of this paper suggest the Commission’s leadership roles remain strong, but may need to be measured in less traditional and less formal ways. They suggest also that while integration may continue to be driven by the Commission, this is likely to be as part of its more ‘banal’ roles as a manager, implementer, assessor and overseer of agreements.

For practitioners, the fact that the Commission’s influence over supranational policy outcomes remains considerable – even if the modes through which it exercises that

influence may be in flux – is worth factoring into their own strategies. The Commission continues to be an important contact for national administrations seeking to shape policy formulation, policy decision-making, and policy implementation. That suggests building or maintaining networks deep inside the Commission’s organizational structures in order to feed preferences into policy making and to gain intelligence on what is in the ‘pipeline’. As discussed in this paper, even in seemingly ‘intergovernmental moments’ (the eurozone crisis for example), the Commission is usually waiting in the wings with proposals and Treaty-based solutions that, eventually, get taken up. Understanding this dynamic, and building coalitions with the Commission, is particularly important for smaller EU member states such as Sweden in a post-Brexit EU. As is well-documented, Sweden and the UK share(d) a great deal of policy preferences in the EU, which allowed the former to take advantage of the latter’s broader influence. Without that dynamic, new coalitions with the Commission and other member states, combined with a more sophisticated understanding of how and where the Commission exercises influence, will help smaller member states pursue policy shaping strategies more effectively.

References

- Bauer, M.W. (2008) 'Diffuse Anxieties, Deprived Entrepreneurs: Commission Reform and Middle Management'. *Journal of European Public Policy*, 15(5): 691–70
- Bauer, M. W., & Becker, S. (2014). The Unexpected Winner of the Crisis: the European Commission's Strengthened Role in Economic Governance. *Journal of European Integration*, 36(3), 213–229.
- Berlin, D. (1987) 'Organisation et fonctionnement de la Commission des Communautés Européennes', in S Casesse (ed) *The European Administration //L'Administration Européenne*, Maastricht: European Institute of Public Administration.
- Boswell, C. (2008) 'The political functions of expert knowledge: knowledge and legitimation in European Union immigration policy', *Journal of European Public Policy*, 15(4), 471–488.
- Boswell, C. (2015). *The "Epistemic Turn" in European Immigration Policy Analysis*. Paris: Paper presented at the 22nd International Conference of Europeanists Conference, 9 July 2015.
- Brattberg, E., and Rhinard, M. (2012) 'The EU as a global counter-terrorism actor in the making', *European Security*, 21(4), 557–577.
- Caremier, B (1997) 'L'Eurocratie: Une fonction publique à la croisée du politique et de l'administratif', *Revue de la Recherche Juridique, Droit Prospectif*, 68 (1), 229–286.
- Cini, M., and McGowan, L. (2009) *Competition Policy in the European Union* (2nd ed.). Basingstoke: Palgrave Macmillan.
- Commission. (2008) *Communication from the Commission: The Application of State Aid Rules to Measures Taken in Relation to Financial Institutions in the Context of the Current Global Financial Crisis*. Official Journal of the European Union, C 270/8, 25 October.
- Commission. (2013). *Communication from the Commission on the Application, from 1 August 2013, of State Aid Rules to Support Measures in Favour of Banks in the Context of the Financial Crisis ('Banking Communication')*. Official Journal of the European Commission, C 216/1, 30 July. Retrieved from [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013XC0730\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52013XC0730(01)&from=EN)
- Commission. (2014) *Communication from the Commission: Long-Term Financing of the European Economy*. Com (2014) 168 final, 27 March.
- Commission. (2015) *The Lisbon Treaty and Tax Legislation in the EU*, retrieved from http://ec.europa.eu/taxation_customs/taxation/gen_info/tax_policy/article_6759_en.htm
- Coombes, D. (1970) *Politics and Bureaucracy in the European Community*. London: George Allen and Unwin.
- Ellinas, A., & Suleiman, E. (2012) *The European Commission and Bureaucratic Autonomy: Europe's Custodians*. Cambridge: Cambridge University Press.
- Hartlapp, M., Metz, J., & Rauh, C. (2014) *Which Policy for Europe? Power and Conflict Inside the European Commission*. Oxford: Oxford University Press. Retrieved from <http://ukcatalogue.oup.com/product/9780199688036.do>
- Hooghe, L. (2012) 'Images of Europe: How Commission Officials Conceive Their Institution's Role', *Journal of Common Market Studies*, 50(1), 87–111. <http://doi.org/10.1111/j.1468-5965.2011.02210.x>
- Hodson, D., Bickerton, C. J., & Puetter, U. (eds.) (2015) *The New Intergovernmentalism: States and Supranational Actors in the Post-Maastricht Era*, Oxford: Oxford University Press.
- Juncker, J.-C. (2014a) *A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change. Political Guidelines for the next European Commission. Opening Statement in the European Parliament Plenary Session*. Strasbourg, 15 July, Available at: http://ec.europa.eu/news/eu_explained/140715_en.htm Accessed on: 15 January 2015.
- Juncker, J.-C. (2014b) *The President of the European Commission's Mission Letters to the Commissioner-Designates*. September–November, Brussels.
- Kassim, H., Peterson, J., Bauer, M. W., Connolly, S., Dehousse, R., Hooghe, L., & Thompson, A. (2013) *The European Commission of the Twenty-First Century*, Oxford: Oxford University Press.
- Kaunert, C., & Della Giovanna, M. (2010) 'Post-9/11 EU Counter-Terrorist Financing Cooperation: Differentiating Supranational Policy Entrepreneurship by the Commission and the Council Secretariat', *European Security*, 19(2), 275–295.
- Ludlow, P. (1991) 'The European Commission', in R. O. Keohane & S. Hoffmann (Eds.), *The New European Community: Decision-Making and Institutional Change*, Oxford: Westview Press: 85–132..
- Michelmann, H.J. (1978) *Organisational effectiveness in a multi-national bureaucracy*, Farnborough: Saxon House.

- Morgan, R. (1992) 'Jean Monnet and the ECSC Administration: Challenges, Functions and the Inheritance of Ideas', in E. V. Heyen (ed.) *Yearbook of European Administrative History vol 4: Early European Community Administration*, Baden-Baden: Nomos Verlagsgesellschaft.
- Neunreither, K. (1972) 'Transformation of a Political Role: reconsidering the case of the Commission of the European Communities', *Journal of Common Market Studies*, 10(3), 233–248.
- Nugent, N. and Rhinard, M. (2015) *The European Commission*, 2nd edition. Basingstoke: Palgrave Macmillan.
- Peterson, J. (2009). 'Mission? Gestion? Cabinets in the Barroso Commission', Paper prepared for presentation at the European Union Studies Association (EUSA) conference, Los Angeles 23-25 April 2009.
- Ponzano, P., Hermanin, C. and Corona, D. (2012) *The Power of Initiative of the European Commission: A Progressive Erosion?*, Paris: Notre Europe, Studies and Reports, 89.
- Puetter, U. (2012) 'Europe's Deliberative Intergovernmentalism: The Role of the Council and European Council in EU Economic Governance', *Journal of European Public Policy*, 19(2), 161–178. <http://doi.org/10.1080/13501763.2011.609743>
- Schön-Quinlivan, E. (2011) *Reforming the European Commission*. Basingstoke: Palgrave Macmillan.
- Wasserfallen, F. (2014) 'Political and Economic Integration in the EU: The Case of Failed Tax Harmonization', *Journal of Common Market Studies*, 52: 2, pp. 420-35.
- Wille, A. (2013). *The Normalization of the European Commission: Politics and Bureaucracy in the EU Executive*. Oxford: Oxford University Press.

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