



Taking Stock of the EU Institutions in the 2019–2024 Term

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Summary

In June 2022 the European Commission reached the midpoint of its mandate, and in May 2024 there will be elections to the European Parliament, followed by the appointment of a new Commission. But what has cooperation between the Commission, the European Parliament and the Council actually looked like thus far in the current term?

In this analysis we review the institutional balance in the EU, as the political cycle enters its final full year. Recalling the political priorities announced at the beginning, we evaluate how the work of implementing some of the major priorities is progressing, how extraordinary events (COVID-19 and the Russian invasion of Ukraine) have affected the agenda, and we assess how the balance of power and political differences between the EU institutions have evolved during the term.

We conclude that while the Commission's ambitious program has found relative support in the European Parliament, there has been more disagreement when it comes to member states in the Council and European Council. As ever, the institutions' composition and long-term political trends have shaped their reactions to the crises. The overall EU response has continued to be one of 'muddling through', but the level of ambition has been higher than in the past – this is evident, for instance, in the 2020 agreement on the strengthened financial means in the Next Generation EU.

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The opinions expressed in the publication are those of the authors.

1. Introduction

European integration has clearly not been standing still since the European Parliament started its ninth term and the current European Commission entered office in late 2019. For example, in reaction to the major external shock of the COVID-19 crisis, the EU adopted a whole set of initiatives and measures well beyond the health field, including new fiscal and economic instruments. Next Generation EU changes the relationship between the European Commission and member states quite fundamentally, and the full impact of this remains to be seen over the next few years. It is important to keep in mind however that, on the one hand, the EU's institutional system is governed by relatively stable quasi-constitutional rules. This makes legislative procedures resilient and able to quickly return to normal operation after a crisis like the COVID-19. On the other hand, EU institutions are capable of adapting and innovating.

In this analysis, we set out to evaluate the political and legislative developments in the EU under the current Commission. What does the policy agenda include? How are the major institutions – the European Parliament, the Commission, the Council and European Council – composed, and has the composition of each institution affected EU policy-making during the term? How have the EU and its member states been able to respond to major events during the term, including the COVID-19 pandemic and Russia's invasion of Ukraine? Based on these questions, we intend to take stock of the EU institutions in the period 2019–2024 with the specific purpose of reflecting upon the interinstitutional balance towards the end of 2022, when less than two years of the Commission's term remain.

The analysis begins with an overview of the current composition of each of the main EU institutions: the European Parliament, the Commission, the Council and European Council (section 2). We then give some background on some general political and institutional trends that we find have had an impact on the institutions (section 3). We proceed with an evaluation of the policy agenda, and the activity on the agenda items in the different institutions during the term (section 4), before

shedding light on how each institution has dealt with some of the currently pressing policy issues and crises, including COVID-19 and the Russian war in Ukraine (section 5). We finalise by reflecting upon the institutional balance in a concluding section (section 6), which focuses in particular on how the EU institutions manage to cooperate on agenda matters as well as on the more urgent issues, commonly referred to as EU crises.

2. The composition of the main EU institutions 2019–2024

The process of appointing the new Commission after the Parliament elections 2019 was not friction-free. First, the European Parliament voted in favour of the former German Minister of Defence Ursula von der Leyen taking over as president with a slim majority: 383 members of the European Parliament (MEPs) voted for, 327 MEPs against her and 22 abstained from voting. She was not a *Spitzenkandidaten*¹ choice, although most MEPs were in agreement at the time that the procedure from the 2014 Commission appointment was to be followed also in this presidential election. However, after Jean-Claude Juncker had been elected *Spitzenkandidat* only five years earlier, things had significantly changed in the European Parliament. While the Conservatives (EPP) and the Socialists (S&D) had been in combined majority in 2014, they no longer were in 2019. In addition, the European Council had become more heterogeneous, with a wider colour spectrum of national governments, also adding to the difficulty in reaching consensus on the Commission presidential candidate (Crum 2022). Some analysts argue that von der Leyen could only take office since none of the *Spitzenkandidaten* could form a majority behind them. Thus, it is likely that Ursula von der Leyen was the only candidate who could be accepted by the majority.

Largely as an effect of the mishap with the *Spitzenkandidaten* system, the European Parliament exposed the nominated commissioners to unusually tough scrutiny, which led to the withdrawal of three of the nominated commissioners – a new record – of which French nominee Sylvie Goulard was the most eye-catching. In the end,

¹ *Spitzenkandidaten* is German for lead candidate, and in an EU context refers to a European political party's lead candidate for the European Commission president.

the full Commission was approved in a vote on 27 November 2019, with 416 MEPs in favour, 157 MEPs voting against and 89 abstaining.

This section takes the election of the European Parliament in 2019 as its starting point. It presents the main institutional changes that occurred from May to November 2019. We consider 1 December 2019 as the date when the institutional renewal and reorganisation of the EU institutions following the European Parliament election was completed after the composition of the European Parliament, the European Commission and – to some extent – the European Council had been altered according to different logics and following different procedures.

2.1 The European Parliament

From 23 to 26 May 2019, 450 million citizens in the European Union were able to decide on the composition of the European Parliament for the ninth time since 1979. Voter turnout rose by eight percentage points to 50.7%, which meant that for the first time in 20 years, participation reached more than 50%.

The election occurred at a moment when the Brexit negotiations had not been completed and it was therefore clear that the composition of the European Parliament would not only be affected by voter shifts at the election and the formation of political groups in the chamber afterwards but also by the departure of all 73 MEPs who had been elected in the United Kingdom. After the United Kingdom left the EU on 31 January 2020, the total number of MEPs decreased from 751 to 705. Twenty-five out of the 73 seats previously allocated to the United Kingdom were redistributed among 14 member states according to the principle of degressive proportionality and filled in line with the respective national voting results of May 2019. Consequently, slight changes to the size of the political groups occurred after Brexit.

Since 2019, members of the European Parliament have been organised into the following seven political groups:²

- European People's Party (EPP)
- Progressive Alliance of Socialists and Democrats (S&D)

- Renew Europe (RE)
- Greens/European Free Alliance (Greens/EFA)
- European Conservatives and Reformists (ECR)
- European United Left – Nordic Green Left (GUE-NGL)
- Identity and Democracy (ID)

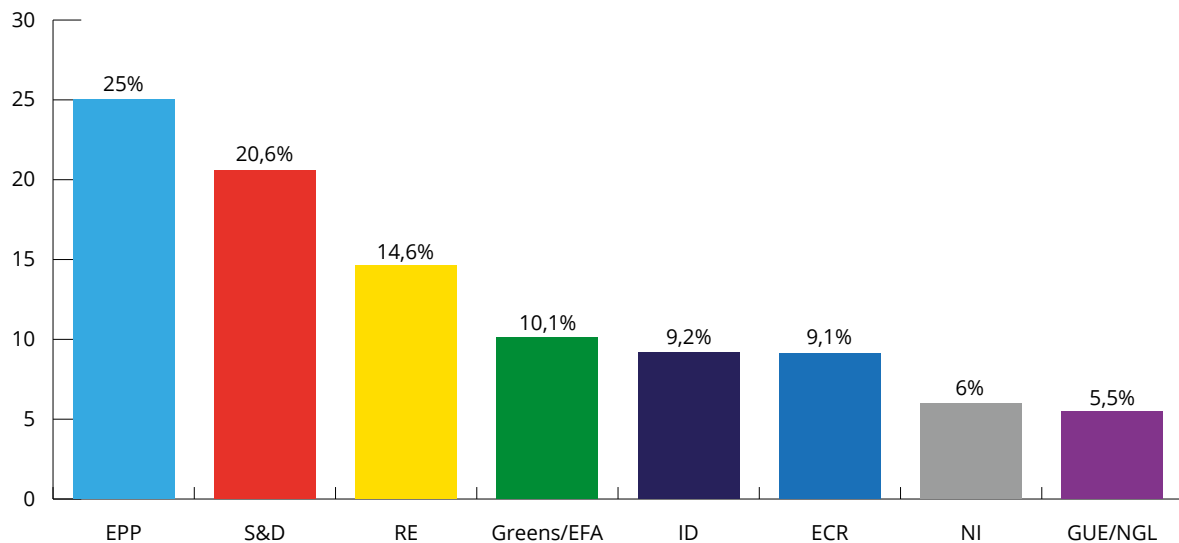
The political groups in the European Parliament are made of national delegations composed by the MEPs belonging to national political parties. Although there is always some movement of MEPs and national parties that change groups in the European Parliament, this typically only has marginal effects on the overall power balance between the groups. In this respect, however, the first half of the term was far from quiet inside the European Parliament: The Hungarian Fidesz MEPs left the EPP group because of a longstanding struggle about the rule of law.

As of October 2022, the EPP group was still the biggest group in the European Parliament, with roughly one quarter of the 705 MEPs. About one fifth of all MEPs belongs to S&D; Renew Europe is the third-largest group with 14.6%, followed by the Greens/EFA group with a 10% share of the members and ID and ECR at 9% each. The Left is the smallest group with 5.5% of MEPs, and 6% do not belong to any political group (see Figure 1). Right-wing Eurosceptic groups have still not been able to bridge their differences and have not merged into one group.

The Italian David Sassoli (S&D) became president of the European Parliament in July 2019. At mid-term, the European Parliament subsequently reshuffled key positions as it usually does after two-and-a-half years. Roberta Metsola (EPP) from Malta was elected president for the second half of the five-year term in January 2022. Metsola is the third female president of the European Parliament. 40.6% of MEPs elected in 2019 were women, the highest level so far (when the European Parliament was first elected directly in 1979, only 16.6% of MEPs were women). Women are better represented in the European Parliament than in most EU national parliaments, where the average is 30.6%. For individual member states, the percentage of women MEPs varies between zero in Cyprus and 57% in Finland and Sweden (Sabbati 2022, 4).

² Non-affiliated MEPs are usually listed as NI.

Figure 1. **Composition of the European Parliament (Political groups' strength in % of all MEPs)**



Source: Own elaboration, Data: <https://facts-and-figures.europarl.europa.eu/snapshot/term-9/current> (as of October 2022)

2.2 The European Commission

As noted above, the *Spitzenkandidaten* procedure failed during the appointment of the new Commission president. This led the European Parliament to merely give a grumbling ‘yes’ vote to Ursula von der Leyen as the candidate for the Commission presidency, proposed by the European Council. In addition to proposing a gender-balanced Commission, von der Leyen seems to have given considerable thought to structuring the Commission in a format paving the way for efficient internal decision-making, thus drawing on the Commission’s administrative capacity. In many regards, her organisation resembles former Commission President Jean-Claude Juncker’s Commission, who placed particular emphasis on reforming the internal organisation of the Commission, most notably by appointing several vice presidents (VPs) in charge of the Commission’s main policy goals. Ursula von der Leyen’s Commission is composed in a similar way with eight Commission VPs — three executive VPs, with one, Frans Timmermans (of the Netherlands), designated as ‘first vice-president’ to serve in von der Leyen’s absence. There are five additional VPs, meaning roughly two commissioners per VP. The appointments are also strategic: Věra Jourová – with her origin in the Czech Republic and with responsibility for values and transparency – was, for example, expected to create a bridge between Brussels and two of the Visegrád countries, namely Poland and Hungary.

In terms of its party-political composition, the Commission broadly reflects the composition of the European Council at the start of its mandate because national governments nominate the commissioner of their country. Usually, but not always, the biggest governing party can fill the post of commissioner. The three executive VPs, Frans Timmermans (PES/S&D), Valdis Dombrovskis (EPP) and Margrethe Vestager (ALDE/Renew) belong to the three major European political parties/groups in the European Parliament that de facto constitute the parliamentary basis for the Commission. All in all, nine commissioners are EPP members, including Commission President von der Leyen; PES/S&D has the same number. Four commissioners belong to ALDE/Renew; one Commissioner is from ECR, and four commissioners do not have a party affiliation. It is worth noting that commissioners are not party-politically active during their mandate but should act independently to promote European interests. At the same time, that governments prefer candidates with experience of top national positions within the national government parties is an indication that they believe the political colour of the commissioners to be important.

An important structural change is the closer link between the internal and external aspects of Commission portfolios, which was established by von der Leyen’s Commission. This initiative was taken to give effect to the geopolitical dimension of the present Commission (see below). The

president's mission letters to each commissioner show that almost all the internal portfolios explicitly include external priorities. A new group for external coordination (EXCO) was also set up to prepare weekly discussions in the college on the external aspects of each portfolio. Linking foreign and economic policy was made a key task for the High Representative for Foreign Affairs and Security Policy and Vice-President of the Commission (HR/VP) Josep Borrell (S&D), who will also provide the college with a weekly update on foreign policy.

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Ursula von der Leyen is the first female President of the Commission. At the start of the 2019–2024 term her team of 26 Commissioners was composed of 11 women and 15 men. After Mairead McGuinness succeeded Phil Hogan and including the Commission President herself, the college has now 13 women (48.1 %) and 14 men (51.9%). Following her election, Ursula von der Leyen had struggled to convince member states to put forward both a female and a male candidate as Commissioner. In the end, she managed to form a college with a higher proportion of women than any previous Commission (Sabbati 2021, 5).³

2.3 The Council and the European Council

While the terms of the European Parliament and Commission are fixed at five years, the members of the Council and European Council change much more frequently. The members of the Council are determined by the composition of national governments, and since there is no coordination of national election dates between the member states,

its composition does not follow the Parliament-Commission election cycle. The same is true for the European Council, whose membership is also determined by national elections, either via government formation following elections to national parliaments or through national presidential elections. The exception is the European Council president, who follows the terms of the Parliament and Commission (see also below).

This varying composition is illustrated by the fact that in the period between the European Parliament election and October 2022, there were national elections in most of the member states, and there were changes to the party constellations in government in 19 member states. Government changes alter who represents the member state in the Council, which could impact on the positions and interests the member state takes and defends, as well as which other member states a government collaborates with closely (e.g. Johansson 2021).⁴ During the same period, there were several changes in the top posts of head of state or government in the member states, which for 18 of the member states have meant a change in representative to the European Council.

Even if the Council and European Council operate on different terms than the Parliament and Commission, they are undeniably affected by the political cycles of the other institutions. This is not least evident in that the European Council is highly involved in appointing the top posts in the EU system after the EP elections. In this process, the member states took back ownership of the process by retracting the *Spitzenkandidaten* system for appointing the Commission president. The process in 2019 was heavily influenced by the increased diversity of political parties and interests in the European Council, and not least the historically weak presence of representatives from the EPP group among the heads of state and government. In addition, as compared to 2014, the S&D/PES

³ For an in depth analysis of the gender balance in the Commission, see Hartlapp and Blome (2021).

⁴ Alteration of EU policy can of course happen even when national elections do not result in changes to the government composition or head of state simply because a new election result can change the parliamentary support for the government positively or negatively. For instance, in the Hungarian spring elections in 2022 the incumbent government of Victor Orbán gained a renewed mandate with increased support in parliament, which has widely been pointed out as offering support for a continuation and possibly even deepening of the collision course with the EU (Dunai and Hall 2022).

group had become smaller among the national leaders, the liberal ALDE/Renew group had grown, and leaders belonging to ECR, GUE/NGL (now the Left in the European Parliament) and Greens/EFA had entered. This growing diversity meant that it became impossible to let the appointment process be confined by the *Spitzenkandidaten* procedure (Crum 2022).

Table 1. **Rotating presidencies 2019–2024**

	Spring	Fall
2019	Romania	Finland
2020	Croatia	Germany
2021	Portugal	Slovenia
2022	France	Czechia
2023	Sweden	Spain
2024	Belgium	Hungary

Internally, the Council of the EU is led by the rotating member state presidencies according to a scheme decoupled from the terms of the Parliament and Commission (see Table 1 for a list of presidencies during the current parliamentary term). The European Council is led by its own president, who is appointed together with the other EU leadership positions after the Parliament elections. The European Council president is elected for a once renewable two-and-a-half-year term, which is thus shorter than the term for the Parliament and Commission. However, all European Council presidents, including the current Charles Michel (ALDE/Renew), have been reelected and thus held the position for the full term of five years. This means that the European Council president reaches mid-term together with the Parliament and Commission. The position was created in the Lisbon Treaty and was never intended to be a strong leadership position but rather one of efficiently managing the diversity of interests, a role akin more to mediator than leader (Dinan 2017). When Charles Michel took office in 2019, it was widely seen as a return to a more managerial leadership focused on mediation of diverging interests compared to his predecessor Donald Tusk, who had a more visible and politically driven profile (Hagemann 2020). Michel is the third European Council president. All presidents so far had prior positions as head of government and all have been male, which reflects the generally weak gender balance among the heads of state and government in the European Council.

3. General political and institutional trends

This section again discusses the main EU institutions one after the other, starting with the Commission, as the initiator of legislation. This is followed by the trends in the legislative institutions, the European Parliament and the Council, including some notes on the European Council. Particular emphasis is put on the effects of COVID-19 on interinstitutional cooperation.

3.1 The European Commission

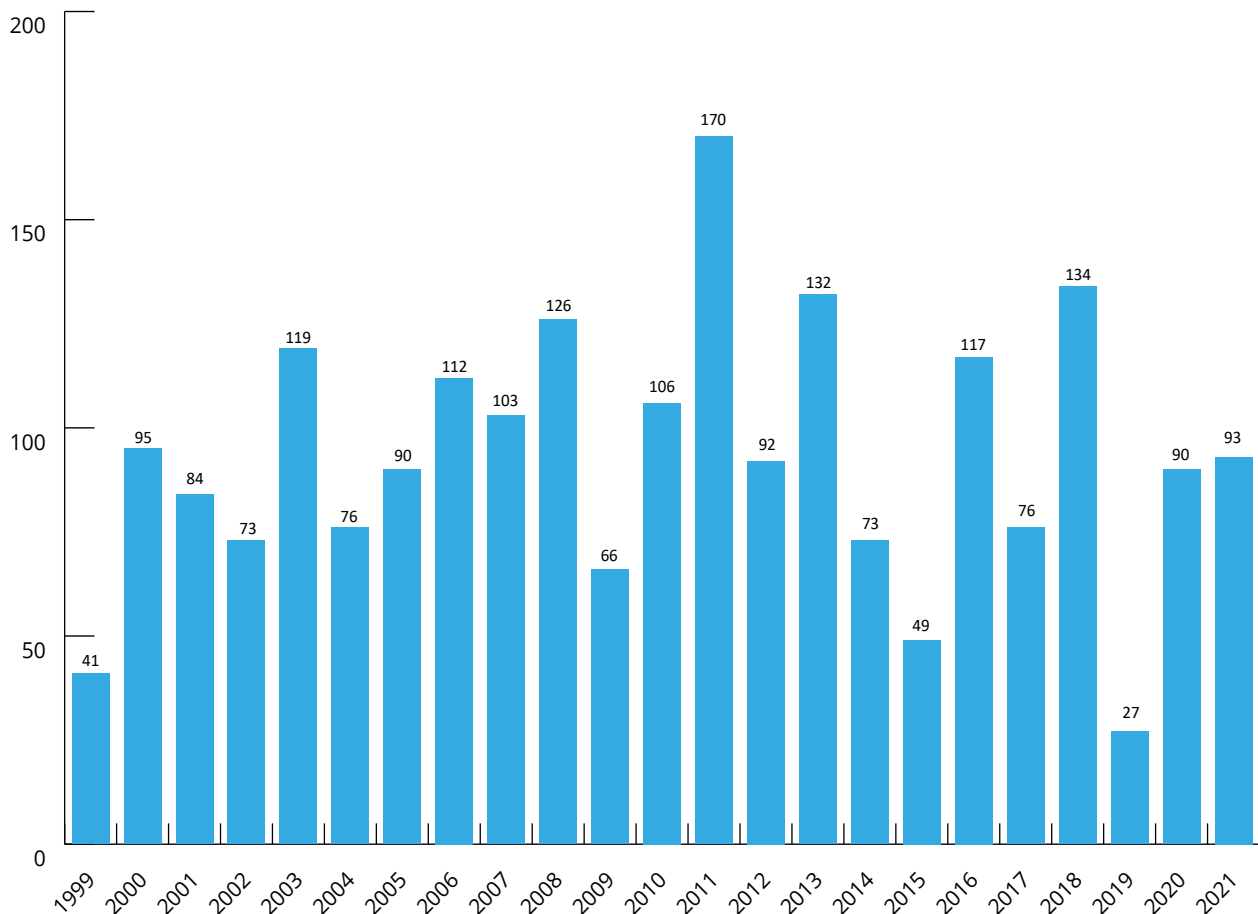
As president of the European Commission, Ursula von der Leyen is leading the Commission between 2019 and 2024. In this capacity, she and the other commissioners are responsible for a number of functions in the EU system. While there is no standard way of categorising the tasks of the Commission, three stand out as particularly central:

- to set the agenda in its role as the sole initiator of legislation (engine of integration);
- to execute and implement, not least the EU budget;
- to oversee member state compliance and take action when member states fail to live up to the provisions of the treaties (guardian of the treaties) (cf. Kassim 2019; see also e.g. Cini 1996, 14; Nugent and Rhinard 2016).

Other functions include external representation, in particular in economic and trade matters, as well as providing technocratic and administrative procedural expertise for EU policy-making and the possibility to act as *de facto* legislator upon delegation. In performing all these functions, the Commission shall promote the general interest of the Union, which typically also means building consensus around its work and mediating between conflictual interests.

The overall legislative activity of the European Commission has declined since the late 1990s according to different measures (Bendjaballah and Kreilinger 2021; European Parliament 2022c, 7). From the beginning of the ninth legislative term to the end of 2021, the von der Leyen Commission tabled 197 proposals under the ordinary legislative procedure in line with 192 proposals during the same period under the Juncker Commission (European Parliament 2022c, 7). However, both these figures are

Figure 2. **Commission proposals under ordinary legislative procedure (co-decision) since 1999**



Source: European Parliament (2022c, 7). It is worth noting that the number of policy areas falling under co-decision/the ordinary legislative procedure grew with the Treaty of Nice (2003) and the Treaty of Lisbon (2009).

considerably lower than the 321 and 244 proposals during the same period of the Barroso I and II Commissions (see Figure 2).

COVID-19 hit the European Commission when it was preparing to roll out its agenda to 2024. The institution adapted and allowed commissioners to attend college meetings via video conference or teleconference in exceptional circumstances (Bendjaballah and Kreilinger 2021, 9).

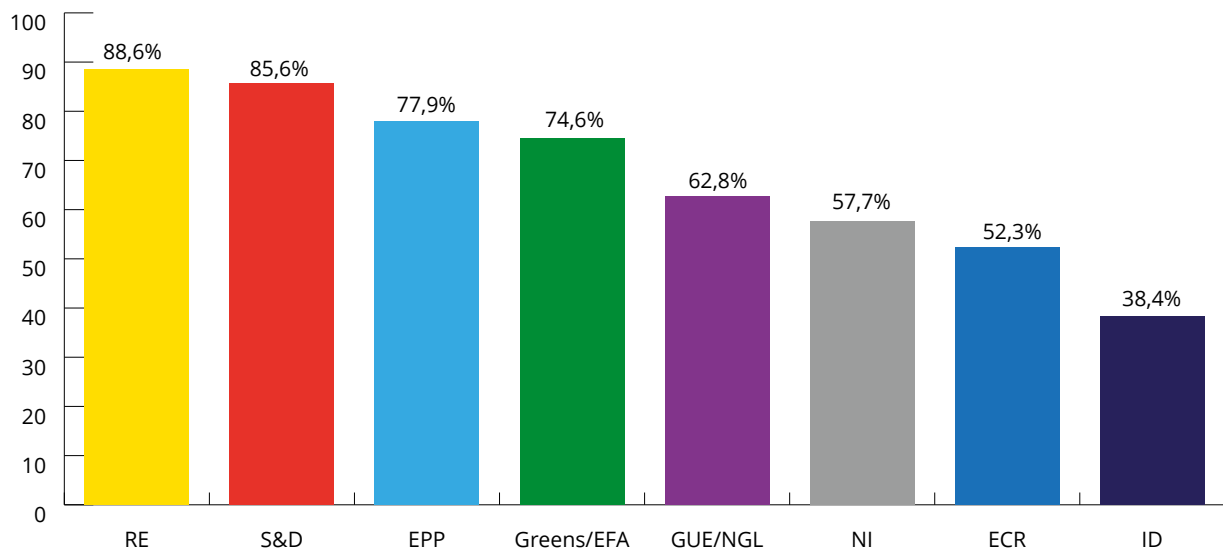
Commissioner Phil Hogan had to resign because of breaching COVID-19 rules in his home country Ireland. This led to a small reshuffle, in which Valdis Dombrovskis took over the trade portfolio while Mairead McGuinness became the new Commissioner for Financial Markets.

3.2 The European Parliament

Institutionally, the European Parliament has long been seen as an ascending institution (Héritier, Meissner, Moury and Schoeller 2019). The fate of the *Spitzenkandidaten* procedure after the May 2019 election, however, amounts to a setback for the European Parliament and suggests that its ability to expand its powers faces a structural limit there (Crum 2022).

In the 2019 election, the two major political groups, EPP and S&D, both lost votes. This meant that the 'grand coalition' between the two no longer had a majority on its own. Other pro-EU groups have had to come on board for any majority: the newly formed Renew Europe group, composed of the former Alliance of Liberals and Democrats for Europe (ALDE), newly elected

Figure 3. **Political groups' likelihood of being part of the majority in the European Parliament**



Source: Own elaboration. Data: Cerulus, Laurens and Cornelius Hirsch. 2022. 5 takeaways on Parliament's power dynamics, POLITICO Europe, <https://www.politico.eu/article/european-parliament-report-card-2022-5-takeaways-power-dynamics/>, 19 January 2022.

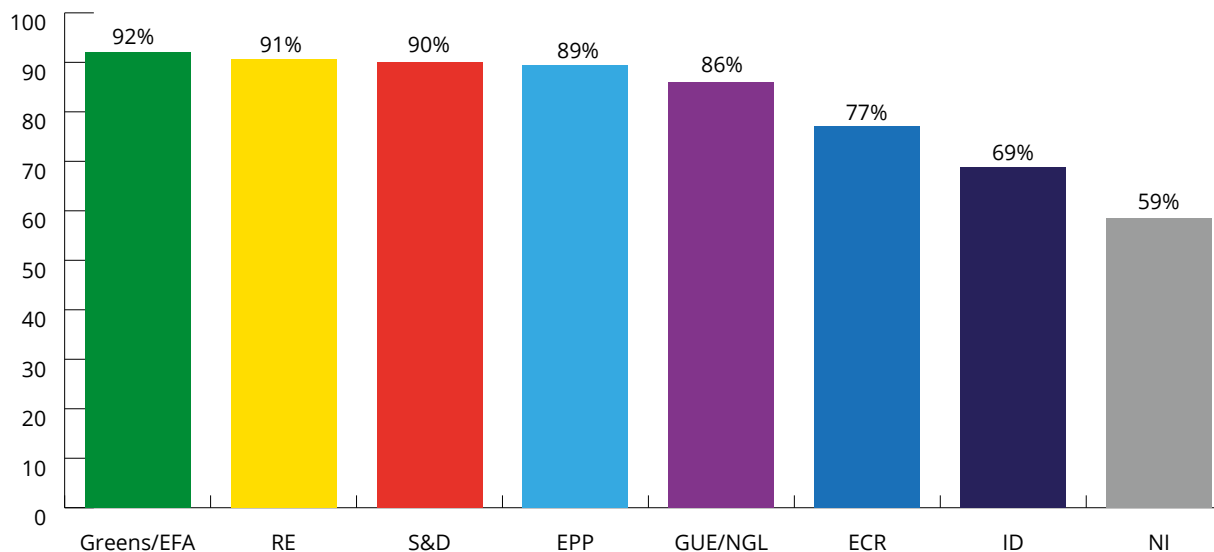
MEPs from Emmanuel Macron's En Marche and other centrist parties, and the Greens/EFA group all increased their vote shares. Right-wing Eurosceptics were also able to gain more seats. Despite fears about increasing polarisation, the influence of the populist and Eurosceptic parties in the European Parliament is still structurally limited by their fragmentation into several groups and by their weak cohesion. The majorities continued to differ according to the policy areas of individual legislative files (Hix and Frantescu 2019, 5).

In terms of voting behaviour, across all roll-call votes in the first half of the ninth legislative term from July 2019 to December 2021, Renew Europe was part of the winning majority in 88.6% of the votes and came out on top, ahead of S&D (85.6%), EPP (77.9%) and Greens/EFA (74.6%) (Cerulus and Hirsch 2022). Thus, Renew Europe MEPs tip the balance on free-market economic policies and liberal policies in areas such as justice and home affairs, environment policy and gender equality. They remain able to push for 'policy outcomes [...] close to the preferences of many European liberal parties and centrist voters' (Hix and Høyland 2013, 181). The Eurosceptic groups on the left and the right of the political spectrum were part of the winning majorities much less often: GUE/NGL in 62.8% of the cases, while the scores for ECR and ID are 52.3% and 38.4%

respectively (see Figure 3). As a consequence, they were unable to exert a significant influence on the policy positions of the European Parliament.

Besides political groups' likelihood of being part of the majority, the rate of cohesion of the political groups in the European Parliament (the percentage of members of a political group voting the same way) is another useful measure. In the European Parliament, it stands at about 90% (see Figure 4). This is remarkable because unlike in national parliaments, the groups in the European Parliament do not permanently support a government, but their internal cohesion relies solely on genuine ideological convergence. During the first half of the term, Greens/EFA was the most cohesive group: their MEPs voted together 92.1% of the time. For Renew Europe, S&D and EPP, the figures are slightly lower at 90.7%, 90.1% and 89.4%. GUE/NGL came fifth with 86%, ECR reached 77% and ID 68.9% (Cerulus and Hirsch 2022). Compared to the previous legislative term (Hix and Frantescu 2019, 6; Kreilinger 2018, 7), the cohesion of individual groups has not changed much. And despite some policy differences between the 'old' ALDE and their new partners, voting cohesion of the Renew Europe group has been remarkably high and even exceeds ALDE's cohesion during the previous term by two percentage points (Cerulus and Hirsch 2022; Hix and Frantescu 2019, 6).

Figure 4. **Political groups' cohesion in the European Parliament**



Source: Own elaboration. Data: Cerulus, Laurens and Cornelius Hirsch. 2022. 5 takeaways on Parliament's power dynamics, POLITICO Europe, <https://www.politico.eu/article/european-parliament-report-card-2022-5-takeaways-power-dynamics/>, 19 January 2022.

It should also be noted that after the European Parliament election in May 2019, attempts were made to formulate a document that would have resembled a 'coalition agreement' between the main political groups in the European Parliament. The objective was to find a compromise on EU policies to enable the parliamentary institution to work as effectively as possible for the next coming five years. The plan, however, did not materialise. Instead of pushing forth a strong coalition, the European Parliament has found other ways to influence the priorities of Ursula von der Leyen's Commission, not least by pressuring her when she presented herself to the political groups after she was proposed by the European Council. The European Green Deal or her early promise to forge a 'special relationship' (European Commission 2019a, 20) between the Commission and Parliament, even though it remains unfulfilled in terms of some of its key elements (*Spitzenkandidaten*, transnational lists, indirect right of initiative), are part of this influence of the groups in the political mainstream, including the Greens/EFA group.

Considering the legislative process, the legislative activity of the European Parliament has not changed much in the first half of the ninth legislative term, compared to the period from 2014 to 2016 (Sabbati 2022, 13). In the ninth legislative term, the average duration of the legislative

process has further decreased from 18 months in the previous term to just 12 months (Sabbati 2022, 13). At the same time, the rise of speedy first-reading agreements in trilogue negotiations has continued and been criticised for a lack of transparency (Lewander and Wetter Ryde 2022).

In the COVID-19 crisis, the European Parliament, like the other EU institutions, tried to continue 'business as usual' as much as possible in a pandemic. It moved activities online to continue work, but the functioning of the institution was severely impacted by the pandemic. In a broader perspective, the European Parliament managed to adapt quickly through its switch to remote participation when pandemic waves affected the EU (Bendjaballah and Kreiling 2021). Compared to 2015, its activity during the year 2020 was on an almost equal level (Sabbati 2022, 9).

3.3 The Council and the European Council

The member states' voting behaviour in the Council has been subject to much research over the years, where it has been common to argue that the low voting frequency in the Council is a consequence of a consensus norm in which negotiations continue until there is an agreement that can get the full backing of the member states. Some research has also pointed out that both voting frequency and contestation through voting have

increased somewhat over the years (e.g. Brandsma, Dionigi, Greenwood and Roederer-Rynning 2021; Novak, Rozenberg and Bendjaballah 2021). However, when observing the total number of acts voted on in the Council since the Lisbon Treaty, the figures fluctuate substantially between different years but show no clear trend towards increasing, despite increased tension in the member states (see Table 2).

In the Council, legislative activity remained stable, both in numbers of adopted legal acts and ordinary legislative procedure (OLP) files (see Table 2), despite the increased use of digital meetings. The pandemic meant a switch to these digital meetings and an increase in the use of written procedures (Bendjaballah and Kreilinger 2021). The changing practices are visible in the significant drop in the number of Council working party meetings, from 3,437 in 2019 to 2,790 in 2020 (see Table 3). The meeting frequency at the more senior levels of the Council – the ministers and Coreper – by contrast remained stable or even increased in 2020, which possibly compensated somewhat for the reduced working party activity. This increased involvement of the more senior Council members was likely an effect of the intense focus on crisis management in 2020.

Likewise, the European Council has always had a central role in crisis management, but during the past decade, this has shaped its agendas even more profoundly (Werts 2021), resulting in a trend of increasing meeting frequency over time, spiking during the pandemic year of 2020. Many of these were held in a digital format. The increased meeting frequency in the more senior levels of the Council and the European Council culminated in 2020, but in 2021, despite continued use of digital meetings, the meeting frequency returned to pre-pandemic levels (Council of the EU 2022a).

4. Agenda issues and their evolution

In this section, we review the progress of the Commission's political agenda and how the co-legislators have reacted to the initiatives taken. The policy issues discussed in this section are for obvious reasons not exhaustive but are seen as illustrative in view of the policy preferences in each of the institutions during the term.

Table 2. Legislative activity in the European Union since the entry into force of the Lisbon Treaty

Year	Number of adopted legal acts	Number of concluded OLP files	Number of acts voted on
2021	1340	70	117
2020	1328	86	94
2019	1326	94	145
2018	1210	98	105
2017	1187	72	87
2016	1259	60	92
2015	1412	78	85
2014	1437	84	181
2013	1132	160	150
2012	958	84	91
2011	986	74	114
2010	825	72	100

Source: Data on adopted acts come from the Council's financial activity reports 2017 and 2021 (Council of the EU 2018; 2022a). Data on the number of concluded OLP files comes from the Council's note on the Ordinary Legislative Procedure (Council of the EU 2022b). Data on the number of votes comes from the Council's register of public votes: <https://www.consilium.europa.eu/en/documents-publications/public-register/votes/>

4.1 The political agendas of the EU institutions

The policy agenda for the Commission's term in office was to a large extent settled already when it assumed office in December 2019. First, any incoming Commission inherits numerous policy items from its predecessors, which alongside the legislative agenda in 2019 also included, for instance, the Brexit negotiations with the UK and the rule of law problems in some member states (see also below). Second, the Commission is also influenced by the policy priorities identified by the member states. However, within these constraints, the Commission always has some leverage to establish priorities, not least via agenda framing and agenda structuring. On the basis of the European Council's strategic agenda and consultations with the newly elected European Parliament, the Commission president's *political guidelines* for the term were defined, which essentially work as the policy agenda for the Commission.

The strategic agenda adopted by the European Council (European Council 2019) contained four headlines: protecting citizens and freedoms; developing a strong and vibrant economic base; building a climate-neutral, green, fair and social Europe; and promoting European interests and values on the global stage. The Commission agenda in turn contains six priorities to be analysed in further detail in section 4.2. These include: a European Green Deal, an economy that works for people, a Europe fit for the digital age, promoting⁵ our European way of life, a stronger Europe in the world, and a new push for European democracy. Comparing the priorities of the European Council and the Commission reveals a considerable overlap (see Table 4), and yet the Commission managed to slice the cake somewhat differently, and to some extent it also altered the emphasis by, for instance, putting the Green Deal as the first priority. Possibly aware of the lack of status as *Spitzenkandidaten*, von der Leyen also made certain promises to the European Parliament in her political guidelines. Examples are her reminder that the Commission will promote legislative initiatives proposed by the European Parliament and the launch of the Conference on the Future of Europe.

In addition to the von der Leyen-led Commission agenda and to some pressing issues that were inherited from the previous Commission, the first two and a half years of the Commission's term were significantly affected by the two major external shocks of the outbreak of the COVID-19 pandemic in 2020 and the Russian invasion of Ukraine in 2022 (see section 5).

In contrast to the Commission and the European Council, it was more difficult to see a clear policy agenda in the European Parliament at the start of the term. This is largely due to the fact that MEPs are elected personally or on party lists and then organised into political groups. The main political groups, EPP, S&D and Renew, could not themselves agree on a joint policy agenda in 2019, but they clearly influenced the priorities of Ursula von der Leyen's Commission and pressured her when she presented herself to the political groups after she was proposed by the European Council.

Table 3. Meeting frequency in different parts of the Council

Year	Working party	Coreper	Council	European Council
2021	4135	123	106	8
2020	2790	157	116	14
2019	3734	152	80	8
2018	4365	146	75	7
2017	4071	127	77	8
2016	3569	109	75	6
2015	3471	138	81	8
2014	4016	135	81	8
2013	4164	140	74	6
2012	4480	140	77	4
2011	4373	135	85	6
2010	4127	122	86	6

Source: Data on adopted acts come from the Council financial activity reports 2017 and 2021 (Council of the EU 2018; 2022a). For the European Council meetings, the figures come from the meeting calendar on the Council website: <https://www.consilium.europa.eu/en/meetings/calendar/>

The groups themselves were remarkably cohesive during the first half of the term (as described above) and have established a solid basis for internal cooperation. In January 2022, they were able to strike a mid-term agreement, outlining their joint priorities for 2022–2024 (European Parliament 2022a). It is worth noting that the Greens/EFA group did not join the pact of the three biggest groups in the European Parliament. The priorities of the three groups are largely compatible with those of the Commission and the Council policy-wise. On policy issues there have only been occasional interinstitutional tensions with the Council, while divergence on institutional issues has been much more pronounced with both the Commission and the Council. Generally, high cohesion of a political group and being part of the winning majority strengthens the party group's influence on the positions of the European Parliament as an institution; whenever

⁵ Ursula von der Leyen's political priorities initially referred to 'protecting' our European way of life, but after criticism from several political parties, it was changed into 'promoting' our European way of life.

Table 4. **Priorities expressed by the European Council and the European Commission for 2019–2024**

	Strategic Agenda of the European Council 2019–2024	Political Guidelines of the European Commission
	(June 2019)	(July 2019)
Climate	Building a climate-neutral, green, fair and social Europe	European Green Deal
Digital, Economy	Developing a strong and vibrant economic base	Fit for the digital age An economy that works for people
Foreign Affairs	Promoting European interests and values on the global stage	A stronger Europe in the world
Values, Security, Migration	Protecting citizens and freedoms	Promoting the European way of life
Institutions, Democracy		A new push for European democracy

Source: Own elaboration, based on European Council (2019) and European Commission (2019a).

the groups in the European Parliament act jointly and decisively in negotiations with Council and/or the Commission, they have a better chance of obtaining their desired (policy) results (Costello and Thomson 2013).

4.2 Policy content

Priority one: The Green Deal

While former Commission President Jean-Claude Juncker's leadership was criticised for not sufficiently responding to the urgency of climate change, von der Leyen was keen to raise the ambitions – not least by turning the Green Deal into her first priority. Frans Timmermans – with many years on the Commission – was appointed vice president in charge of the Green Deal file, indicating that Ursula von der Leyen wanted to see an experienced commissioner at the helm of this priority. The fact that a detailed roadmap was communicated immediately after the Commission took office in December 2019 is a further indication of the Commission's ambitions in this field. In an attempt to avoid prior criticism regarding rising greenhouse gas emissions at the same time as, for example, coal continued to play a persistent role in EU electricity systems, von der Leyen has presented one of the largest legislative packages in the Union's history. It includes over fifty initiatives, many of which have now been put on the table for the European Parliament and the

Council to negotiate. In content, it includes a wide spectrum of political initiatives, many of them to be found in the legislative package 'Fit for 55'. The Commission has also added proposals to its initial agenda issues in light of its response to the COVID-19-pandemic and the Russian invasion of Ukraine.

The European Climate Act, often referred to as the centerpiece of the Green Deal, was proposed by the Commission in March 2020, and reached final adoption in less than one year. Its purpose is to reach climate neutrality by 2050 in pursuit of the temperature goal set out in Article 2 of the Paris Agreement. Despite the quick legislative procedure, agreement between the legislators was not uncomplicated. In its position on 6 October 2020, the European Parliament raised the threshold for emission reduction to the level of 60% by 2030 and requested an independent, interdisciplinary scientific advisory panel. When the Council was unable to agree on 60%, a provisional agreement between the two co-legislators was reached. The agreement sets the limit to a 55% net greenhouse gas emission target for 2030, an EU-wide climate neutrality target for 2050 and the aim to achieve negative emissions thereafter.

The 'Fit for 55' legislative package, which aims to ensure that the agreed climate goals can be

achieved in time, has so far resulted in a number of new legislative proposals as well as proposals to amend existing legislation. The French presidency managed to reach some important general positions in the Council during its final month, meaning that several trilogues between the co-legislators and Commission are ongoing.

‘[...] the tough tone in Council negotiations on environmental issues is largely explained by the fact that the environment and climate issues have always pitted the more ambitious member states against the less ambitious [...].’

On a general note, the tough tone in Council negotiations on environmental issues is largely explained by the fact that the environment and climate issues have always pitted the more ambitious member states against the less ambitious (e.g. Jordan and Gravey 2021). The components of the Green Deal are no exception. Even if the member states have managed to agree on several files in the area during this term, like the 55% emissions reduction target until 2030 in the climate law, referred to above, it has not been without significant conflict in the Council, nor between the legislators. The climate policy ambitions are also highly intertwined with energy issues, a factor that has further heightened conflict between the member states in light of the rising energy prices during the winter 2021/2022, continuing with the cut in both demand and supply of Russian energy in the aftermath of the invasion of Ukraine. These challenges have even caused some member states to seek to halt the progress of parts of the Fit for 55 package (von Homeyer, Oberthür and Dupont 2022).

Priority two: A Europe fit for the digital age

In her mission letter to Margrethe Vestager, Executive Vice-President and Commissioner for competition for the second executive mandate, Ursula von der Leyen emphasised that Europe must fully grasp the potential of the digital age and strengthen its industry and capacity for innovation (European Commission 2019b). She also expressed her vision that digital transformation can have an

extremely positive impact on the achievement of further priorities, such as that of environmental sustainability, set in the Europe Green Deal programme. Added confidence in the use of digital technology is also a priority within this policy goal. Ensuring progress in the digital market has already been a priority for the EU since the Lisbon Strategy was adopted in 2010 and was further developed by Juncker’s Commission through the digital single market strategy in 2015.

Among the numerous initiatives (many which come in the form of regulations) proposed under the Commission’s EU digital strategy umbrella, we find aims to improve the preconditions for digital transition, such as connectivity and investments in frontier technologies (including artificial intelligence [AI] and blockchain). We also find initiatives aiming to create a fairer and more competitive European economy, for example, by banning harmful business by very large digital actors. While the Commission notes that new technology plays a key role in global economies, it also highlights access to high-quality data as essential for success. At the same time, the Commission is concerned about the risks associated with certain use of digital techniques, for example AI.

Finally, the strategy includes initiatives to promote the European rights model, placing the well-being of individuals at the front. Improved rules for data sharing form part of the digital agenda, and the proposals adopted under this reflect the EU’s ambitions to safeguard the balance between the free flow of data and the preservation of privacy, security, safety and ethical standards. In July 2022, during the French presidency, the co-legislators, for example, reached an agreement on the Digital Markets Act (DMA), whose aim is to upgrade the rules governing digital services in the EU. When the trilogue compromise was reached, the rapporteur in the European Parliament, Andreas Schwab, commented during the press conference that ‘never, ever underestimate the European Parliament’ (European Parliament, 2022d) for its influence on European policy, recalling that as early as 2014 the European parliament adopted a resolution on consumers’ rights in the single market, asking the Commission to propose legislation to break up search engines, as has now been achieved through the DMA.

Priority three: An economy that works for people

Juncker's Commission was the first to identify that the inequality in Europe, triggered by the financial crisis, acts as a brake on growth and threatens social cohesion within the EU. One of his clearest legacies is the proposal for a European Pillar of Social Rights, launched at the European summit in Gothenburg in 2017 (European Commission 2017). The vision of von der Leyen's Commission is that social economy – housed under the third priority – will help implement the principles of the Social Pillar. The idea is that social economy, traditionally referring to four main types of entities providing goods and services to their members or society at large, could play an increased role in combating social injustice and poverty in the EU member states. The Commission's 2021 Action Plan and the 2030 headline, for example, target an increase in the employment rate and a reduction in the number of people at risk of poverty and social exclusion.

'The vision of von der Leyen's Commission is that social economy – housed under the third priority – will help implement the principles of the Social Pillar.'

The Commission also envisages that the social economy contributes to the implementation of the Sustainable Development Goals at EU and global levels. On a general level, the EU leaders are in agreement with the Commission. This is clear from the European Council's Strategic Agenda, where it is emphasised that the Social Pillar needs to be implemented, turning its principles into action at the Union and member state level with due regard for the respective competences. The European Parliament has also stressed the need for a strong shared commitment to the materialisation of the Pillar rights and principles.

A proposal that stirred up particular criticism in some EU member states is the proposal for adequate minimum wages in the EU, adopted in October 2020. Some EU member states, including Sweden, do not apply legal minimum wages but instead define them through collective bargaining. The directive serves as an illustration of the challenges facing EU institutions when

addressing social inequalities in the EU. Across the EU, member states differ widely in terms of the coverage for workers by collective agreements and the level of minimum wages. This is in part due to the very different labour market models and income levels in the member states. While the European Parliament has been positive towards the proposal since the start, furthermore wishing to reduce the gender pay gap in the EU member states, some member states have, as noted above, been very reluctant. The directive was adopted during the Czech presidency.

In addition to social economic policy, von der Leyen also made commitments to deepen the Economic and Monetary Union, with the aim of strengthening stability in the Eurozone, for instance, by completing the Banking Union. This is partly an agenda inherited by Juncker, who presented a roadmap for deepening Europe's Economic and Monetary Union. The Commission launched a comprehensive review of its economic governance in February 2020, but the reform process was put on hold until October 2021 due to the outbreak of the COVID-19 crisis (see below).

Priority four: A stronger Europe in the world

An important feature of the von der Leyen-led Commission is the intention to be a geopolitical Commission that stabilises its neighbourhood, re-evaluates EU enlargement, champions rules-based global leadership – particularly in Africa – and counters China's influence in the Indo-Pacific region. She also intends to strengthen the EU's legal framework for countering hybrid threats, partly drawing on previous initiatives by the Juncker Commission. In addition to ideas already mentioned in the political guidelines from 2019, the Russian invasion of Ukraine has given rise to new initiatives under this priority.

Ursula von der Leyen's political guidelines embrace the concept of a multilateral rules-based order by emphasising that the Commission aims to strengthen the EU's unique brand of responsible global leadership and gradually build a more assertive and united Europe that builds on strategic autonomy. Rules-based multilateralism is a keyword to be found in many Commission documents, including in one of the most important communications from 2021 (Strengthening the EU's contribution to rules-based multilateralism).

In this text, the Commission also expresses the view that the world is in a period of transition, marked by major geopolitical and economic power shifts, with emerging players who create new dynamics that have a negative impact on efforts to promote peace and prevent conflict. Concretely, many ideas under this priority are covered under the so-called Strategic Compass, launched by Josep Borrell in 2021 (see also section 5). The Compass marks an ambition to address the EU's security and defence policy in a more coordinated way. While several proposals under the Strategic Compass are a direct response to the Russian aggression, some refer to ideas already shared by von der Leyen in 2019. One such example is the initiative to combat hybrid threats. Hybrid threats, traditionally defined as acts to exploit the vulnerabilities of the EU in a coordinated way while remaining below the threshold of formal warfare, are seen as a particular stress to the security of the EU.

While the European Parliament has limited powers in the area of common and foreign and security policy (CFSP), the High Representative is required to regularly consult with the Parliament. In its 2021 annual report on the implementation of the CFSP, the Committee on Foreign affairs makes substantial reference to the Strategic Compass, welcoming it and not least suggesting that it will help the EU to strengthen the Union's capacity to act as an increasingly credible strategic partner. The French presidency successfully concluded the Council's adoption of the Strategic Compass in March 2022.

Priority five: Promoting our European way of life

Initiatives under the fifth priority – promoting our European way of life – were partly delayed due to the pandemic. While the Commission has applied the toolbox established during Juncker's Commission to enforce respect for the rule of law principles, it has also launched new initiatives, including a European rule of law mechanism.

In addition to initiatives to protect the EU democratic principles, we find a relaunch – described by the Commission as 'a fresh start' – of the Dublin reform for asylum rules aimed at establishing common rules within the single market to create a new EU migration pact as well as initiatives to strengthen the external borders. Initiatives to reform the Dublin rules had already been taken by the Juncker Commission in 2016

– not least in response to growing numbers of protection seekers in the summer of 2015. Juncker's Commission, however, only managed to conclude agreements on the expansion of Frontex's mandate, while other negotiations were stranded, both within the Council as well as between the two co-legislators. Ursula von der Leyen is now trying to sell the new migration pact by reminding the EU member states of the changed circumstances since the 2015 migration crisis: the pattern of a heavy influx of refugees no longer exists, she argues.

'[...] it now remains to be seen whether the conflicting perspectives in the Council may be resolved before 2024 when the migration pact is scheduled to be finalised.'

While the European Parliament is primarily concerned with the human rights standards in the legislative proposals, it now remains to be seen whether the conflicting perspectives in the Council will be resolved before 2024 when the migration pact is scheduled to be finalised. The clearest split in the Council is found between (i) the member states at the external borders of the EU, who are pushing for binding and fairer allocation of protection seekers; (ii) member states that consider that they took on a large burden during the migration crisis in 2015 and want to limit the so-called 'secondary movements' by expanding the responsibility for asylum to the country of first entry; and (iii) other states – especially the Eastern European Visegrád states, but also Austria and Denmark – that are strictly opposed to mandatory relocation and advocate a very limited reception of protection seekers (Rasche, Welfens and Engler 2022).

Priority six: A new push for European democracy

At the start of her mandate, Ursula von der Leyen announced that she would initiate a two-year Conference on the Future of Europe to review ways in which the Union could improve how it works. Another initiative launched under this priority is the 2021 European Democracy Action Plan (EDAP). This includes three top-level measures aiming at protecting democracy in the EU: (i) promote free and fair elections, (ii) strengthen media freedom and (iii) counter disinformation.

The Conference on the Future of Europe seeks to enhance democratic legitimacy by engaging with citizens in new ways via citizen assemblies and other means. The negotiations with the Council (and the Commission) on the set-up and the institutional design of the conference were controversial. Due to the pandemic, its start was delayed to May 2021, and the exercise had to be shortened to one year. The compromise that eventually emerged for the conduct of the conference suggested that each institution would follow up on the results in its own domain. The European Parliament obtained 108 of the 433 seats in the conference plenary and co-chaired the conference together with the Council and Commission.

‘Unlike the other two main institutions, the European Parliament would like to see institutional reforms on the agenda, including one giving itself a right of legislative initiative.’

After the conclusion of the conference, the European Parliament called for a convention as well as for a revision of the treaties in order to implement the proposals adopted by the conference (European Parliament 2022b). Unlike the other two main institutions, the European Parliament would like to see institutional reforms on the agenda, including one giving itself a right of legislative initiative (Wetter Ryde 2019). It has also adopted a proposal to revise the EU Electoral Act that sets out basic rules for the European Parliament election in time for the next election in 2024, and is attempting to push the European Parliament’s role in the appointment of the European Commission with a formalisation of lead candidates (*Spitzenkandidaten*).

So far, the Council has not replied to the European Parliament’s interpretation of giving a ‘new push’ for European democracy. The Council managed to agree on a joint initial assessment, seemingly without much heated debate. The response can at best be described as lukewarm, even if some leaders have expressed support for treaty reform.

5. External events and crises

In addition to implementing the Commission’s political guidelines, von der Leyen’s first three years in office have been significantly impacted by the COVID-19 pandemic and by Russia’s invasion of Ukraine, as have all EU member states. Both events prompted initial discussions between the national and European level as to which political level should tackle the events and carry the main responsibility for avoiding added stress to the member states and to European economy in general. We discuss the handling of these externally imposed crises in more detail below.

The EU has also had to deal with the final stages of the Brexit negotiations and internally with the rule of law problems in some of its member states. While the Juncker Commission managed to promote some rather innovative ideas to give force to the EU principles enshrined in Article 2 of the Treaty on the European Union, it is primarily von der Leyen’s Commission that has been expected to implement and enforce the tools adopted by the previous Commission. These include the Commission’s rule of law framework and the Council’s dialogue with member states. Since 2014, the Commission has also referred some EU member states to the European Court of Justice for violations against Article 2 TEU. During von der Leyen’s mandate, the conditionality mechanism, originally to be applied to the EU’s budget, has been extended to apply also on the Next Generation EU (NGEU) (see further below).

Regarding Brexit, most negotiations between the EU and the UK over the withdrawal agreement were coming to an end when von der Leyen became president, and it was a key task for the first Council presidency of the term, Finland’s, to manage the process and to ensure that the member states remained united in the approach to the withdrawal negotiations (Iso-Markku and Jokela 2019). The Commission, shortly after its installation, finalised and signed the agreement, to which the European Parliament gave its consent in January 2020. Compliance with the agreement has, however, continued to be a challenge, and the Commission has, for instance, opened an infringement procedure against the UK in 2022 around the operation of customs, VAT and excise rules under the Northern Ireland Protocol.

5.1 COVID-19 and EU health policy

Only a few months into the Commission's term, the COVID-19 pandemic hit Europe, with early outbreaks in Italy rapidly spreading across the continent. The member states' initial response to the COVID-19 pandemic was limited coordination and cross-border solidarity, where the situation was rather one of competition over medical equipment and resources. To overcome this initial reaction, the member states attempted to improve coordination from the top level of the European Council, which resulted in both the provision of medical equipment (procurement, stockpiling and distribution), attempts to safeguard the internal market, support for the development of vaccines (and later joint procurement) and economic recovery (Werts 2021, 103). The member states hence changed from initial protectionist reactions to joint action (Forman and Mossialos 2021).

'Reforms of existing legal frameworks on health threats have also been undertaken to, for instance, clarify the obligation for member states to coordinate, including through the review of national pandemic preparedness plans and an EU level equivalent.'

Although the Commission's coordination was initially limited, this gradually increased over time (Wetter Ryde 2020). While the EU has limited legal competences in health policy, significant initiatives were undertaken through both coordination and measures such as vaccine development, procurement and distribution. In 2020, the Commission launched the EU Vaccines Strategy, securing vaccines for the member states through advance purchase agreements with individual vaccine producers. Furthermore, in an almost historic part of the speech during von der Leyen's 2020 State of the Union address, she announced a series of proposals as part of the ambition to establish a 'European Health Union'. Among other things, the European Medicines Agency (EMA) and the European Centre for Disease Prevention and Control (ECDC) have already been given stronger mandates, following

successful negotiations with the co-legislators. Reforms of existing legal frameworks on health threats have also been undertaken to, for instance, clarify the obligation for member states to coordinate, including through the review of national pandemic preparedness plans and an EU level equivalent. In addition, a new Health Emergency Preparedness and Response authority, HERA, has been established (Bengtsson 2022). The Commission also established a new Health and Digital Executive Agency (HaDEA) that is now in charge of implementing financial support through the EU's health programme.

The Commission has also taken action in the global arena, by, for example, adopting the Global Health Strategy and through a Team Europe Initiative (worth around €46 billion) to support global health structures, including health systems, water and sanitation measures as well as support to mitigate the socioeconomic consequences of the pandemic (Bengtsson 2022). These initiatives should be interpreted as strategic responses, also emphasising the Commission's geopolitical character.

5.2 COVID-19 and Europe's economic recovery

While the Commission was nowhere to be seen in the early days of the COVID-19 outbreak, it gradually increased its initiatives in the economic field. For example when the member states, concerned about supply shortages, imposed export restrictions the Commission used its delegated competences to impose export bans within the internal market to secure European needs for health equipment.

As pointed out by Vivien Schmidt (2022), not only was the Commission invisible in the early stage of the pandemic, but the European Parliament was also nowhere to be seen, nor was the European Central Bank (ECB). Initially, the President of the ECB Christine Lagarde claimed, for example, that it was not within the ECB's mandate to 'close the spreads' between German and Italian bonds (which triggered an increase in the spreads for Italian bonds). A couple of months later, however, the playing field for the European economy had changed dramatically. Once it became clear to the Commission and the member states that the pandemic was proving to be much more than a healthcare crisis and that it was having a severe

impact on entire societies, with, for instance, disturbances to trade flows and the economy in general, initiatives in the economic field were undertaken.

One of the first economic governance decisions was to de facto suspend the fiscal rules. Two clauses in the stability and growth pact offer the possibility to deviate from the rules and to undertake budgetary measures if member states face exceptional circumstances. The COVID-19 crisis qualified for the ‘unusual events clause’, but the Commission proposed to use the more far-reaching ‘general escape clause’, which was triggered when the Ecofin Council endorsed the Commission’s communication on 23 March 2020. The Commission furthermore enacted a flexibilisation of state aid and of the use of cohesion funds. In order to give member states fiscal leeway and to avoid a situation where all of them would find themselves under excessive deficit procedures, this was a necessary step (Kreilinger 2020, 6–7).

‘Dealing with COVID-19 became a key Commission priority, and it responded by the joint procurement of vaccines, medical equipment and other supplies [...], enhancing the strategic autonomy agenda, and by promoting economic recovery funding.’

Dealing with COVID-19 became a key Commission priority, and it responded by the joint procurement of vaccines, medical equipment and other supplies (see above), enhancing the strategic autonomy agenda, and by promoting economic recovery funding. Later, in September 2022, the Commission also presented a single market emergency instrument that would give the Commission greater powers in times of crisis to ensure the free movement of goods, services and people by means of fast-tracked decision procedures. It also cleared the way for member states to rescue failing companies by suspending the state aid rules and put into place a temporary European instrument, support to mitigate unemployment risks in an emergency (SURE), with €100bn to help maintain employment.

The economic turmoil that the pandemic caused Europe called for a comprehensive approach to restart the economy. The EU’s response was the NGEU, proposed by the Franco-German duo in mid-May 2020, when they jointly recommended a major grant-based recovery fund based on joint debt. The Commission came back quickly with an even larger amount. Its proposal for a recovery fund of €500bn in grants on 18 May 2020 was initially seen as taboo-breaking (Schmidt 2022). The Commission followed by increasing the amounts in the NGEU proposal, containing a resilience and recovery fund (RRF) €750bn with two thirds grants and one third loans to be financed by market-based EU bonds as part of a much larger multi-year EU budget (the multi-annual financial framework/MFF).

Agreeing on the NGEU was not easy, however, despite the Franco-German initiative. A familiar pattern of conflict soon emerged among the member states, pitting those in favour of more EU resources and spending against those advocated for a more restrained joint response, where joint spending should primarily be based on loans to the beneficiaries. However, with the spending-averse UK having left the EU, and Germany (at the time holding the Council presidency) siding with France in proposing recovery funding based on joint debt, the fiscally conservative, so-called frugal, member states were in a clear minority position (Vaznonytė 2022).

The frugal member states’ limited appetite for a great leap forward on spending was also tied to a concern over the rule of law in some member states, particularly Hungary and Poland. The solution was to include a conditionality mechanism that was backed by the European Parliament and enforced in the Commission’s proposal. The rule of law backsliding has been a key concern for the EU for a number of years, but conflict had escalated during the term, which became particularly clear when Poland and Hungary threatened not to vote in favour of the NGEU as long as it included the proposed conditionality mechanism. The conditionality mechanism was in the end included in the deal, but has maintained (possibly even escalated) the conflict over both the rule of law status primarily in Poland and Hungary and access to the recovery funding (Schramm, Krotz and de Witte 2022).

The European Council remained in charge of de facto deciding the economic response to the pandemic with the creation of NGEU. The Commission's work in the COVID-19 crisis response looks more like a joint Commission-Council roll-back against a Parliament which had become too assertive (Bendjaballah and Kreilinger 2021, 13). The European Parliament, just as in the Euro or migration crises, was sidelined while the European Council and the European Central Bank played once again a powerful role in fighting the economic and financial fallout of a crisis. Despite this, during the first half of the legislative term, the adoption of the MFF and the MFF regulation with its sectoral programmes and the adoption of legislation reacting to COVID-19 were, according to the mid-term activity report of the European Parliament, 'probably the biggest achievements of the first half of the ninth term' (European Parliament 2022c, 2). In the final negotiations with the Council, the European Parliament obtained budget increases in certain areas, such as health, research and Erasmus+.

5.3 Russia's invasion of Ukraine

The Russian invasion of Ukraine on 24 February 2022 is the largest security crisis in Europe since World War II and has widely been viewed as a fundamental challenge to the European security order. Ursula von der Leyen's response to the invasion was immediate, and she stated that the EU would 'not let President Putin tear down the security architecture that has given Europe peace and stability over the past decades'. She also promised immediate action from the EU that would target strategic sectors of the Russian economy by blocking their access to key technologies and markets. Furthermore, she promised that the EU would weaken Russia's economic base and its capacity to modernise and prevent Russia from accessing the European financial market. Ursula von der Leyen consistently draws attention to Russia's brutal aggression, often through symbolic communication. In her State of the Union speech on 14 September 2022, for example, she invited the first lady of Ukraine, Olena Zelenska, as a special guest. EU foreign policy is, however, completely dependent on the member states, who have jointly condemned the Russian invasion of Ukraine and been able to agree on a number of strong sanctioning packages targeting a variety of Russian interests, actors and

individuals. The member states have also agreed on vast economic and military support packages for Ukraine (Tarschys 2022 and Engberg 2022), as well as supporting Ukrainian refugees by, for instance, activating the temporary protection directive (Varfolomicieva 2022). These decisions have been made by the Council and the European Council. Since the European Parliament has no strong role in EU foreign and security policy, it has mainly been left to issue various statements and resolutions to signal its support for Ukraine and what it considers that the EU and the member states should do more to support Ukraine. In doing so, Parliament has often pushed positions that are tougher than those that the member states have been able to agree on.

'Several of the eastern member states, in particular the Baltic States and Poland, have shown an unequivocal support for Ukraine and against Russia, while Hungary has had the softest response.'

Behind the member states' unified front, there have, however, been variations in tone from the different governments and leaders. Several of the eastern member states, in particular the Baltic States and Poland, have shown unequivocal support for Ukraine against Russia, while Hungary has had the softest response. Hungary has been hesitant to adopt too strong sanctions against Russia but also has not allowed military equipment to Ukraine to pass through Hungary, something which Ukrainian President Zelensky has criticized. Arguments have also been voiced on the question of how much the punishment of Russia should be allowed to cost. While there have been various forms and degrees of travel restrictions for Russian citizens from the start of the invasion, some diverging views have also been heard among the member states on how restrictive the travel policies should be. In some member states, it has been viewed as provocative that ordinary Russians can visit the EU on tourist visas, while others have argued that there have to be ways for Russians opposing the invasion to cross the border into the EU. This issue became more salient in the wake of the Russian decision to mobilise its citizens to the army.

The Russian invasion of Ukraine has also provoked an energy crisis among the EU member states. While energy prices had already started to increase during 2021 (Flam 2021), rises have been further fuelled as the EU has sought to lower energy dependency on Russia. For instance, at the initial phase of the invasion, Germany abandoned the opening of the gas pipeline Nord Stream 2. The member states later also agreed to reduce their gas consumption by 15%. The enthusiasm for initiatives seeking to curb the energy imports and sanctioning the Russian energy sector among the member states have, however, varied, not least dependent on the extent to which they are dependent on Russian energy imports. Simultaneously, energy supply has become more unpredictable. The problems with energy supply and prices have also contributed to increased inflation in the member states.

6. Concluding remarks

A few years ago, scholars argued about whether there had been increased European integration without transfers of power to supranational institutions (Bickerton, Hodson and Puetter 2015) or whether the Commission and the ECB assumed greater roles when European integration deepened (Bauer and Becker 2014; Dehousse 2016). The European Parliament, however, must be considered too (Schmidt 2018). In this final section, we revisit the institutional balance in the EU institutions discussed in this paper during the 2019–2024 term. In doing so, we take note of the composition of the institutions and reflect upon their ability to find agreement internally and on an interinstitutional level on subjects that relate to both the initial political guidelines and extraordinary events.

When taking office, Ursula von der Leyen announced that her Commission would be a ‘geopolitical Commission’. With this special focus and a closer link between the internal and external aspects of Commission portfolios, the Commission seems to have been better prepared for crisis management. Regarding initiatives that the Commission has undertaken in the current term, they were based on the existing toolbox that it has had at its disposal. For example, the competences in health policy were expanded on the basis of the current treaties, and NGEU also found its home in the community framework connected to the

MFF. The Commission had a suitable toolbox at its disposal, used it and was able to deploy it (i.e. Parliament and Council agreed).

The Commission had a suitable toolbox at its disposal, used it and was able to deploy it [...].’

In the European Parliament, the start of the term was marked by the fate of the *Spitzenkandidaten* and what that meant for a procedure seen by the EPP and the S&D as a key factor for their influence over the EU’s top job. But the two lost their combined majority of MEPs, Eurosceptics gained ground and Renew Europe became a significant factor. This created uncertainties. Since then, the cohesion of the major groups has remained high; they were often part of the winning majorities and thus the European Parliament as an institution could consolidate its interinstitutional position. It was able to act jointly and decisively in negotiations with the two other institutions. As a sign of increasing internal convergence on policy priorities, EPP, S&D and Renew Europe were able to strike a mid-term agreement in January 2022, outlining their joint priorities for 2022–2024 (European Parliament 2022a). The priorities of the three groups are largely compatible with those that the Commission and the European Council had put forward in 2019. It is worth noting that the Greens/EFA group did not join the pact of the three biggest groups in the European Parliament. The agreement laid the grounds for the election of Roberta Metsola (EPP) to succeed David Sassoli (S&D) as president of the European Parliament for the second half of the legislative term. While there will always be divergences within a parliament of competing political party groups, the European Parliament has often managed to position itself as a rather unified institution.

The member states have overall faced greater challenges in keeping together. While the unity was clear in dealing with the UK over Brexit, and has been visible in condemning the Russian invasion of Ukraine, there are also obvious divergences. The perhaps most clearly divisive dispute in the current term has been over the status of the rule of law in primarily Poland and Hungary. Although the European Commission and the Council took initial action to strengthen the rule of law in the EU

already in 2014, von der Leyen's Commission has had to deal with a situation of heightened conflict. The Commission has expressed concern for the developments in Poland, not least after the highly problematic ruling of the Polish Constitutional Court in 2021 and Poland's breaches of judgments by the Court of Justice of the European Union (CJEU). The Commission has also been criticised, especially by the European Parliament, for not doing enough to protect the integrity of the EU's legal order. The member states in the Council have on the one hand been incapable of activating the provisions of Article 7 TEU, retracting the voting right for a member state breaching fundamental principles in the EU, but on the other hand managed to include a conditionality mechanism in the deal over NGEU. This has, however, in no way put an end to the conflict. Despite Poland's consistent lack of compliance with the EU's rule of law principle, the Commission approved Poland's €36bn national recovery plan in June 2022. The conflicts between the member states have in many ways become even more pronounced when spilling over to value-based issues of LGBTQ rights. In June 2021, these differences led Dutch prime minister Mark Rutte to go so far as to question whether Hungary should remain a member of the EU.

'The perhaps most clearly divisive conflict in the current term has been over the status of the rule of law in primarily Poland and Hungary.'

Since the outbreak of the global financial crisis in 2008, EU decision-making has found new forms, which have sometimes been criticised for lacking democratic legitimacy. One example is the evolution of the Eurogroup, making crucial decisions on EU economic policy (and sometimes called upon to even be financial), with only scant reference to the group and its responsibilities in the Treaties. While developments like this one may be criticised for extending the EU's mandate at the cost of national parliaments, others see them as proof of the EU's successful crisis management and leadership. Instead of more or less integration, the EU finds a way of muddling through the effects on European territory from external events and crises.

The 2019–2024 term until now could be seen as yet another example of the EU's capacity to muddle through in times of crisis. Despite internal disputes between EU member states, for example, on the being or non-being of NGEU and whether, if it were to exist, it should include a conditionality mechanism or not, the Council has been able to come to an agreement (also confirmed by the European Parliament). NGEU has also been praised by researchers (see, for example, Schmidt 2022). The EU's response to Russia's invasion of Ukraine followed the same pattern when the Council managed to adopt sanctions against Russia and give support to Ukraine. Simultaneously, the EU has dealt with some critical policy dossiers that will have an impact on European industry and citizens for many years to come. Examples are found in the 'value-based' policy dossiers, including how to balance between protecting personal integrity and the need for law enforcement agencies to collect data from industries and how to attract business to establish themselves in the EU while simultaneously protecting European citizens against far-reaching AI techniques. There has also been progress on prominent EU Green Deal dossiers, like the climate law, and on initiatives to manage the economy, like the agreed upon rules concerning minimum wages.

The major extraordinary events – the COVID-19 pandemic and the Russian invasion of Ukraine – have left a significant mark on the term, impacting also on the planned agenda. Crises have become part of modern politics (Séville 2022), reflecting the interdependence of today's global structure. In this interaction between the ordinary and extraordinary, there is not always a standard procedure for how to handle the different goals and preferences of different actors. When the EU Treaties provide clarity neither on the EU's competence to deal with a policy area nor on which legislative procedure should be used to make decisions, it would be natural to expect increasing tensions between the legislators over the degree to which solutions should be sought supranationally or intergovernmentally. The supranational movement is primarily seen in the area of a health union, indicating that von der Leyen's Commission is following the same pattern as her predecessor, although Juncker's focus was on other priorities, including finding a way out of the migration crisis. Does this mean that the EU during this

Commission has taken a great leap forward? While this remains to be seen, not least due to the fact that some member states only reluctantly agreed to the NGEU, calling it a 'one-timer', the case may indicate that the EU should be vested with more economic (financial-related) powers in the future.

During the term, the Commission and the European Parliament pushed for coordinated European responses to the external events and the need for adjusting European laws to climate change concerns or the digital age. Although the European Parliament keeps advocating enhanced democratic structures and added respect for the democratic rights in the EU's response in most portfolios, it seems to be in a cooperative mode in its approach to most proposals by the European Commission. With another 18 months remaining before the next elections, the question of whether the ambitions of

the European agenda 2019–2024 will be reached is thus rather in the hands of the Council. Despite the fact that most EU member states currently seem to be in need of support from the other EU member states (be it help with energy, defence, economic recovery or health equipment), most of them seem to struggle over whether the EU or the national level should take the lead in responding to current and future challenges. Moreover, while the member states have acted together over the Russian war in Ukraine, there is no guarantee that this will persist over time. A looming economic and energy crisis has the potential to provide fertile soil for conflicts between the member states, over sanctions against Russia and support for Ukraine or the balance between energy security and reducing greenhouse gas emissions. Managing internal divergences will continue to be a key challenge for the EU to handle.

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