

A work in progress: the new European Commission

I. A long process...

Originally, the European Commissioners and their President were appointed by common agreement only by the Member States. In 1993, however, the Maastricht Treaty forced the Member States to consult the Parliament before appointing the President of the Commission, and over time the role of Parliament in setting up the European executive power gradually expanded.

Today the constitution of a new Commission is the subject of a complex process framed by strict rules. The European Council, at the level of the Heads of State and Government designates a candidate for the Presidency of the Commission - taking into account the results of the European elections¹ - who must then be elected by the Parliament. It also appoints a High Representative of the Union for Foreign Affairs and Security Policy.

Each Member State shall have one Commissioner's post for which it shall designate one or two candidates whom the President-elect of the Commission may accept or reject. According to the Treaty establishing the European Community, the Commissioners must be chosen according to:

- their general skills;
- their independence vis-à-vis their government;
- their European commitment.

On this basis, the President-elect of the Commission composes his team and assigns to each one his responsibilities. He submits the proposal to the European Council, which adopts it by a qualified majority.

The President-elect and the Commission as a whole (including the High Representative of the Union for Foreign Affairs and Security Policy²) must then be approved by Parliament. The Parliament hears each of them individually: these hearings are not mentioned in the Treaty, neither is the knowledge of the files that will have to manage the future Commissioners. After the President-elect presented the College of Commissioners and its program, the Parliament decides on the Commission as a whole³. He can only accept or reject it but he cannot challenge a particular Commissioner. It is only after this vote that the Commission is formally appointed by the European Council.

II. ...which is now launched

a) Agenda

Commission President Ursula von der Leyen was elected on 18 July. Member States had until 26 August to nominate candidates for the post of Commissioner. To date, only Italy, in the midst of a government crisis, has been unable to do so; the United Kingdom having declared that it would not submit a candidate.

Ursula von der Leyen should have completed her team by 15 September. Parliament can then begin its hearings which could extend until October 8th. It should decide at the latest in the plenary of 21-24 October so that the Commission can take office on 1 November.

¹ In 2014, two Member States opposed the appointment of Jean-Claude Juncker

² Who is also Vice-President of the Commission

³ By a majority of the votes cast, by roll-call

b) A balanced Commission

The list of Commissioners-designate (see below) should now only be subject to marginal changes so that it is now possible to have a first image of the future Commission.

Member State	Designated Commissioner	Political party	Current function	Future function
Germany	Ursula von der Leyen	PPE	President-elect of the Commission, former Minister of Defense	President
Austria	Johannes Hahn	PPE	Commissioner for Enlargement and European Neighborhood Policy	
Belgium	Didier Reynders	Renew Europe	Minister of Foreign Affairs	
Bulgaria	Mariya Gabriel	PPE	Commissioner for the Economy and the Digital Society	
Cyprus	Stella Kyriakides	PPE	Cypriot MP	
Croatia	Dubravka Šuica	PPE	MEP	economy, agriculture, cohesion or enlargement
Denmark	Margrethe Vestager	Renew Europe	Competition Commissioner	Vice President Competition, Industry, Climate, Energy
Spain	Josep Borrell	S&D	Minister of Foreign Affairs	High Representative for Foreign Affairs
Estonia	Kadri Simson	Renew Europe	Minister of Economic Affairs and Infrastructures	Energy, Transport
Finland	Jutta Urpilainen	S&D	Minister of Finances	
France	Sylvie Goulard	Renew Europe	Deputy Governor at the Banque de France	
Greece	Margaritis Schinas	PPE	Chief Spokesperson of the Commission	
Hungary	László Trócsányi	PPE (suspended)	Former Minister of Justice, elected European MEP in 2018	
Ireland	Phil Hogan	PPE	Commissioner for Agriculture and Rural Development	Trade, internal market
Italy ⁴				
Latvia	Valdis Dombrovskis	PPE	Vice-President of the Commission for the Euro and Social Dialogue and Commissioner for Financial Stability, Financial Services and the Capital Market Union	Id
Lithuania	Virginijus Sinkevičius	Greens/ALE	Minister of Finances	
Luxembourg	Nicolas Schmit	S&D		
Malta	Helena Dalli	S&D	Minister of European Affairs	environment
Netherlands	Frans Timmermans	S&D	First Vice-President of the Commission, responsible for improving legislation, interinstitutional relations, the rule of law and the Charter of Fundamental Rights.	Id
Poland ⁵	Janusz Wojciechowski	ECR	European Court of Auditors	agriculture
Portugal ⁶	Elisa Ferreira	S&D	Vice Governor of the Bank of Portugal	
Czech Republic	Věra Jourová	Renew Europe	Commissioner for Justice, Consumers and Gender Equality	Trade, internal market
Romania ⁷	Rovana Plumb Dan Nica	S&D	Minister of European Affairs MEP	
UK ⁸				
Slovakia	Maroš Šefčovič	S&D	Vice President in charge of the Energy Union	Id.
Slovenia	Janez Lenarčič	NI	Permanent Representative to the EU	
Sweden	Ylva Johansson	S&D	Minister of Employment	trade

⁴ Without government currently, did not nominate anyone

⁵ Krzysztof Szczerski Chief of Staff of President Andrej Duda refused the proposed agriculture and chose to withdraw his candidacy. His hearing before the EP would have been quite tensed because of his conservative political positions

⁶ Portugal had also proposed MEP Pedro Marques but Ursula von der Leyen would have opted for Elisa Ferreira

⁷ These two candidates proposed by the Romanian Prime Minister, Viorica Dăncilă would have raised serious reservations from Ursula von der Leyen because they are involved in unclear financial affairs. The name of the current EU PR, Luminița Odobescu is also mentioned

⁸ Does not present a candidate

As promised by Ursula von der Leyen, gender equality will be more or less respected as there are currently 13 men for every 12 women.

Whereas in the past, the Member States had sometimes proposed as Commissioners national politicians without real practice of the Brussels files, it is the experience that seems to have been privileged here. Thus there are 9 former Commissioners, against 7 in the Juncker Commission.

Above all, at the political level, the balance of the Commission is better than in the past that of Parliament. Indeed, if in the Juncker Commission, the two main groups in Parliament, the European People's Party (EPP) and the Socialists (S&D) could count on 14 and 8 Commissioners respectively, they are now tied with 9 Commissioners each.

Political party	Commission		Parliament	
	Nb	%	Nb	%
EPP	9	34,6	182	24,2
S&D	9	34,6	154	20,5
Renew Europe	5	19,2	108	14,4
Greens	1	3,8	74	9,8
ID	0	0	73	9,7
ECR	1	3,8	62	8,3
GUE	0	0	41	5,5
Non-listed ⁹	1	5,8	57	7,6
Total	26	100	751	100

European Conservatives and reformists (ECR) keep a post of Commissioner, a Pole replacing a Brit. For the first time with the Lithuanian Virginijus Sinkevičius, the Greens will have a representative in the College of Commissioners. Finally, as one might expect, the Eurosceptics of Identity and Democracy (ID) are absent. Assuming that the previous Italian government appointed a member of the League it would hardly have met the required criteria and would have been immediately challenged.

I. But there is still some way to go...

a. Repartition of portfolios

Needless to point out how much the division of powers between the different Commissioners-designate is a complex exercise. One need to take into account both the ambitions of the Member States, the skills and the aspirations of the candidates while respecting geographical and political balances and avoiding the whole of the College to be rejected by the Parliament. The post of High Representative for Foreign Affairs and Security Policy has already been designated and at least two vice-presidential posts have been promised respectively to Frans Timmermans and Margrethe Vestager. The extent of their sectoral competencies and the limits of their operational powers remain to be defined. One of the main point of contention is which of them will be in charge of "Green Deal" promised by Ursula von der Leyen. Nevertheless it seems that Ursula von der Leyen wants to increase their weight to a real triumvirate. In addition, agriculture seems to be acquired in Poland. As for France, Sylvie Goulard's skills should rather lead her to an economic portfolio. Difficult to go further by now: nothing is acquired until everything is acquired.

⁹ It is only for convenience that the Slovenian Commissioner has been placed on the same line as the non-attached MEPs - he does not share the euroscepticism of most of them.

b. How do the auditions work?

The Speaker of the Parliament requests the President-elect of the Commission to inform him of the names and responsibilities of the appointed Commissioners as soon as possible. On this basis the hearings are organized by the Conference of Presidents on the proposal of the Conference of Presidents of the Commission.

As a first step, the declaration of financial interests of each appointed Commissioner is examined by the Legal Affairs Committee in order to identify possible conflicts with their future responsibilities. In case of difficulties, the Commission may request additional information and, where appropriate, propose solutions. If the problem persists, the President of the Parliament informs the President-elect of the Commission that the candidate concerned is not fit to perform the duties proposed to him.

The consequences of this warning are undefined, but it is clear that if the President-elect of the Commission does not take it into account, Parliament's approval of the whole Commission would be compromised.

Each Commissioner is normally auditioned only once and the hearings are public.

If the powers of the Commissioner-designate fall within the purview of only one Parliamentary Commission, the Commission responsible, it is only questioned by it. If they come under comparable titles from several Commissions, a Joint Commission is created. Finally, if other Commissions are interested more marginally Associated Commissions are set up.

Designated vice-presidents whose expertise is largely horizontal are invited to appear before the Conference of Presidents or the Conference of Presidents of the Commission at a meeting open to all interested Members

c. A real political power

The European Parliament did not fail to use of the possibilities offered by the Maastricht Treaty. In 1995, at the hearing of the Santer Commission, he asked for a change of portfolio for the Irish candidate Padraig Flynn, citing a lack of competence. In 2004, Jose Manuel Barroso had to withdraw the candidacy of the Italian Rocco Buttiglione because of his misogynistic and homophobic remarks and the Latvian Ingrida Urde because of his involvement in possible financial malpractices. In 2009 Bulgarian Rumania Jeleva had to withdraw for similar reasons.

More recently, in 2014, the Slovenian Alenka Bratusek was rejected because of her lack of knowledge of the field that was attributed to her (environment and health) and the conditions considered contentious for her appointment. Moreover, the Hungarian candidate Tibor Navarcsics had to give up dealing with questions of European citizenship that were proposed to him with education and culture, because of the positions of his government on this subject.

As in 2014, Parliament will no doubt ensure that the Hungarian candidate László Trócsányi does not have to deal with issues of public liberty. The Belgian candidate Didier Reynders was challenged by the far-right Flemish party Vlaams Belang, arguing that Charles Michel's minority government in charge of current affairs did not have the authority to do so. Finally, French candidate Sylvie Goulard will be reminded with the case of MoDem MEPs' parliamentary assistants who had pushed her to resign from her position as Defense Minister in the first Philippe government in 2017.

Concerning our current candidates, the exercise also risks to be dangerous. The coalition between the EPP and the S&D that had in the past ensured a relatively smooth functioning of the Parliament broke out. The election of Ursula von der Leyen with - at least temporary – the abandonment of the Spitzenkandidaten system divided the parliamentary groups and left behind them bad feelings. Each group now has no reason to spare candidates from other groups and it is likely that the hearings will be tense and the slightest flaws in the candidates will be tracked down.

As we can see, Parliament's hearings are neither without risks nor without consequences. Parliament's positions on the personal qualities of the candidates are most of the time followed because the President-elect of the Commission and the Council are anxious to avoid a wholesale rejection of the Commission by Parliament.

II. Conclusion

While the composition of the Commission remains the responsibility of the Member States, the President-elect of the Commission and the Parliament now have more room for maneuver in the structuring of the College of Commissioners and the division of competences among its members.

The President-elect has a right of veto over the candidates proposed to him by the Member States and it is up to him to find the balance likely to satisfy both the Member States and the Parliament. As for the latter, he can not only influence the choice of the Commissioners and the responsibilities entrusted to them, but also he will not fail to take advantage of the hearings in an attempt to obtain future Commissioners of political commitments who, while remaining within the framework of the general guidelines presented by Ursula von der Leyen during his inauguration, will specify them.

Far from being a mere formality, these hearings will be an opportunity for Parliament to weigh more heavily on the Commission's political choices for the coming term of office, and in this sense, beyond individual events, they must not be neglected.