

European issues

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What should Brussels change? How can the functioning of the European institutions be improved rapidly?

Abstract :

57 years after the Rome Treaty Europe experienced its first major economic and financial crisis, and after the European elections that confirmed doubt about community integration, debate has now been launched about the role and the functioning of the European institutions. 2014 is the year in which the Parliament, the Commission, the executive responsible for running the European Council and European diplomacy will all be changed. A consensus has grown over the need to adapt them to a new international context. The Union cannot ignore the growing expectations people have of it otherwise the very meaning of its existence will be brought into question.

As is often the case there are plenty of suggestions. All are ambitious, making a direct challenge to some of the founding principles of the Union's work, its policies and procedures.

This paper is based on the belief that European integration is as relevant as ever but that the way it functions has to be revised; therefore it has to be more specific: without changing the treaties, how can the way the common institutions are run be improved, rapidly and in a way that will fulfil most expectations which are multiple and diverse that are now being expressed by the public about "Brussels" - the name which has now become pejorative, easy to wield and unclear? It only requires the personal commitment of the future President of the Commission, of the new Parliament as far as it is concerned and of the Member States in terms of the Council. The European Council on 26th and 27th June 2014 in its quest for renewed impetus might, in line with its vocation, be the trigger and lead to new perspectives.

The Robert Schuman Foundation has been looking into this question which was first openly expressed in a document, drafted for the Foreign Affairs Committee at the French National Assembly in October 2013. This work confirmed that before even trying to alter the treaties and effecting major changes, like for example the deepening of euro zone integration or the "repatriation" of certain competences by the Member States, a great deal has to be done to improve the functioning of the common institutions and that this

can be done rapidly. But the Foundation is not alone in this. Many organisations have produced documents demanding reform as far as the organisation and functioning of the institutions are concerned.

The European election results of 22nd-25th May 2014, which offered the populists a golden opportunity to add their claims to those of the residual sovereignists, encouraged in all quarters by national or separatist reflexes, now require strong political response. The European agenda is ripe for this if only those involved realise that this is necessary and how rapidly the present functioning of the institutions can be changed. We can hope for decisions that show European institutions' ability to take on board the various, muddled claims that might be summarised in three words: effectiveness, relevance and legitimacy.

I – Real changes and rapid decisions about the way the institutions are organised:

The European institutions were designed and organised according to an ambitious federal model. In the main they were also oversized in view of their real competences, which are contained by the treaties. They err sometimes due to ambition and are often the source of disappointment. The time has come for common sense, which points to deciding on one priority: reviving growth in Europe and employing all means available to achieve this goal. In all likelihood this means being modest given the growing number of tasks that the Union's organisations have to address.

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In their bid to take on increasing numbers of tasks without having been delegated the means to do so, they have sometime become embroiled in inter-institutional or inter-service battles which has led to a communication policy that privileges dialogue between institutions to the detriment of support on the part of the citizen. Criticism of the "Brussels' Bubble" have to be heeded. Common, often abstruse jargon, power struggles which are often privileged, common practices, a result of "the smallest common European denominator" are isolating the institutions from the citizens. This can easily be corrected at the cost of being realistic and objective and accepting a sincere review of the present organisation and practices within the institutions.

This is true for the Commission, the Parliament and the Council.

1 - The Commission:

a) There is now a consensus about the need to organise the Commission around "clusters" of activity that bring together the services and the Commissioners in view of taking on five main tasks, the definition of which has to be made according to States' and citizens' expectations and not according to the logic of present practices:

- Economic Affairs
- External Affairs
- Internal Affairs
- Social Affairs
- Environment

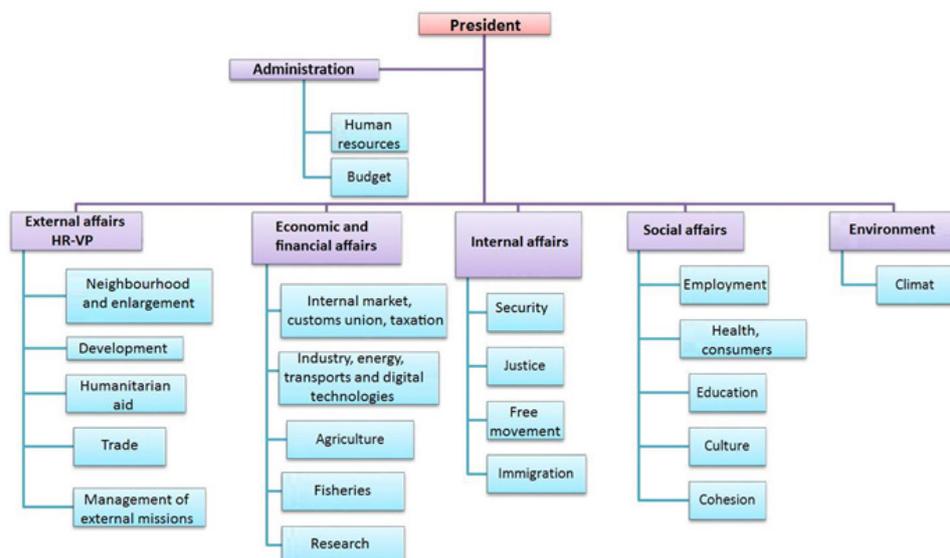
These clusters must be placed under the authority of five Vice-Presidents, who on the President's delegation, have authority over the competent services and Directorates-General. These necessary clusters – and even divisions of the Directorates-General have to be decided upon accordingly.

The five Vice-Presidents, who would be chosen according to their superior competence and impeccable personalities, would form a "restricted Executive" with the President, which would convene before each College meeting within which each commissioner would retain his right to vote and continue to determine the collegial decisions taken by the Commission on an equal footing.

They would not have a portfolio per se, since these would be distributed amongst the commissioners who would take charge of them under their authority since they would retain total authority over the services as delegated by the President.

This organisation would notably means that the commissioners would be given full-service tasks whilst the multiplication of the number of these has led to the "invention" of portfolio of varying content (multilingualism etc.). In attributing the portfolio and in order to take account of the appointment of very different candidates, the new President of the Commission might also decide to be even more innovative. A (junior) Commissioner working with the President might for example be appointed to assist in certain tasks or be given transversal tasks.

Possible organisation chart of a renewed Commission



b) This way of organising the Commission, without making any change to the treaties can be legally put forward by the new President of the Commission; the internal regulations would have to be re-written and it would also require systematic collaborative behaviour between all of the commissioners which he is able to enforce. It would respond to the justified criticism of the Commission's present method of "functioning in silos" noted by those working with it and which causes confusion in terms of the College's declared priorities. The Commission struggles to convince people of its motivation to address the priorities to which it pretends.

c) This means reaffirming the commissioners' political responsibility before Parliament and above all before public opinion, in other words an in-depth remodelling of how the Commission communicates. Spokespeople should be replaced by all encompassing, coordinated press services. The commissioners should be the only ones to speak on issues that fall within their competence. The Commission's daily press briefs should be done away with.

Communicating means addressing the greatest number and not just dialoguing between institutions. Communicating means announcing decisions – it is not about being transparent about everything. Communicating is a political responsibility and not an administrative task.

2 – The European Parliament:

In its bid for new prerogatives and encouraged by the Lisbon Treaty, the Parliament which has earned its title of being a "fully-fledged legislator" is still not the assembly of political debate that the citizens hope for.

a) Representativeness:

It must accept the reassessment of its representativeness, which is the main obstacle to the future assertion of its prerogatives. The distortion that exists at present, which has resulted from the treaties, shows that the European Union, a union of sovereign States, which is supposed to become a union of the peoples of Europe, has not succeeded in overcoming the traditional antagonism between the intergovernmental and community methods. The latter implies that every citizen be equally represented in Parliament which is far from being the case at present (between 883,000 and

60,000 voters). The Parliament would do itself credit since it is its responsibility to suggest to the Council the changes to be made to its composition at the beginning of each new legislature – a timetable establishing the equal, long term representation of the citizens. This would mean that some Member States would only have one MEP and others would have more. This is inevitable if the Parliament wants to assert its authority with unchallengeable legitimacy once and for all. These progressive changes in term of representation, which might be spread over several terms in office, would also change the way the Parliament legislates.

b) Legislating differently:

Today the Union legislates too much and in too much detail. Regulations are not the beginning and end of the social market economy. The belief whereby more European regulations are good for the European project should be challenged. Although it is a European priority to revive sustainable, strong growth, encouraging and meeting economic actors' requirements must in all likelihood be privileged, even if it is for a short time, over the drafting of new rules that come in addition to national laws and weigh heavy on the economy. Major environmental, ethical or prospective issues certainly require new common rules. Europe's situation possibly demands a regulatory moratorium since the issue of articulating with already over abundant national legislations, has hardly moved forwards.

c) Linking back up with the citizen:

Parliament is trying to gain its political autonomy. In this quest it has stepped up legislative initiatives without really taking on board the vital simplification of a European legislation that is not accessible to all. At the same time it is still strengthening its structures, its services, its ability to inform. These must now be placed at the service of the MEPs. The way the Parliament is managed sometimes seems to add to the development of an ever more inventive European discourse that has been agreed upon and is shared by all of the institutions instead of helping towards the freedom of thought and adaptation of its members. MEPs must take back the political control of an increasingly autonomous parliamentary administration. The latter also has to be more exemplary - in its calls for expertise as in its functioning rules (expenses). And since the ideal example to follow seems to be that of the

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American Congress, the Parliament's administration has to privilege the European origin of its experts and suppliers.

d) Avoiding dispersion.

The European Parliament should avoid dispersing its work and expressing itself on issues that are not within its remit. The astounding number of resolutions and political stances taken without any legal founding, some of which damage the Union's objectives, highlight the need for moderation. The Parliament's political influence should extend the work of the other institutions outwards, enable internal debate, and not add complexity to already difficult situations. It seems that we have to remind the only institution elected by direct universal suffrage to focus on what is vital. It is a question of institutional practice.

3 – The Council:

In its different groups the Council can improve the way it functions by giving its work greater exposure. Citizens' knowledge of the positions taken by the Member States' in Brussels is a recurrent demand on the part of civil society. This has to be organised better in the States, possibly via the National Parliaments, and certainly by making greater use of new media. It must not prevent the necessary, sometimes informal coordination between national ministers with community institutions.

4 – The European Council:

This has to recover its initial vocation of being an institution that enables face to face consultation between heads of State and government, whilst it has become the appeal body for compromises that have not been found via normal methods.

It is run more like a regional UN than a political body and it is obvious that it has to be simplified.

The experiment undertaken with specialised or thematic European Councils has not been successful since the executive leaders meeting within this body

have to address topical issues, which then take priority.

The President of the European Council must have authority over the Council (of the Union) and if no changes are made to the treaties – these should be placed de facto at its disposal (decision of the Council of the Union).

II – In-depth changes regarding institutional practice:

An organisation like this requires impetus from the highest level and a change in attitude and behaviour on the part of the players, those in charge or the services that drive the institutions' cogs:

1- Delegation:

The President of the Commission is the holder of real authority over the services. Rather than using this de facto on a daily basis under the real authority of the general secretariat, he should accept the delegation of his authority to his Vice-Presidents and Commissioners. A permanent delegation of this kind does not prevent him in any way from exercising his pre-eminence at any time, i.e. his authority of arbitration and communication.

The Union's external representatives – whether these be heads of civil or military missions or Union delegations in third countries – must enjoy the delegation of greater power in exchange for strengthened control a posteriori which might involve the Parliament or the Council.

Democracy does not mean weak power – it means strong, effective power that is duly and legitimately controlled.

All of the Union's actors must find inspiration in the principle of subsidiarity, a corollary of the principle of responsibility, which implies that power is delegated to match requirements. The Union must not reproduce vertical power that in principle it condemns. It is systematic "horizontality" which should foster cooperation and effectiveness.

2 – Cooperation:

In reality inter-institutional conflict and inter-service wars draw out procedures and complicate dialogue with economic actors and civil society. This is particularly evident in the international arena. In this domain the pre-eminent role of the High Representative must be re-asserted, his/her authority over the Commission's services (of which he/she is Vice-President) safeguarded, and his/her role as "almost common Minister for the Union's External Affairs" guaranteed by the President of the Commission, who should make use of this innovation of the Lisbon Treaty rather than try to occult it in an attempt to protect his own prerogatives.

3 – Abnegation:

To function like this requires a certain amount of abnegation on the part of the actors involved to the benefit of the higher general interest.

The commissioners must accept that they are part of a team, coordinated by a leader (Vice-President) to the benefit of greater efficacy on the part of the Union. The President has to accept that the High Representative will effectively more often be the Commission's external representative and not just that of the national Foreign Ministers. His/her efficacy by way of the authority he/she would exercise over the services responsible for humanitarian work, the enlargement, development and neighbourhood policies, would enhance the visibility of the Union's external activities as well as its influence in the institutional corpus (regarding the Parliament and the States).

4 – Autonomy:

The Union has to learn to privilege its own inhabitants, citizens, businesses and States over others. The principle of preference has to be absorbed by all of the institutions to show in effect that Europeans can legitimately feel that they belong, and even feel proud of belonging. But on all levels from the highest to the most anecdotal, the institutions behave like no other in the world. They are legitimately open to third parties and make no difference with their inhabitants.

The Commission's fundamental role is to embody common European interests and to be the guardian of these. Although these interests can be shared notably with the Union's allies or partners they must first be systematically defined, acknowledged and fostered between the Member States. From an economic and political point of view the European institutions too often seek ideas elsewhere, the pertinence and even superiority of which over European concepts, is doubtful.

The Commission's strategic role of support has to be facilitated internally by a bona fide think-tank which calls on the best European experts, firstly privileging the main objective of the Union's strategic, economic and industrial autonomy and freedom of thought. The BEPA (the Commission's Bureau of European Political Advisors) has to be organised to this end with the support of many institutions which reflect and count in terms of strategic thinking.

Regular closed seminars should be organised with the commissioners to remind them that the Commission's daily work can only be part of a long term strategy that privileges European interests over all else. An internal review these should be undertaken at the beginning of the new Commission's mandate.

The European Parliament is the institution per se which could contribute towards the Union's work towards autonomy. Open to the world, the Union wrongly gives the impression that it has sold itself out. Some concrete steps would stimulate autonomous behaviour on the part of European actors which in turn would help to strengthen the Union. It would be considered normal to demand that preference be given to European information provision and aid to MEPs, rather than over-using external contributions from third countries or calling on external aid for every decision that has to be taken. The implementation of this principle of preference down to the last detail (for example reserving European airlines for MEP travel) would help appease public opinion which is shocked by habits which are not customary within any other political body in the world.

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It is urgent for the Union to refocus its cultural, linguistic, intellectual wealth and privilege them in the daily running of its institutions. The world's leading economic and trade power has the means to do this. It has to understand the symbolic importance of this in the eyes of the citizen.

III – The specific case of the Union's external action

The priority of the Lisbon Treaty was to strengthen the influence and profile of the Union in the world.

A great deal of progress has been made. But this is not visible enough and there is still a great deal to do.

a) The reorganisation of the Commission into major poles of competence should provide an opportunity to smooth out the problems in articulating the role of the High Representative in terms of the tasks undertaken at the service of Europe's nascent diplomacy and those as Vice-President of the Commission.

The Commission has everything to gain from its inclusion in the European External Action Service whilst it has fought bitterly to retain its prerogatives. The Union's interests have suffered because of this. The High Representative must have control over the definition and execution of all of the Union's policies and has to know about external affairs and the means devoted to it (nearly 12 billion € yearly.) In all likelihood this means that the Union's Financial Regulation will have to be redesigned and there will also have to be a little innovation and new practices.

b) The management of European staff employed abroad, the loans made for development and humanitarian aid, membership and pre-membership, cannot be considered separately from the common foreign policy. This requires specific procedures and possibly a specific mission within the Commission. Today it can be criticised from several points of view: it is cumbersome, slow, technocratic, ill-adapted to requirements, too expensive.

"Delegations to act" externally, with loans and decision making delegations in the "field" should be given to External Heads of Mission with controls being made rather more a posteriori.

Civilian and military missions organised by the Union should be managed in virtue of a single procedure thereby making it possible to delegate more widely to managers in the field.

The coherence of the Union's high expenditure abroad with major strategies defined by the Heads of State and government and the Council under the control of the Parliament should be granted to the High Representative.

c) Strategic dimension of the Union's External Action: The Union does not have its own means for strategic expertise and prospecting. Better coordination between the common diplomatic service (EEAS) and the Commission should make it possible to obtain analyses that will draw the Member States' foreign policies closer together. The introduction of a strategic pole within the Commission should help towards this.

Conclusion

The policies of the European Union have already undergone major development. This will not be brought to a halt.

The European institutions have had to adapt rapidly and stretch their initial model to a point that has now reached its limits.

The context in which they have to act is under constant change. This will not slow down.

The common institutions which are increasingly called upon have seen their tasks change and increase. They must therefore reform and modify the way they work and the procedures they implement.

2014 offers them a timely opportunity for a fresh start with the renewal of the responsibilities exercised by their leaders.

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Without being biased about the political and economic direction that is hoped for and decided upon, the common institutions can show that they are able to hear the message that has been addressed to them by the Europeans and to improve the fulfilment of their expectations.

The new President of the European Commission will play a decisive role in this regard. The European Council and Parliament can make major contributions in this sense.

If this is the case, this year will herald a turning point for the community's administration which has a unique opportunity to show all of its vitality and its efficacy and help to restore confidence in Europe.

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