



## A new Commission President in 2014

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Author: Vaughne Miller

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The current President of the European Commission, José Manuel Barroso, is due to step down at the end of October 2014.

Candidates for the next presidency came forward before the European Parliament (EP) elections in May, but since the elections the debate has intensified.

The political groups in the EP put forward their candidates for president. The EP wants the candidate of the majority group in the EP – the European People's Party - to be nominated to the European Council for approval. The EPP nomination, former Luxembourg Prime Minister, Jean-Claude Juncker, has the support of a majority of EU governments, but not of the UK or possibly the Netherlands, Sweden, Hungary and others.

The UK Prime Minister, David Cameron, is seeking a vote in the European Council on the Juncker nomination, in the hope that he and his allies will be able to block it.

The heads of state and government are expected to make a decision on the next Commission President on 26-27 June 2014. The EP will then vote on the European Council's nomination, possibly on 15 July.

This note looks at the process of choosing and appointing the Commission president and at UK opposition to the nomination of Jean-Claude Juncker.

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## Contents

<b>1</b>	<b>EU Treaty base and voting procedure</b>	<b>2</b>
<b>2</b>	<b>Candidates for Commission President</b>	<b>3</b>
2.1	Political group preferences	3
2.2	The ‘Spitzenkandidaten’	4
<b>3</b>	<b>Developments since the EP election</b>	<b>4</b>
3.1	Timeframe	4
3.2	The Juncker nomination	4
3.3	The UK position	5
3.4	The push for a vote	7

## 1 EU Treaty base and voting procedure

Traditionally, EU leaders in the European Council decide who will be the Commission president by consensus following formal discussion. However, under Article 17(7) of the *Treaty on European Union* (TEU), the Member States decide on their candidate by a qualified majority and the European Parliament (EP) votes on this candidate. Article 17(7) TEU states:

Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. The candidate shall be elected by the EP by a majority of its component members. If he does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the EP following the same procedure.

Thus, the candidate for Commission president is nominated by the heads of state and government by a qualified majority and then approved by the EP by an absolute majority. The *Treaty of Lisbon* gave the EP a greater role in this process and for the first time, in 2014, the EU political groups presented candidates for the post, with the European People’s Party – the largest political group after the EP elections - claiming the European Council should accept its preferred candidate.

### Council procedure

Under current qualified majority voting (QMV) rules, a decision adopted by the Council that is not on the basis of a Commission proposal requires 260 votes out of the total of 352 from at least 18 Member States (two-thirds) in favour. If a State requests, it must be verified that the Member States constituting the QM represent at least 62 % of the total population of the EU, calculated according to population figures set out in Article 1 of Annex III of the [European Council’s Rules of Procedure](#) (at least 313.6 million people).

The UK has 29 Council votes and represents 12.4% of the total EU population. Even with the support of Sweden, the Netherlands and Hungary, the QM would be reached and the

nomination approved.<sup>1</sup> The UK would need the support of the larger States, such as France, Germany or Italy to stand a chance of blocking the nomination. Former ally Poland does not appear to support the UK position.<sup>2</sup>

### **EP procedure**

The Council's nominated candidate will try to gather support from the political groups. The EP is expected to vote on whether to approve the Council candidate during the 14-17 July plenary session. The nominee will need over half of all MEPs - at least 376 - to vote in his/her favour.

## **2 Candidates for Commission President**

### **2.1 Political group preferences**

The candidate for Commission president had been a matter of considerable speculation for some time before the EP elections, with the following all apparently in the running:<sup>3</sup>

- Valdis Dombrovskis: previously: Prime minister of Latvia, MEP. Political group: EPP
- Dalia Grybauskaitė: currently President of Lithuania; previously: European Commissioner for financial planning and budget. Political group: EPP
- Jean-Claude Juncker: currently Luxembourg MP; previously Prime minister of Luxembourg; Political group: EPP
- Jyrki Katainen: currently: Prime minister of Finland; previously: Finance minister of Finland Political group: EPP
- José Bové: currently: French MEP; previously activists political group; Greens.
- Ska Keller German MEP; previously Activists Political group; Greens
- Enda Kenny: currently Prime minister of Ireland; previously leader of Fine Gael when in opposition. Political group: EPP
- Christine Lagarde: currently Managing director of the International Monetary Fund; previously: Finance minister of France. Political group: EPP.
- Enrico Letta: previously Prime minister of Italy. Political group: PES
- Martin Schulz: last President of the European Parliament; previously MEP for Germany, leader of S&D group; Political Group PES
- Helle Thorning-Schmidt: currently: Prime minister of Denmark; previously MEP for Denmark Political group: PE
- Alexis Tsipras: currently: Leader of the Greek far left party Syriza; previously local councillor in Athens. Political group GUE
- Guy Verhofstadt: currently MEP for Belgium; leader of ALDE group; previously Prime minister of Belgium. Political group: ALDE

Analysts speculated that these, or others, might also be candidates for EP or Council President, or for the High Representative for Foreign Affairs and Security Policy. Other possible candidates for these posts included Michel Barnier for President of the European Parliament, Carl Bildt for High Representative, and Jyrki Katainen or Mario Monti for European Council President.

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<sup>1</sup> See [voting calculator](#) on the Consilium website to work out how many countries and votes would be needed to block the nomination.

<sup>2</sup> See [The Guardian, 22 June 2014](#) and [EUObserver, 23 June 2014](#).

<sup>3</sup> [European Voice](#), accessed at <http://www.europeanvoice.com/elections-2014-possible-presidents/>

## 2.2 The ‘Spitzenkandidaten’

In the run-up to the EP elections, in April and May five of the top candidates, the so-called ‘Spitzenkandidaten’, participated in 90-minute televised debates hosted by Monica Maggioni of the Italian public television channel RAI News24. The five were Martin Schulz, Jean-Claude Juncker, Guy Verhofstadt, Ska Keller and Alexis Tsipras. While the political groups each claimed success for their candidate in the debates, public views found little to choose between them and no overall winner.<sup>4</sup> An [LSE blog on 13 May](#) found that the debates had not really succeeded in engaging with EU citizens.

## 3 Developments since the EP election

### 3.1 Timeframe

The EU Treaty does not set out a timetable for the appointment/election of Commission president, but the aim is to have agreement on the new office holder before the current terms ends on 31 October 2014.

The indicative timeframe for appointing the next Commission president, which allows for the fact that the EP does not meet in August and that an EP majority might not be reached at the first vote, is as follows:

26-27 June	European Council expected to designate new EU Commission President
1-3 July	First plenary session of the newly constituted European Parliament. Informal negotiations with EU heads of states
14-17 July	EP votes to approve or reject Commission president nominee in Strasbourg plenary session, possibly on 15 July. If the EP does not obtain the required majority, the European Council, by QMV, must within one month propose a new candidate for the EP to vote on following the same procedure (Article 17(7) TEU).
Summer	National leaders designate their commissioners. New president distributes portfolios within his team of 28 commissioners
September	Commissioners are scrutinised in individual hearings before EP committees
October	EP votes to approve or reject new Commission College as a whole
1 November	Target date for new Commission to take office

### 3.2 The Juncker nomination

The EPP won the majority of seats in the EP elections, although their nominated Commission president candidate, Jean-Claude Juncker, did not stand for election.<sup>5</sup>

At an informal meeting of Heads of State and Government on 27 May 2014, the European Council President, Herman van Rompuy, recalled the “strong message” from EU voters in the EP elections and [spoke](#) of the need for consultations between the European Council and the EP on the choice of Commission President. He referred to the [letter](#) sent by the EP Conference of Presidents, which mandated him to conduct the consultations on behalf of the European Council.

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<sup>4</sup> For comment on the debates, see [EurActiv, 9 May 2014](#), [EurActiv, 16 May 2014](#), [Guardian, 19 May 2014](#).

<sup>5</sup> For profile of Jean-Claude Juncker, see [BBC News, 3 June 2014](#).

On 12 June 2014, Manfred Weber, chair of the EPP group in the EP, said that he expected Herman Van Rompuy to nominate Juncker, and that it was likely that the EPP candidate would get a majority for an EP vote in July. Although Juncker would have the support of the EPP, the Socialists are divided and many other MEPs would not support him.<sup>6</sup>

The nomination of Jean-Claude Juncker did not attract universal support and the nomination process has become ever more politically charged. In the UK the Conservative, Liberal Democrat and Labour leadership are all opposed on the grounds that he is in their view too federalist, a technocrat and will be unable to reform the EU. David Cameron told Herman Van Rompuy that appointing Juncker would “ignore the clear pro-change and pro-reform message” from EU voters in the EP elections.<sup>7</sup>

German Chancellor Merkel said in 2013 that the EP and the European Council should be jointly responsible for the election of the Commission president.<sup>8</sup> After some initial hesitation, Angela Merkel gave her support to Jean-Claude Juncker, making UK attempts to counter his nomination even more difficult. Some observers pointed out that Merkel was unlikely to support the UK position on Juncker since the European Conservatives and Reformists group in the EP (largely UK Conservatives) accepted the far right *Alternative für Deutschland* party (AfD) into their political group.

At a meeting in Paris on 21 June hosted by the French President, François Hollande, Jean-Claude Juncker received the backing of nine left-wing EU heads of government. Hollande said it was important to respect the spirit of the EP elections. Among the nine was the Italian Prime Minister, Matteo Renzi, whom David Cameron had failed to persuade to oppose Juncker. Press reports suggested a deal involving “some kind of guarantee about a shift in Commission policy towards their anti-austerity economic agenda, in return for backing Mr Juncker”.<sup>9</sup>

For Austrian Chancellor, Werner Faymann, ignoring the EP election results would damage European democracy - although Jean-Claude Juncker was not on the ballot paper, so only the most informed voters would have known of his existence as a candidate for Commission president, which David Cameron pointed out on [ITV News, 13 June 2014](#):

Even in Germany, where the concept of 'Spitzenkandidaten' got the most airtime, only 15% of voters even knew he was a candidate. He did not visit some Member States. Those who voted did so to choose their MEP not the Commission President. Mr Juncker did not stand anywhere and was not elected by anyone.

To accept such a claim would be deeply damaging for Europe and would undermine, rather than strengthen, the EU's democratic legitimacy.

### **3.3 The UK position**

David Cameron has sought the support of other EU governments in an attempt to block Jean-Claude Juncker's nomination. It is not just that Juncker is too federalist; David Cameron also rejects the EP's imposition of Juncker, when it has been the prerogative of Member State governments to agree by consensus on the Commission president. In reply to a

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<sup>6</sup> See [BBC News 22 June 2014](#).

<sup>7</sup> [BBC News, 23 June 2014](#).

<sup>8</sup> Interview, [Der Spiegel, 3 June 2013](#).

<sup>9</sup> [EU Politics Today 21 June 2014](#).

question about Jean-Claude Juncker in the Commons [on 18 June](#), the Prime Minister insisted that it was the principle rather than the name that he would fight:

It is a simple issue of principle. This is much more connected to the principle than to the name, and I think that the principle will be shared on every side of the House. It is that the members of the European Council, the Prime Ministers and Presidents elected under the treaties, should choose who runs the European Commission. I do not mind how many people on the European Council disagree with me; I will fight this right to the very end.

I say this to my colleagues on the European Council, many of whom have expressed interesting views about this principle and this person: if you want reform in Europe, you have got to stand up for it, and if you want a change in Europe, you have got to vote for it. That is the message that I will take, and that is the right message for our country.

Cameron and his allies believe the political parties misinterpreted the EU Treaty in fighting their election campaigns with their main Commission president candidates heading their lists and insisting on the largest EP political group presenting its candidate for Council approval. Nick Robinson looked at this view in a *BBC News* report:

The British view - which is, unusually, shared by all three main party leaders - is that to give the European Parliament this power is dangerous. It will undermine democracy in the member states and is based on a false premise - that voters in Frankfurt or Boulogne or Riga were weighing up who was the best person to lead the European Commission.<sup>10</sup>

Some commentators think that in the face of an almost inevitable defeat, the UK Prime Minister is looking at damage limitation. On 18 June 2014, Lord Stoddart asked in a [written question](#) whether “in the event of Jean-Claude Juncker being appointed President of the European Commission, they plan to review their policy concerning continuing membership of the European Union”. At the time of writing, this question had not yet been answered.

There are reports that the UK Government would agree to support the Juncker nomination if in return the UK Commissioner is made a Commission Vice President and given a “cluster” of key Commission portfolios, comprising the internal market, competition, trade and energy.<sup>11</sup> The UK Government is also reported to have asked for the position of Commission Secretary General to be given to a UK national, and other “small things”. However, there have been reports that Juncker, though not yet Commission president, has rejected David Cameron’s demands<sup>12</sup> and argued that as he campaigned as the lead candidate for the European conservatives for the EP elections, on the assumption that the winner would become Commission president, if he were not confirmed for that office, “it amounts to voter betrayal”.<sup>13</sup>

The idea of “clusters” of Commissioners was raised during the formation of the first Barroso Commission in 2004, but he rejected it because it could strengthen the role of the larger Member States and give them more control of the Commission.<sup>14</sup> The proposed structure would have involved four or five ‘super-commissioners’ with the rest as junior

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<sup>10</sup> [BBC News, 23 June 2014.](#)

<sup>11</sup> [EurActiv, 12 June 2014.](#)

<sup>12</sup> [EurActiv, 17 June 2014.](#)

<sup>13</sup> [Der Spiegel online, 19 June 2014.](#)

<sup>14</sup> See [Financial Times, 13 August 2004.](#)

Commissioners, subordinate to the Commission President and the respective “cluster Commissioner”. The junior Commissioners would have had a smaller staff and no cabinet. Subsequent proposals for senior and junior Commissioners have also been rejected.<sup>15</sup>

The idea of ‘clusterisation’ has regained currency. The Bulgarian Commissioner, Kristalina Georgieva, who is currently responsible for International Cooperation, Humanitarian Aid and Crisis Response, has said the Commission needs “more systematic” relations between groups of commissioners who have shared responsibility over certain dossiers, and for a “networking approach” or a “more agile approach”.<sup>16</sup> France’s main Commission candidate, Pierre Moscovici, also recently called for a “more political” Commission organised in clusters.<sup>17</sup>

The UK’s current Commissioner is Baroness Catherine Ashton, the High Representative for Foreign Affairs and Security Policy, who heads the European External Action Service. She will step down when the current Commission term ends. The person believed to be the Government’s choice for UK Commissioner is Andrew Lansley, the leader of the House of Commons. The [Sunday Times reported on 25 May 2014](#): “Lansley is seen as a safe pair of hands who is Eurosceptic enough not to enrage Tory backbenchers but will be able to win the approval of Nick Clegg, who has publicly claimed that he would veto the appointment of anyone too extreme”.

### **3.4 The push for a vote**

David Cameron wants to delay the process in an attempt to find a consensus candidate. He is also reported to have threatened to advance the promised referendum on the UK’s EU membership if Juncker is appointed Commission President<sup>18</sup> and that his appointment could accelerate Britain’s exit from the EU.

David Cameron is also insisting on a formal European Council vote on the Juncker nomination in order to force governments to state their positions. The UK Chancellor George Osborne thinks other EU leaders privately share David Cameron’s concerns about appointing Juncker, describing a “rather odd phenomenon” of contrasting private and public views of EU leaders.<sup>19</sup> After a meeting between David Cameron and Herman Van Rompuy on 23 June, the latter is reported to be looking into how a vote would proceed. But whether or not a vote will flush out more Cameron allies, enough to block the Juncker nomination, remains to be seen.

There have been reports of the Prime Minister using the so-called ‘Luxembourg Compromise’,<sup>20</sup> a convention not used for many years that can allow a Member State to defer a decision that affects “a very important national interest” until a unanimously acceptable solution can be found.<sup>21</sup>

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<sup>15</sup> See [Financial Times, 7 January 2007](#).

<sup>16</sup> [EurActiv, 23 June 2014](#).

<sup>17</sup> [EurActiv, 19 June 2014](#).

<sup>18</sup> [EurActiv, 17 June 2014](#).

<sup>19</sup> [The Guardian, 23 June 2014](#).

<sup>20</sup> [The Times](#) and [Telegraph](#), 24 June 2014.

<sup>21</sup> See [Europa glossary](#).