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The ‘political’ roles of the European Commission

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ABSTRACT

The extent to which the European Commission exercises ‘political’ roles in European integration is very much up for debate. Some recent analyses of the Commission take it for granted that its political roles have been in decline, while others have suggested they have increased – especially under the current President of the Commission, Jean-Claude Juncker, who was appointed in 2014 by a much more politicised process than had been used previously and whose College has sought to present itself as being guided by a political mission and as offering political leadership to the EU. In this article, we aim to show that in the debate about the political roles of the Commission, ‘political’ has often been poorly defined and operationalised. By drawing on Public Administration scholarship, we offer a framework for analysing how and where in the EU system the Commission’s political roles might become manifest. We then assess empirically these roles in different functions the Commission undertakes.

KEYWORDS

European Union; EU institutions; European Commission; Juncker Commission; leadership; power

Introduction

Few issues in EU Studies have been debated as much as the role of the European Commission in shaping policy outcomes (Nugent and Rhinard 2015; Pollack 2003) and the Commission’s ability to act in a ‘political’ fashion (Coombes 1970; Radaelli 1999; Smith 2004). The two debates are integrally linked, since the Commission’s ability to engage effectively in the latter has the potential to influence its strength in the former.

Since the assumption to office of the Juncker Commission in 2014, debate has intensified over the specific question of the Commission’s political roles. Much has been made, for instance, of the process by which Jean-Claude Juncker became President, with the highly-politicised *Spitzenkandidat* process resulting in the candidate of the main centre-right group in the European Parliament (EP), becoming President after the 2014 EP elections (de Marcilly 2014). Since Juncker became President, a number of occurrences have seemingly further intensified the Commission’s political nature and the political roles it undertakes. These occurrences have included: the reorganisation of the internal structuring of the College of Commissioners by Juncker soon after he assumed office, which has given the College a more hierarchical structure and a greater potential for political steering

via strong leadership (Dinan 2016); Juncker's frequent calls for a more 'political' and less technocratic Commission, which have been made as part of a drive to acquire more policy power for the Commission in the evolution of European integration (Peterson 2017); the obvious 'presidentialisation' in the operation of the College under Juncker, with him clearly attempting to set a political lead and provide an overall political direction for the EU as a whole; and the constant emphasis by Juncker that his College has not only a political drive but also one that rests on a political mandate.

Yet notwithstanding these developments, the debate on the Commission's political roles continues. On the one hand, some observers see the Commission's political roles as having come to be highly compromised in various ways (Bickerton, Hodson, and Puetter 2014; Ponzano, Hermann, and Corona 2012; Schön-Quinlivan 2011). On the other hand, other observers, both in practitioner and academic circles, argue the Commission has become more political than ever (Becker et al. 2016; Bauer and Ege 2012; de Marcilly 2014; for a variation of the argument, see Wille 2013).

The debate is important, both in itself and also because it connects to public sentiments and democratic values in a way traditionally not much seen in the literature on the Commission. As such, questions concerning the 'political' roles of the Commission are as significant, if not more significant, than the more commonly asked question of whether the Commission's influence over decisional outcomes is rising or waning.

However, the debate lacks precision. Without a clear definition and operationalization, the notion of 'political' varies widely and evidence is gathered selectively. A specification of 'political' is thus critical to allow for informed debate, especially at a time when the Commission's position in an increasingly questioned European project is under review.

This article seeks to make two contributions to the debate on the 'political' roles of the Commission. First, drawing on Public Administration literature related to the different ways in which public bureaucracies can act politically, we offer a framework for interpreting what 'political' means in the context of studying the Commission's position and responsibilities in the EU system. This framework identifies four variations of ways in which public bureaucracies may be said to act politically. They may be *ideologically* political, *policy* political, *organisationally* political, and *administratively* political. Second, as a means to test the utility of the framework, we review empirical evidence regarding how the variations of 'political' manifest themselves in four of the functions traditionally identified in the literature as being amongst the most important undertaken by the Commission, namely: setting the broad agenda, policy initiation, process facilitation, and policy implementation.

Unlike other recent studies of the Commission (cf. Dinan 2016; Peterson 2017), we thus focus not so much on the composition and operation of the Commission, though they are referred to where relevant, but rather on key Commission responsibilities and actions. We show that not only are they often inherently highly political in nature, but they have actually become increasingly so. Even when undertaking seemingly 'non-political' duties, as in much of policy implementation, opportunities still arise for the Commission to act in various 'political' ways and to, in effect, undertake 'political' roles.

The meanings of 'political' roles

Studying how the Commission plays political roles requires first uncovering the various ways in which the concept has been used in academic scholarship. The literature on European integration offers a first port-of-call, although this literature has tended to define 'political' simply in opposition to 'managerial'. Pisani (1956) argued that the High Authority (the Commission's forerunner) had two central drivers: a 'mission oriented' driver dedicated to and organised around pursuit of a central 'political' goal (European integration) and an administratively-oriented driver, dedicated to, as in any standard bureaucracy, management functions. Coombes (1970) later unpacked Pisani's distinction, suggesting that the Commission does indeed have political and managerial vocations and that the former consists of two central functions: a political leadership function involving initiating new steps toward European integration and a normative function, defined as legitimizing new measures and framing issues in line with a European common interest. These distinctions between political and administrative roles drove a generation of research on how the Commission balances the roles and whether they are at odds with one another (for a review, see Schön-Quinlivan 2011).

More recently, this debate about the Commission's roles has been joined by studies focused on the *politicization* of the Commission and whether bureaucratic neutrality has been substituted by political considerations in Commission human resource management and behaviour by Commission officials (see Bauer and Ege 2012; Christiansen 1997; Hartlapp 2015). However, while useful, these internal studies focus on whether the character of the Commission as an administrative system is changing, rather than on the various ways the Commission acts politically in the EU more broadly.

To get a handle on the latter, we turn to the Public Administration literature for insights on the varying meanings of political action within public organisations. That there is such political action has long been recognised in classic studies of Public Administration, which have noted how significantly and extensively politics manifests itself in the actions of bureaucracies (Appleby 1949; Halperin 1974). As Levine, Peters, and Thompson (1990, 103) have succinctly put it, 'Since administrative activity invariably affects who gets what from government and cannot be value-free, all of public administration is in a sense political'.

However, as Levine et al. (ibid: 103) have also noted 'different observers see politics from different viewpoints'. Below, we distil four such variations from the literature as a way to structure our understanding of whether, and if so how, the Commission plays political roles, especially of late, and how they may be identified empirically. But while these variations of what may be considered 'political' activity offer helpful categories for analysing our subsequent empirics, it remains true that studies of how politics manifests itself in bureaucracies 'cannot be treated in a broad manner but only on a case-by-case basis' (Rouban 2012, 5). Therefore, when appropriate, we thread into our discussion and analysis Commission-specific scholarship (largely by Public Administration scholars) where appropriate.

Variation 1: ideologically political

Considering that traditional conceptions of bureaucracy stand in contrast to 'politics', it may seem odd to suggest that a bureaucratic organisation like the Commission could exercise an ideological role in society. Ideological priorities are meant to be carried from the people to

public representatives through contested elections. Ideologically oriented actions can be seen as a direct affront to the traditionally understood separation of politics and administration (Weber 1922; Wilson 1887). But as Public Administration scholars frequently point out, that separation rarely holds up in practice. An entire sub-theme of research in Public Administration explores the concept of ‘representative bureaucracy’ – that is, the ability of bureaucracies to represent the general public (Mosher 1968; Meier and Juree Capers 2012). This literature reminds us that bureaucracies are almost always ‘goal-oriented collectives’ with a mission established that has broad societal goals in mind (Meier and Juree Capers 2012, 5). For the Commission, this type of ‘political’ is seen clearly in the writings by Pisani and Coombes, set out above, as well as in the EU’s founding treaties which charge the Commission to ‘breathe life’ into the central ideological project of integrating Europe. Despite recent set-backs to the integration project (Bickerton, Hodson, and Puetter 2014), and although ideological motivations of personnel within the Commission differ (Hooghe 2002; Kassim et al. 2013), some other broad actions of the Commission are also clearly ‘political’ in this ideological sense in that they can involve the Commission suggesting major socio-economic changes as part of the integration process.

Ideology also extends into something akin to party-political positions in the sense that the integration project is largely based on a ‘tempered capitalism’ movement that speaks to an array of political platforms in Europe. This kind of political activity resonates with recent findings that the Commission increasingly acts with a view towards the European public in the kinds of activities it undertakes, how it communicates, and what kinds of broader sentiments it responds to (Hartlapp, Metz, and Rauh 2014).

Variation 2: policy political

Bureaucracies are said to act ‘politically’ when they become involved in shaping the substance of public policy. This is a kind of ‘participation in political authority’ (Rouban 2012) in which bureaucracies engage, albeit in usually informal ways, to advance specific policies in line with their own priorities. When compared to the previous category, political action in this sense is narrower. It speaks less to broad societal interests and more to particular policy questions. Bureaucracies can, for instance: direct attention towards certain policy ideas (Peters 2006); build coalitions to sustain certain policy agendas (Aberbach, Putnam, and Rockman 1981); and harness ‘focusing’ events to prompt decision-making (Kingdon 1995). For the Commission, this kind of political action is hardly surprising given that it has a treaty-based obligation to initiate new legislation in a wide number of areas, thereby enjoying agenda-setting powers and policy initiation rights. But as Public Administration scholars are keen to point out, a bureaucracy’s latitude to exercise such political authority waxes and wanes (Pierre, 1995). As was noted earlier in this article, both such a waxing and waning has been observed by commentators on the Commission.

Variation 3: organisationally political

While driving an ideological perspective and advancing specific policy ideas represent types of political action, so does the act of ‘fighting one’s corner’ away from the formal decision-making process. As Selznick (1957) reminded us years ago, a bureaucracy’s ability

to act independently from its wider organisational environment is a precondition for survival (to achieve ‘institutionalization’, in his words). Most bureaucracies operate within organisationally rich and complex political systems in which respective legal rights, established precedents, and claims to legitimate authority must be regularly defended (Peters and Pierre 2001). A pedestrian example would be: to shape an outcome, you must have a seat at the table. Protecting and emboldening that seat is a constant task – and one that is inherently ‘political’ in that it influences the structures surrounding the shaping of politically authoritative decisions (Burnham 2009). One needs to read no further than the vast literature on ‘bureaucratic politics’ to understand how this is done, and how it matters (Allison 1971). For the Commission, this kind of activity reflects the type of inter-institutional politics in which it constantly engages (Christiansen 1997). In debates on this issue of the Commission’s institutional positioning, various views are taken in the literature, ranging from the Commission institutionally advancing to ‘losing out’.

Variation 4: administratively political

Public bureaucracies may act politically in how they carry out programmes and policies, under ostensibly administrative pretences. As Public Administration scholars argue, much of ‘politics’ takes place at the ground-level, even in the ‘field’, as programmes are put into practice (and need adjustment) and existing policies are reinterpreted and adjusted to changing circumstances (Levine, Peters, and Thompson 1990). These administrative acts are political in that they involve a degree of subjective decision-making in the issuing of background memos, administrative edicts, and implementing guidelines (Terry 2003). This ‘governance at the ground level’ (Considine and Lewis 1999) has been well-documented by EU scholars, who note how the Commission must apply existing policies through programmes and implementing instruments ranging from new legal decisions to semi-voluntary guidance memos (Bauer and Ege 2012).

To analyse the ways in which the Commission acts ‘politically’ and to cast light on the question as to whether these actions have become more or less important of late, we now turn to an empirical discussion. We look at the ways in which different kinds of political action are found in four of the main activities undertaken by the Commission: setting the broad agenda, initiating policies, facilitating policy- and decision-making processes, and policy management and implementation.

The ways in which, and the extent to which, the Commission acts ‘politically’

Setting the broad agenda

This agenda-setting function involves the Commission identifying broad EU system objectives and persuading people to support them. It necessitates defining the common interest, crafting long-term goals of integration and cooperation, and mobilizing arguments and actors in support of a political vision of the future. This pioneering role is typically portrayed, especially by those inclining to an

intergovernmental perspective on EU decision-making processes, as being in decline, with other actors – notably the European Council – seen as having eclipsed the Commission's position. However, we query whether this is accurate and suggest that the Commission's capacity to act 'politically' in this kind of activity not only still holds true but has actually increased.

From the start of the Juncker Commission, it was clear that broad agenda-setting would be strongly emphasized. As explained by Martin Selmayr, then Juncker's highly influential *chef de cabinet* and now the Commission's Secretary-General, being 'political' for the Juncker Commission means 'being up to the political challenge of this time ... focusing on those issues that matter ... that overcome crisis ... this Commission will be remembered for whether it ... returns Europe back to growth ... from chaos to order ... we have to focus our energy on the existential matters being up to the political challenges of this time. ...and to focussing on the issues that matter' (Selmayr 2016). Selmayr thus made explicit a view that the Commission had the right (the need, even) to appeal outside of Brussels to the larger population and to public sentiment. In a similar vein, supporters of the *Spitzenkandidat* procedure for selecting the Commission President hoped that the process would, as indeed it seems to be doing, re-energize this leadership role of the Commission, not least since it ostensibly channels societal and ideological preferences and legitimises more traditional kinds of political leadership by the Commission.

Beyond these significant shifts in emphasis and procedure, several other aspects of broad agenda-setting in recent years deserve mention. First, the Commission's treaty powers in respect of shaping the ongoing debate on the future of European integration remain strong. Most notably, Article 17(1) TEU states: 'the Commission shall promote the general interest of the Union and take appropriate initiatives to that end'. This treaty article, which is deliberately phrased in a very vague manner, permits the Commission to move on a broad front if it so wishes – by, for example, issuing position or discussion papers which are designed to set or shape the agenda. If the ideas expressed in such papers are then politically endorsed by other institutions, especially by the European Council and/or the Council, or if they lead to requests for the Commission to develop its thinking further, they can then become a source of agenda-setting legitimacy and a framework in which more specific policy and legislative proposals are advanced at a later stage. Such, for example, was the intent of the *White Paper on the Future of Europe* that was issued in March 2017 and which advanced five possible pathways for Europe's future development (Commission, 2017a). Such also was the intent of the subsequent five reflection papers that were issued on specific matters falling within the White Paper's framework. In both the White Paper and the reflection papers the Commission mostly stopped short of making specific recommendations, but its policy leanings were usually clear. In, for instance, the reflection paper on the future of EMU, the Commission reiterated its long-expressed support for measures that would strengthen EMU, such as stiffening EMU's system of governance, improving the relationship between budgetary resources and structural reforms in member states, and completing the banking union.

Second, in so far as the EU currently has an overall set of priorities, they are those set out by Juncker at the time he assumed the Commission Presidency in 2014. Included in the ten identified priorities were: boosting jobs, growth and investment; creating a connected digital single market; making EMU deeper and fairer; developing a new

policy on migration; and making the EU a stronger global actor (Commission 2014). Significantly in terms of the political nature of the proposals:

- Initially, there were only five priorities, but they were gradually expanded to ten after Juncker, conscious that to be confirmed in office he and his incoming College needed as broad support as possible in the EP (especially given the increased strength of ‘anti-system parties’) participated in extensive political exchanges and discussions with ‘the mainstream’ EP groups on their priorities.
- The priorities were thus fixed very much in a political context and in a predominantly top-down manner – by Juncker as part of his (s)election campaign.
- The priorities reflected the broadly centre-right majority in both the College of Commissioners and in the other main EU institutions and, as such, was both ideologically based and based also on what could command support amongst decision-makers.
- The priorities and actions on them have been kept under constant political review, both in the Commission itself, by the EP, and in other EU institutional forums .

Third, the unmistakable process of the ‘presidentialisation’ of the Commission (Bonjaree 2008; Becker et al., 2016) is leading to a stronger political base from which to exercise broad directional leadership. While a few early Commission Presidents were able to stamp their personal mark on the office through strong personalities and/or favourable circumstances, only in the past twenty years or so has the President gained – through sequential treaty revisions – formal and institutional power to become more than simply *primus inter pares*. There are multiple reasons for this formalisation and institutionalisation of the President’s position, most of which stem from a perceived need to enable the President to exercise greater discipline over a College that has grown substantially in size owing to EU enlargements. The President’s increased powers include a greater ability to influence the nomination of Commissioners, to exercise political direction over the College, to determine Commissioners’ portfolios, and to dismiss Commissioners if necessary. And none of these formal power resources take away from the President’s additional ability to leverage his informal resources. Barroso did this by using the Secretariat-General to boost his position vis-à-vis other Commissioners and to provide stronger administrative discipline under his direction. Juncker has gone further, notably by using his claimed ‘political mandate’ to justify his restructuring of the relationships between Commissioners and by (controversially) appointing in 2018 his politically close *chef de cabinet*, Martin Selmayr, to the position of Commission Secretary-General (that is, head of the Commission’s supposedly politically neutral administration).

Fourth, despite claims of a changed culture in the Commission, ostensibly accounted for largely by enlargements, Ellinas and Suleiman (2012, 165) have reported that senior Commission staff still believe, albeit with varying degrees of intensity, that the Commission has a duty to provide leadership for the EU and that the leadership so provided should foster the process of European integration. Ellinas and Suleiman also found that the great majority of their (almost 200) respondents ‘share a common culture of supranationalism’ and that this common Commission

culture is grouped broadly around a widely-shared mission to 'build Europe', 'advance the European project' and 'construct a new Europe'.

Related to this common culture, in a major study of the Commission's internal policy-making routines, Hartlapp et al (2014, 299) found a considerable appreciation amongst Commission officials of the importance of public opinion and the need to justify proposals not only using a technocratic rationality (a long-standing practice of the Commission) but also a political rationality'. The effort to rationalise new proposals in line with wider societal needs and narratives was reflected in the Political Guidelines President-elect Juncker presented to the EP in July 2014 (Juncker 2014a) and even more so in the Mission Letters he sent in the following November to all incoming Commissioners (Juncker 2014b), in which he stressed that the incoming College would concentrate its efforts only on areas in which joint action could indisputably produce better results.

In sum, the Commission's broad agenda-setting function reveals multiple opportunities to act 'politically', not least one that reflects an ideologically political role (variation 1). Its actions, for instance, seem to favour further European integration and (as will be further shown below in the section on policy management and implementation) a strongly regulated capitalism. To do so, it appeals (increasingly) directly to the European public and attempts to link leadership selection to party-political platforms. Other variations of political include its efforts to deploy various strategies, including discussion papers of various sorts, to drive specific policy agendas (variation 2); and to preserve and strengthen the Commission's role in inter-institutional leadership processes, not least in it driving the political agenda (variation 3).

Initiating policies

The Commission's policy initiation activities are more specific than those involved in setting the broad agenda in that they involve the strategic formulation of, and the mobilisation of support behind, particular new policy initiatives, including legislative initiatives. As with setting the broad agenda activities, policy initiation activities are highly politically contextualised.

The policy initiation function is underpinned by various treaty provisions, the most important of which is Article 17: 2 (TEU) – which states that 'Union legislative acts may only be adopted on the basis of a Commission proposal, except where the Treaties provide otherwise'. Since the treaties provide otherwise only in a very few AFSJ areas, the Commission enjoys an almost exclusive right to propose and draft legislation. Furthermore, after it has issued legislative proposals the Commission is given by the TFEU a considerable control over them as they make their way through legislative processes – notably by making proposals difficult to amend without the Commission's agreement.

The number of legislative proposals has been in steady decline in recent years as EU decision-makers have sought to lighten the EU's legal load, have increasingly used non-legally binding policy instruments, and have become more cautious about adopting Commission legislative proposals in topic areas that are strongly contested. (Hence, for example, the adoption of a number of the Commission's non-legislative policy proposals

to deal with the migration crisis, but the rejection by several member states of its arguably most important initiative: the obligatory distribution of migrants between Schengen states.) However, notwithstanding the decline in legislative proposals, which has been particularly marked during the Juncker College, Commission proposals for politically-charged legislation remain key to the further development of the integration process. This is no more clearly seen than in the Commission's Work Programme for 2018 (Commission, 2017b), with most of the new legislative proposals identified therein being focused on measures designed to advance the Juncker Commission's ten priorities. So, for example, amongst new legislative proposals that were promised were measures designed to further the completion of the energy union, the capital markets union, the banking union, and economic and monetary union.

The lack of precision of the TFEU in many respects has provided considerable opportunities for the Commission to also put forward new policy ideas via non-legislative policy instruments such as White and Green Papers, Communications, and Action Plans. Ideas advanced (or sometimes only tentatively floated) in such instruments often then subsequently re-appear in legislative proposals. Such, for example has been the case with: the 2015 Communication *A Digital Single Market Strategy for Europe* (Commission, 2015a), which set out a sixteen point strategy for opening-up digital opportunities for people and businesses by removing regulatory barriers and creating a fully functional digital single market; the 2015 *Green Paper: Building a Capital Markets Union* (Commission, 2015b) and the 2015 follow-up *Action Plan on Building a Capital Markets Union* (Commission 2015c) which were both focused on generating a more integrated approach to a policy area that the economic and financial crisis had shown to be too dispersed in its operation and direction; and three communications issued between 2010–2014 which set out ideas for tightening and further integrating the many dimensions of industrial policy by attempting to strengthen existing policy frameworks.

President Juncker has sought to use such non-legislative instruments to personally activate some of the most high-profile policy initiatives that have been championed by his Commission. For example, he ensured that he and his Commission were, and were seen to be, the main driving force behind the 2015 *Five Presidents' Report* on the future of EMU, which set out plans for the building of a fiscal union in the eurozone (Juncker, 2015). (The preceding *Four Presidents' Report* of 2012 had been headed by the European Council President, Herman van Rompuy.) Juncker also took advantage of a window of opportunity – created by the economic and financial crises – to increase the Commission's capacity for financial investment when he persuaded EU decision-makers that there was an urgent need to generate a momentum behind increased investment. To this end, he proposed, even before assuming office, the creation of a new investment fund capable of generating some €300 billion of 'new money'. Soon after the new College assumed office in November 2014, a Commission Communication was issued detailing the nature and purpose of the fund (Commission 2014), which was now called the European Fund for Strategic Investments (EFSI). The target figure was set at €315 billion, with the fund being designated as being primarily for investing in infrastructure projects related to transport, energy, information technology, and trading. The investment plan was approved in principle by the European Council at its December 2014 meeting.

Beyond 'mainstream' policies, the Commission has long sought to take advantage of the EU's growing interest in promoting inter-state cooperation (as opposed to integration) by seeking to bring particularly sensitive political topics onto the policy agenda. Recently, this has even extended to defence, with it presenting in November 2016 a European Defence Action Plan that, amongst other things, included proposals for a defence research programme and for the funding of collaborative defence research projects (Commission, 2016a). In part, this drive on defence policy matters has been based on emphasising that defence spending and collaboration have significant market implications.

In short, the Commission's policy initiation function involves at least three of the variations of 'political' that were identified earlier in the article, with many of its initiation proposals: drawing on broad ideological preferences (variation 1); focusing on major and pressing policy issues, many of which prioritise Commission preferences (variation 2); strengthening the Commission's institutional position at least as a side-effect (as with the, now being partly established, banking union) and capital markets union (variation 3).

Facilitating policy- and decision-making processes

The Commission provides an important function in facilitating EU policy- and decision-making processes (Nugent and Rhinard 2015), and in so doing, can exercise several different kinds of political roles. Some observers claim that the rise of new institutional actors over the years has undermined the Commission's procedural facilitation powers but, in fact, by contributing to further fragmentation of the EU's institutional landscape, the rise of new institutional actors has not been to the complete detriment of the Commission. One reason for this relates to the long-standing dispersal of leadership in the EU. As Ellinas and Suleiman (2012, 9) have noted about the operating independence of appointed officials in all types of democratic systems, 'the more fragmented a political system is, the larger the scope for bureaucratic autonomy'.

Restricting attention here to legislative facilitation processes, the Council and the EP share the formal power to adopt most legislation and have the greatest claims to democratic legitimacy. However, they are both constrained in what they can do, which provides considerable opportunities for the Commission to advance legislative proceedings in its preferred directions. The Council is constrained by, amongst other factors, its internal divisions, its very nature as a rolling series of negotiations between national governments and, for all formations of the Council other than the Foreign Ministers, its rotating presidency. When considering Commission legislative proposals, Council meetings (at all levels) tend to be more reactive than proactive. They are not usually self-starting forums in which national representatives identify and agree on principles designed to provide a reference framework for immediate or future legislative action. Similarly, the EP too is constrained, in its case by the size and heterogeneity of its membership and also by the restricted nature of its powers which, as with legislatures everywhere, favour it being a reactive rather than a proactive body. The Parliament is certainly improving its capacities for leadership (as the growing use of 'own initiatives' suggests) but it still lags far behind the Commission in respect of its institutional powers of agenda-setting.

The Commission thus occupies an important procedural position in respect of the making of legislation. It does so by virtue of its initiating, amending, and withdrawing powers, its detailed understanding of the nature and policy implications of legislative proposals, its physical presence at all legislative stages, the increasing practice of final legislative decisions being agreed at the first stage of the ordinary legislative procedure (when the negotiating positions of the Council and the EP are usually at their most flexible and persuadable), and its usually detailed understanding – which comes from extensive formal and informal deliberations – of what measures are likely to be acceptable to the Council and the EP. However, it cannot, and usually does not even attempt, to drive proposals through against the expressed wishes of the Council or the EP: as was clearly shown in the mid-2000s when the contents of its much-vaunted Services Directive and REACH Regulation were emasculated. Similarly, it cannot, or at least does not usually, attempt to stop proposals whose contents have been agreed by the Council and EP – which can be at any point from first reading to conciliation stage. But, when it is firmly resolved that a legislative measure is necessary but is being held up by the Council and/or the EP, the Commission can display considerable institutional adaptation and tenacity – as, for example, was the case with the so-called ‘Blue Card Directive’ (covering the conditions and residence of third country nationals entering the EU for economic reasons), which was initially proposed as far back as 2001 and which was, largely due to Commission persistence and resilience, finally adopted (admittedly after being considerably watered down by the Council) in 2009 (Paris, 2017).

Process facilitation thus allows, as it does to all bureaucracies, the wielding of certain kinds of, in Carstesen and Schmidt’s words, ‘institutional power’ (2018), by which bureaucratic rules and procedures can be used strategically to gain an advantage over other actors. As those authors note, after the immediate response to the Eurozone crisis, when large member states took the lead using a form of ‘coercive power’, the Commission used its expert knowledge of EU rules and procedures to its advantage. In particular, the Commission pushed the importance of growth – and not just austerity – in its handling of the European Semester beginning in 2012, with an emphasis on flexibility in the application of rules. The Commission ‘began altering the procedures, by making exceptions and flexible adjustments for nonprogram countries, such as derogations of the rules for individual member states (e.g. extending the time for France and Italy to bring their deficits under the target numbers) or recalibrating the calculations (e.g. for Spain on the structural deficit)’ (Carstensen and Schmidt 2018, 12).

In short, the Commission’s process facilitation tasks afford opportunities for various ‘political’ roles to be played, not least via procedural manoeuvring. They also allow it to exercise a strong policy political role as legislation makes its way through the legislative pipeline (variation 2) and to preserve, for the most part, its institutional position in the EU’s main inter-institutional arenas (variation 3). In so doing, as the Eurozone crisis response demonstrates, process facilitation even allows for the exercise of an ideologically political role (variation 1).

Policy management and implementation

The Commission's policy management and implementation responsibilities might appear to be a 'hard case' (methodologically speaking) in the search for 'political' components of Commission activities. Moreover, these responsibilities are sometimes ignored in scholarly research on the Commission's influence in the EU system. But, in a number of respects, it is when undertaking its management and implementation tasks that political actions and behaviour of the Commission can sometimes become the most evident and most forceful.

One of these respects emanates from the Commission's strong position, both legally and as a result of its subject expertise, in the process of secondary rule-making in the EU. Most EU law consists of secondary rule-making and is issued in the name of the Commission. Of the approximately 2,000–2,500 legal instruments issued by the EU each year, over 70 per cent take the form of Commission rules or, in legal terminology, 'non-legislative legal acts', which consist of regulations and decisions plus a handful of directives (Nugent and Rhinard 2015). These Commission non-legislative legal acts mainly involve implementing measures or administrative rules, akin to what executives and agencies produce at national levels. Such acts tend to be highly specific and technical in character. For instance, in the course of managing the Common Agricultural Policy (CAP), the Commission adjusts market support measures that are necessary as a result of changes in the global market. However, although such Commission acts are usually highly technical and/or 'non-political' in nature, there is a grey area in which these supposedly technical and subordinate acts can raise questions of political judgement. So, for example, the Commission adopts implementation rules on such sensitive issues as contaminants in food (requiring member states to embargo products), toxic chemicals in children's toys (banning companies from using certain chemicals), and carbon emission allowances (benefitting some industrial interests over others). The Commission is also allowed to make rules in the highly politically-sensitive area of the Common Commercial Policy (CCP), where it can, amongst other things, impose anti-dumping duties on foreign countries.

Clearly, non-legislative acts of the kind just described can have very significant external and domestic political implications. But although the Council and EP have the power to veto them, they rarely do so (Kaeding 2017).

A second respect in which a political component is present in Commission policy management and implementation responsibilities relates to the powerful decision-making responsibilities of the Commission as a direct implementer of laws. Most of these responsibilities are not much politically loaded, but in one very important policy area – competition – they most decidedly are so.

Council authorisation of proposed Commission actions and decisions on competition matters is not normally legally required, though in practice it may be sought to give 'political cover'. Making use of treaty and legislative provisions, favourable Court judgements, and the increasingly liberal economic climate in which it operates, the Commission, and especially the Juncker Commission, has increasingly acted as something of an institutional entrepreneur to exercise its powers in five main sub-fields of competition policy: prohibiting agreements between firms that limit competition; prohibiting abuse of a dominant position by one or more large firms; prohibiting industrial

mergers that may give one firm a dominant position; requiring the liberalization of public utilities and infrastructure industries; and prohibiting most forms of state aid from a member state to a firm or category of firms. The first three of these sub-fields target private companies while the latter two focus on the actions of member state governments. In all cases, the accumulation of principles and powers related to these sub-fields places the Commission in a powerful position – arguably the most powerful of any EU policy area (Cini and McGowan 2009, 1). They allow it to intervene and discipline both governments and companies, and to do so in high-profile ways – as with, for example, the imposition of a record fine of €3 billion on truck makers in July 2016 following a five-year investigation by the Commission that revealed a 14-year-old cartel to fix prices and to pass on the costs of compliance in adhering to stricter EU emissions controls.

When the Commission initiates competition policy actions that touch on the policy preferences and interests of member state governments – such as disallowing state aid or withholding regional funding because of breaches of competition rules – its actions are, almost by definition, intensely political. Indeed, state aid is in some respects the most politically sensitive sub-field of competition policy. One reason for this is that the Commission targets – and often prohibits the actions of – member state governments directly, including, for instance, efforts to assist firms or industries that provide much-needed jobs. Such a case was launched in June 2014, when the Commission initiated actions against the Irish, Dutch and Luxembourg governments for offering market-distorting tax breaks to three major firms: Apple, Starbucks and Fiat, respectively. As part of this, in October 2015 Fiat and Starbucks were each required to pay back between €20 million and €30 million to the Luxembourg and Netherlands tax authorities for receiving tax breaks that amounted to state aid, and in August 2016 Apple was instructed to pay €13 billion of unpaid taxes to Ireland (which the Irish Government did not want as the unpaid tax was intended to act as an incentive to inward investment!).

The political sensitivity of state aid became particularly acute during the banking crisis when governments offered state guarantees and preferential loans to banks in order to keep them solvent. Clearly, the Commission would have found itself in a very politically challenging situation if it had chosen to reject all such efforts. In response, politically-sensitive guidelines on what was permissible as ‘emergency state aids’ were issued (Commission 2008) with a more ‘constructive approach’ including: a focus on only the largest cases which had major impacts on the internal market; a relaxation of some prohibitions if they could be demonstrated as temporary measures; and a 24-hour decision response if state aids met the terms set out in the guidelines. The guidelines were replaced in 2013 with a new ‘Banking Communication’ that preserved many of the previous exemptions but emphasised bank restructuring requirements as a condition for state aid (Commission 2013).

A third respect in which a political dimension features significantly in Commission policy management and implementation responsibilities is where, usually because policy content is disputed and contentious, much of the policy area in question rests on soft law. This applies to many of the Commission’s responsibilities to oversee and attempt to guide the fiscal performances of eurozone member states, which have grown significantly since the post-2008 financial and economic crisis. Whilst some commentators have noted the intergovernmental nature of many of the arrangements put in place

to help stabilise the eurozone (see, for instance, Puetter 2012), most have indicated that far from this being to the detriment of the Commission its institutional position has actually been strengthened in a policy area – economic governance – where it previously had a only limited role (see, for example: Bauer and Becker 2014; Savage and Verdun 2016). Of the four aspects of the eurozone crisis response examined by Bauer and Becker – financial stability support, economic policy surveillance, coordination of national policies, and supervision of the financial sector – all have seen the Commission wielding significantly increased influence. Indeed, Bauer and Becker go so far as to note that as the EU and international responses to debt-ridden eurozone members took shape, they were based on a decision-making model prominently featuring the Commission, which was given powers with potentially major political implications: to assess the systemic risk posed to and by a country; to conduct needs assessments; to check for compliance with other internal market rules; and to make proposals to the Council (proposals which, in practice, have normally been accepted – as in July 2016 when the Commission recommended to the Council not to apply financial penalties to Spain and Portugal for being in breach of Stability and Growth Pact rules). It is true that the EU's main funding scheme to help save indebted countries – the European Stability Mechanism (ESM) since 2012 – was moved outside of the Commission's decision-making and legal frameworks, with the ESM being governed by a new legal organisation registered in Luxemburg. But, as Bauer and Becker point out, a Commission-centred model of decision-making still features in that the Commission continues to make assessments, to issue recommendations to EU decision-takers, to negotiate with stricken states, and to monitor compliance, even though some of these activities are now undertaken in conjunction with the ECB and IMF.

Thus, we see a considerable amount of 'political' activity being undertaken as part of the Commission's policy management and implementation tasks. This activity includes the prioritisation of selected policy areas, as with the increased attention given by the Juncker Commission to competition policy, and the taking of often politically sensitive decisions, as in some of the policy areas covered by economic governance (variations 2, 3 and 4). As Becker et al (2016, 11) have observed regarding the latter, many of the new coordination, negotiation and monitoring duties assigned to the Commission 'come with some discretion in highly political matters'.

Conclusions

For all the recent attention given to the supposedly more political nature of the Commission, little focus has been given to the precise nature of what 'political' means. Imprecision hampers our ability to understand whether and how the Commission has become more or less political of late, and how that might affect the 'decline of the Commission' debate that has become increasingly heard in EU Studies. Moreover, as the process of European integration more broadly encounters serious critiques from populist parties and Eurosceptic governments, greater understanding of whether and how the EU institutions carry out political roles becomes all the more important.

Table 1. The Commission's political roles in the exercise of traditional Commission functions.

	Agenda Setting	Policy Initiation	Process Facilitation	Policy Management and Implementation
Ideologically Political	√	√	√	
Policy	√	√	√	√
Political				
Organisationally	√	√	√	√
Political				
Administratively				√
Political				

Our study applied four analytically separate definitions of the word 'political' to four of the most important functions carried out by the European Commission, to investigate whether, where, and how the Commission acts politically. Our findings are presented in [Table 1](#).

As summarised in [Table 1](#), the Commission plays several political roles in the various functions and responsibilities it undertakes. Although analysis here is not temporal in character, when this study is compared to other studies on the Commission discussed earlier, it seems clear that the Commission has not only not lost capacity in recent years to act 'politically' but has in some respects increased it. This finding should enrich ongoing debates about the inter-institutional balance in the EU and encourage a more systematic approach to studying what 'political' means in institutional terms and how political roles are manifested. More broadly, we hope the article has contributed to discussions about the nature and functioning of the EU in an increasingly contested European political landscape.

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References

- Aberbach, J. D., R. D. Putnam, and B. A. Rockman. 1981. *Bureaucrats and Politicians in Western Democracies*. Cambridge MA: Harvard University Press.
- Allison, G. T. 1971. *Essence of Decision: Explaining the Cuban Missile Crisis*. Boston: Little Brown.
- Appleby, P. H. 1949. *Policy and Administration*. Tuscaloosa: University of Alabama Press.
- Bauer, M. W., and J. Ege. 2012. "Politicization Within The European Commission's Bureaucracy." *International Review of Administrative Sciences* 78 (3): 403–424. doi: [10.1177/0020852312445022](https://doi.org/10.1177/0020852312445022).
- Bauer, M. W., and S. Becker. 2014. "The Unexpected Winner of the Crisis: The European Commission's Strengthened Role in Economic Governance." *Journal of European Integration* 36 (3): 213–229. doi:[10.1080/07036337.2014.885750](https://doi.org/10.1080/07036337.2014.885750).
- Becker, S., M. W. Bauer, S. Connolly, and H. Kassim. 2016. "The Commission: Boxed in and Constrained, but Still an Engine of Integration." *West European Politics* 39 (5): 1011–1031. doi:[10.1080/01402382.2016.1181870](https://doi.org/10.1080/01402382.2016.1181870).

- Bickerton, C. J., D. Hodson, and U. Puetter. 2014. "The New Intergovernmentalism: European Integration in the Post-Maastricht Era." *Journal of Common Market Studies* 53 (4): 703–722. doi:10.1111/jcms.12212.
- Bonjaree, M. M. 2008. "Primus Inter Pares? the Parliamentarisation and Presidentialisation of the European Commission between European Integration and Organisational Dynamics." *ARENA Report No 1/08* 2008 (1): 1–20.
- Burnham, J. 2009. *Politicians, Bureaucrats and Leadership in Organizations. Leadership*. London: Palgrave Macmillan. doi:10.1057/9780230233829.
- Carstensen, M. B., and V. A. Schmidt. 2018. "Power and Changing Modes Of Governance in The Euro Crisis." *Governance* 31 (4): 609–624. doi:10.1111/gove.2018.31.issue-4.
- Christiansen, T. 1997. "Tensions of European Governance: Politicized Bureaucracy and Multiple Accountability in the European Commission." *Journal of European Public Policy* 4 (1): 73–90. doi:10.1080/135017697344244.
- Cini, M., and L. McGowan. 2009. *Competition Policy in the European Union*. 2nd ed. Basingstoke: Palgrave Macmillan.
- Commission. 2008. "Communication from the Commission: The Application of State Aid Rules to Measures Taken in Relation to Financial Institutions in the Context of the Current Global Financial Crisis." *Official Journal of the European Union*, C 270/8, October 25.
- Commission. 2013. "Communication from the Commission on the Application, from 1 August 2013, of State Aid Rules to Support Measures in Favour of Banks in the Context of the Financial Crisis ('Banking Communication')." *Official Journal of the European Union*, C 216/1, July 30.
- Commission. 2014. "The Juncker Commission: A Strong and Experienced Team Standing for Change." *Press Release: IP/14/984*, September 10.
- Commission. 2015a. *Communication from the Commission: A Digital Single Market for Europe.com* (2015) 192 final, 5 May.
- Commission. 2015b. *Green Paper: Building a Capital Markets Union.com* (2015) 63 final, 18 February.
- Commission. 2015c. *Communication from the Commission: Action Plan on Building a Capital Markets Union.com* (2015) 468 final, 30 September.
- Commission. 2016a. *Communication from the Commission: European Defence Action Plan* (2016) 950 final, 30 November.
- Commission. 2017a. *White Paper on The Future Of Europe: Reflections and Scenarios for The EU 27 by 2015*. Brussels: European Commission.
- Commission. 2017b. *Communication from the Commission. Commission Work Programme 2018: An Agenda for a More United, Strong and More Democratic Europe.com* (2017) 650 final, 24 October.
- Considine, M., and J. M. Lewis. 1999. "Governance at Ground Level: The Frontline Bureaucrat in the Age of Markets and Networks." *Public Administration Review* 59 (6): 467. doi:10.2307/3110295.
- Coombes, D. 1970. *Politics and Bureaucracy in the European Community*. London: George Allen and Unwin.
- de Marcilly, C. 2014. "The Juncker Commission: The Return of Politics?" *European Issues, Working Papers of the Robert Schuman Centre* 330: 1–12.
- Dinan, D. 2016. "Governance and Institutions: A More Political Commission." *Journal of Common Market Studies* 54 (AnnualReview): 101–116. doi:10.1111/jcms.12427.
- Ellinas, A., and E. Suleiman. 2012. *The European Commission and Bureaucratic Autonomy: Europe's Custodians*. Cambridge: Cambridge University Press.
- Halperin, M. 1974. *Bureaucratic Politics and Foreign Policy*. Washington, DC: Brookings.
- Hartlapp, M. 2015. "Politicization of the European Commission: When, How, and with What Impact?." In *The Palgrave Handbook of the European Administrative System*, edited by Michael W. Bauer and Jarle Trondal, 145–160. London: Palgrave Macmillan UK.
- Hartlapp, M., J. Metz, and C. Rauh. 2014. *Which Policy for Europe? Power and Conflict inside the European Commission*. Oxford: Oxford University Press.
- Hooghe, L. 2002. *The European Commission and the Integration of Europe*. Cambridge: Cambridge University Press. doi:10.1017/CBO9780511491979.

- Juncker, J.-C. 2014a. "A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change. Political Guidelines for the Next European Commission." Opening Statement in the European Parliament Plenary Session, Strasbourg, July 15. Accessed 15 January 2015. http://ec.europa.eu/news/eu_explained/140715_en.htm
- Juncker, J.-C. 2014b. *The President of the European Commission's Mission Letters to the Commissioner-Designates*. Brussels: European Commission.
- Juncker, J.-C., et al. 2015. *Completing Europe's Economic and Monetary Union*. Brussels: European Commission.
- Kaeding, M. 2017. "Overriding the European Commission's Rulemaking? Practical Experience in the European Union with post-Lisbon Legislative Vetoes with Quasi-Legislative Acts." *Bruges Political Research Papers No 64* 64 (1): 1–23.
- Kassim, H., J. Peterson, M. W. Bauer, S. Connolly, R. Dehousse, L. Hooghe, and A. Thompson. 2013. *The European Commission of the Twenty-First Century*. Oxford: Oxford University Press.
- Kingdon, J. W. 1995. *Agendas, Alternatives, and Public Policies*. New Jersey: Pearson.
- Levine, C. H., B. G. Peters, and F. J. Thompson. 1990. *Public Administration: Challenges, Choices, Consequences*. New York: Scott, Foresman/Little, Brown.
- Meier, K., and K. Juree Capers. 2012. "Representative Bureaucracy: Four Questions." In *SAGE Handbook of Public Administration*, edited by B. G. Peters and J. Pierre, 1–13. London: Sage.
- Mosher, F. C. 1968. *Democracy and the Public Service*. Oxford: Oxford University Press.
- Nugent, N., and M. Rhinard. 2015. *The European Commission*. 2nd ed. Basingstoke: Palgrave Macmillan.
- Paris, S. 2017. "The European Commission and the Blue Card Directive: Supranational Policy Entrepreneurship in Troubled Waters". *Journal of Contemporary Research*, 13(2): 1025–1042.
- Peters, B. G. 2006. "Concepts and Theories of Horizontal Policy Management". In *Sage Handbook of Public Policy*, edited by B. G. Peters and J. Pierre, 115–138. London: Sage.
- Peters, B. G., and J. Pierre. 2001. *Politicians, Bureaucrats, and Administrative Reform*. London: Routledge.
- Peterson, J. 2017. "Juncker's Political European Commission and an EU in Crisis." *JCMS: Journal of Common Market Studies* 55 (2): 349–367.
- Pierre, J. 1995. *Bureaucracy in The Modern State: an Introduction to Comparative Public Administration*. Aldershot: Edward Elgar.
- Pisani, E. 1956. "Administration de Gestion, Administration de Mission". *Française de Science Politique* 2(avril-juin): 315–331
- Pollack, M. A. 2003. *The Engines of European Integration: Delegation, Agency, and Agenda Setting in the EU*. Oxford: Oxford University Press.
- Ponzano, P., C. Hermann, and D. Corona. 2012. "The Power of Initiative of the European Commission: A Progressive Erosion?." *Notre Europe Studies and Research* 2012 (89): 56.
- Puetter, U. 2012. "Europe's Deliberative Intergovernmentalism: The Role of the Council and European Council in EU Economic Governance." *Journal of European Public Policy* 19 (2): 161–178. doi:10.1080/13501763.2011.609743.
- Radaelli, C. M. 1999. *Technocracy in the European Union*. London: Longman.
- Rouban, L. 2012. "Politicization of the Civil Service." In *SAGE Handbook of Public Administration*, edited by B. G. Peters and J. Pierre, 1–14. London: Sage.
- Savage, J. D., and A. Verdun. 2016. "Strengthening the European Commission's Budgetary and Economic Surveillance Capacity since Greece and the Euro Area Crisis: A Study of Five Directorates-General." *Journal of European Public Policy* 23 (1): 101–118. doi:10.1080/13501763.2015.1041417.
- Schön-Quinlivan, E. 2011. *Reforming the European Commission*. Basingstoke: Palgrave Macmillan.
- Selmayr, S. 2016. *Paul Adamson Talks to European Commission President Jean-Claude Juncker's Chief of Staff*. Brussels: E!Sharp.
- Selznick, P. 1957. *Leadership in Administration: a Sociological Interpretation*. Berkeley: University of California Press.

- Smith, A. 2004. "Conclusion: Politics in the European Union." In *Politics and the European Commission: Actors, Interdependence, Legitimacy*, edited by A. Smith, 201–206. London: Routledge.
- Terry, L. D. 2003. *Leadership of Public Bureaucracies*. Thousand Oaks, CA: Sage.
- Weber, M. 1922. "Bureaucracy." In *From Max Weber: Essays in Sociology*, edited by H. H. Gerth and C. W. Mills, 196–264. Oxford: Oxford University Press. 1946.
- Wille, A. 2013. *The Normalization of the European Commission: Politics and Bureaucracy in the EU Executive*. Oxford: Oxford University Press.
- Wilson, W. 1887. "The Study of Administration." *Political Science Quarterly* 2 (2): 197–222. June. doi:[10.2307/2139277](https://doi.org/10.2307/2139277).