



## ERG: 'Election' of the President of the European Commission in 2019

**Commitment to review rules on the appointment of the President of the European Commission in 2019**

**Reform Commitment:** Following the appointment of Jean-Claude Juncker as President of the European Commission in 2014 David Cameron stated that:

*"It is therefore important that the European Council has agreed today to review what has happened and to consider how we handle the appointment of the next Commission president next time around."*<sup>1</sup>

### Key points:

- The President of the European Commission is one of the five Presidents of the EU. The European Commission has a near monopoly over proposals for most EU legislation and its repeal.<sup>2</sup>
- The President is decided by Qualified Majority Voting in the European Council, with the European Parliament having a veto.
- Post Lisbon the European Parliament has attempted to use its veto to turn the selection into a Presidential Election, with 'Spitzenkandidates' (lead candidates) from each group standing on political programmes.
- Under the Spitzenkandidate process the UK's influence over the system and ability to produce its own candidate is limited.
- The European Commission has a dual role overseeing the EU28 as well as policy areas the UK is not a part of such as Schengen and the Euro. This effectively bars the UK from holding the post.

### **What powers does the President of the European Commission have?**

The President of the European Commission is the most powerful EU figure holding a veto over the appointment of the remaining commissioners, deciding their portfolios as well as being in overall control of the EU's legislative work programme.

The vague wording of the Treaties mean that the power of President of the Commission depends on a number of factors, the personality of the candidate, the level of political support the candidate has

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<sup>1</sup> UK Gov, 27 June 2014; <https://www.gov.uk/government/speeches/european-council-june-2014-david-camerons-speech>

<sup>2</sup>[http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130619/LDM\\_BRI\(2013\)130619\\_REV2\\_EN.pdf](http://www.europarl.europa.eu/RegData/bibliotheque/briefing/2013/130619/LDM_BRI(2013)130619_REV2_EN.pdf)

in the European Council and the relative strength of the President of the European Council, who chairs the EU28 heads of government meetings.

Giving the President a “democratic” mandate could over time increase its power vis a vis the member states represented in the European Council.<sup>3</sup>

### What do the Treaties say?

#### MEPs ‘elect’ the President of the European Commission:

The Lisbon Treaty amended the wording of the EU treaties giving MEPs more power over the appointment of the President of the European Commission. This is set out in Art 17 (7) TFEU (emphasis added)

*“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. **This candidate shall be elected by the European Parliament 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 European Parliament following the same procedure.”<sup>4</sup>*

#### MEPs since Lisbon have a veto over the President of the European Commission:

Article 14 TFEU: The European Parliament “shall elect the President of the Commission.”

#### European Council agreed to MEPs role: Non-binding declaration No11:

*“These consultations will focus on the backgrounds of the candidates for President of the Commission, taking account of the elections to the European Parliament, in accordance with the first subparagraph of Article 17(7).”*

### What happened in 2014

2014 was the first real test case for these new powers and the political blocks in the European Parliament (with the exception of the ECR group) set out to maximise their influence.

The political blocks appointed their own candidates internally, held ‘Presidential’ hustings and then presented the “winner” of the European Elections<sup>5</sup> to the European Council in a way that made it difficult for the member states to object.

#### Appointment of Juncker

1. Candidates set out their “policy programmes”<sup>6</sup> (no UK input)

<sup>3</sup> William Hague at the time of Lisbon eloquently set out his fears that the President of the European Council could in time become overly powerful – an argument that could equally apply to the President of the Commission. Hansard, 21 January 2008;

<http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080121/debtext/80121-0012.htm#08012131000274> ; <https://www.youtube.com/watch?v=fZ26SmDzxHE>

<sup>4</sup> [http://europa.eu/pol/pdf/consolidated-treaties\\_en.pdf](http://europa.eu/pol/pdf/consolidated-treaties_en.pdf)

<sup>5</sup> There is no clear definition of what “winning” the European Elections actually means, parties stand in national elections, parties can move groups after the elections and no block is capable of gaining an overall majority. It is unclear whether the number of seats or vote share would be the deciding factor.

<sup>6</sup> <http://juncker.epp.eu/my-priorities>

2. Appointed by EPP as its “candidate” in an EPP meeting in Dublin. Michel Barnier came second.<sup>7</sup> (no UK representation)
3. European Election Campaign. No major “spitzenkandidate” was endorsed by a UK party or visited the UK.
4. EPP “wins” European Election with 214 out of 751 seats (although not all allegiances were known immediately).
5. European Council led by EPP member Angela Merkel “appoints” Juncker as President. (UK votes against on principle)
6. Deal done in EP to give the second placed candidate the Presidency of the European Parliament (no UK input)

### **What will happen in 2019 in absence of reform?**

If the process is left as it is or is allowed to embed itself the power shift from the member states to the parliament will continue. Within the Parliament the power resides with the main blocks and it is highly unlikely that the main blocks (EPP and S&D) will allow a non “spitzenkandidate” through.

**The EU’s unanswerable West Lothian Question:** *Can a non-Euro state candidate become President of the European Commission?*

In addition to the process of spitzenkandidates disadvantaging the UK there is, with the growth of Eurozone centric legislation and policies, a growing certainty that the President of the European Commission will have to come from a Eurozone state. The European Commission President has the following areas of responsibility over the Eurozone.

- The appointment of the Economic and Monetary affairs Commissioner (itself a mixed job effectively barred to UK holders).
- Initiation of financial regulations.
- Role in bail out Troikas
- EU budget measures aimed at Eurozone states.
- The stability and Growth pact.

**Trivia:** Only British President of the European Commission Roy Jenkins 1977-1981

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<sup>7</sup> <http://openeuropeblog.blogspot.co.uk/2014/06/a-closer-look-at-junckers-popular.html>