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Robert Stüwe | Thomas Panayotopoulos (eds.)

The Juncker Commission

Politicizing EU Policies



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Prof. Dr. Ludger Kühnhardt

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Preface

Chairing a political commission and pursuing ten priorities to be implemented through a condensed annual work program based on new methods of organizing work structures: Thus were the ambitions of Jean-Claude Juncker when he took office as President of the European Commission in 2014. Throughout his five-year term, a team of researchers at the Center for European Integration Studies (ZEI) monitored the implementation of the work program of the EU Commission. The interplay between the European Commission, initiating and executing EU legislation, the European Parliament and the Council, representing two pillars of legitimacy in their joint role as legislative decision-makers, was followed in a consistent way unparalleled in European academia. Continuous internet-based coverage of the state of play and regular interim assessments provided the basis for this book: A comprehensive analysis and commentary of EU politics between 2014 and 2019. Robert Stüwe and Thomas Panayotopoulos, supported by a highly competent team, enrich the multi-faceted literature on the European Union in a most innovative and inspiring way. Their assessment of EU politics between 2014 and 2019 sets new and higher standards for future observers and analysts.

Prof. Dr. Ludger Kühnhardt
Director, Center for European Integration Studies (ZEI)
July 2020

Editors

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List of Abbreviations

| | |
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| AFSJ | Area of Freedom, Security and Justice within the EU |
| BIT | Bilateral Investment Treaty |
| CEAS | Common European Asylum System |
| CETA | Comprehensive Economic and Trade Agreement, free-trade agreement between Canada and the European Union |
| CFSP | Common Foreign and Security Policy |
| CJEU | Court of Justice of the European Union |
| CMU | Capital Markets Union |
| COSME | Competitiveness of Enterprises and Small and Medium-sized Enterprises, EU program |
| DG | Directorate General, administrative unit of the European Civil Service |
| DSM | Digital Single Market |
| ECA | European Court of Auditors |
| ECB | European Central Bank |
| ECHR | European Court of Human Rights |
| ECI | European Citizens' Initiative |
| ECJ | European Court of Justice / Court of Justice, Supreme Court of the EU, official part of the CJEU |
| ECT | Energy Charter Treaty |
| EDF | European Defense Fund |
| EDIDP | European Defence Industrial Development Program |
| EDIS | European Deposit Insurance Scheme |
| EDP | Excessive Deficit Procedure |
| EEAS | European External Action Service |
| EFSA | European Food Safety Authority |
| EFSI | European Fund for Strategic Investments |
| EIB | European Investment Bank |
| EIF | European Investment Fund, EU agency for the provision of finance to SMEs |
| EMF | European Monetary Fund |
| EMU | Economic and Monetary Union |
| ENP | European Neighborhood Policy |
| EP | European Parliament |
| EPA | Economic Partnership Agreement |
| EPP | European People's Party |
| EPPO | European Public Prosecutor's Office |

List of Abbreviations

| | |
|-------|--|
| EPRS | European Parliamentary Research Service |
| ESM | European Stability Mechanism, intergovernmental organization for all Eurozone member states |
| ESS | European Security Strategy of the European Union |
| ETS | Emissions Trading Scheme |
| EU | European Union |
| EUGS | European Union Global Strategy |
| FTA | Free Trade Agreement |
| GDP | Gross Domestic Product |
| GDPR | General Data Protection Regulation of the European Union |
| GRI | Group des relations interinstitutionnelles, inter-Cabinet group within the European Commission |
| HR | High Representative of the Union for Foreign Affairs and Security Policy |
| IIA | Interinstitutional Agreement |
| IMF | International Monetary Fund |
| ISDS | Investor-State Dispute Settlement |
| IPCC | Intergovernmental Panel on Climate Change |
| ITC | International Trade Centre |
| ITRE | Committee on Industry, Research and Energy of the European Parliament |
| MEP | Member of the European Parliament |
| MFF | Multiannual Financial Framework of the European Union |
| MoU | Memorandum of Understanding |
| NATO | North Atlantic Treaty Organization |
| NGO | Non-Governmental Organization |
| OECD | Organization for Economic Co-operation and Development |
| OMT | Outright Monetary Transactions Program of the European Central Bank |
| PESCO | Permanent Structured Cooperation |
| REFIT | Regulatory Fitness and Performance Program of the European Commission |
| S&D | Progressive Alliance of Socialists and Democrats, political group in the European Parliament |
| SGP | Stability and Growth Pact |
| SMEs | Small and Medium-sized Enterprises |
| SRF | Single Resolution Fund |
| SRM | Single Resolution Mechanism |
| TEU | Treaty on European Union |
| TFEU | Treaty on the Functioning of the European Union |
| TTIP | Transatlantic Trade and Investment Partnership |

List of Abbreviations

| | |
|-------|---|
| UK | United Kingdom |
| UNFCC | United Nations Framework Convention on Climate Change |
| UNHCR | United Nations High Commissioner for Refugees |
| VAT | Value Added Tax |
| VP | Vice-President |
| WTO | World Trade Organization |
| ZEI | Center for European Integration Studies, University of Bonn |

CHAPTER I

Outline of the Study

Introduction

By Thomas Panayotopoulos

On July 15, 2014, the European Parliament elected Jean-Claude Juncker as the 12th European Commission President. It was the first and so far the only time an European Commission President was elected by the European Parliament (EP) through the Spitzenkandidaten process; thereby giving »Article 17(7) of the Lisbon Treaty its true democratic and political meaning« (Juncker 2014a) and affording the whole newly appointed Commission with a more direct democratic legitimacy. The Spitzenkandidaten process entails the European political parties putting forward their lead candidates for the position of European Commission President, with the presidency going to the candidate of the political party capable of collecting sufficient parliamentary support (Tilindyte 2019, 1). Emboldened by the procedure of his appointment, Juncker expressed the will to establish a »political commission« (Juncker 2014a) at the start of his mandate. With this statement, Jean-Claude Juncker clearly wanted to differentiate »his« Commission from its predecessors (Peterson 2017, 358). This can be seen as an attempt to counter the prevailing perceptions of an untransparent technocratic European Commission (Russack 2019, 4).

Indeed, Jean-Claude Juncker took office at a particularly difficult moment for the EU. The 2008 financial crisis still challenges the Eurozone and the EU in general: The mounting fear of a Grexit (Smith 2014), the rise of Eurosceptic movements across the EU and the disparity between the northern and the southern member states were all facets of the cruel European reality in 2014. With youth unemployment rates of 21.4 per cent across the EU (Eurostat 2015, 2), trust in European institutions was at its lowest. Taking over the position of Commission President under such circumstances, Jean-Claude Juncker immediately understood that in order to fulfil his promise of a »highly political« European Commission (Juncker 2014a, 16) it was important to start his mission by reforming the structure and workings of the institution itself.

In his first move, Jean-Claude Juncker proposed a new internal organization of the Commission. This restructuring introduced the new function of First Vice-President, giving responsibility to the Vice-Presidents to lead 'project teams' formed by Commissioners working together on a related topic. This new structure introduced a de facto hierarchy to the College of

Commissioners never seen in the past. Furthermore, this restructuring made unmistakably visible the separation between the political part of the European Commission consisting of the College of Commissioners and the administrative part comprising the Directorate-Generals (DGs) (Borchardt 2016, 3). The logic of this important distinction was to leave the decision-making authority with elected politicians and not to technocrats (Russack 2019, 5).

Secondly, the Juncker Commission decided to revise the way the European Commission was working. In the run-up to his election as President of the European Commission in July 2014, Jean-Claude Juncker had streamlined ten policy priorities that would function as a political mandate throughout his presidency. In contrast to the preceding Commissions, this European Commission wanted to introduce accountability and transparency into its work program and render policy results tangible for EU citizens (Bassot and Hiller 2019, 1). The ten priorities were the following:




- 1. A new boost for jobs, growth and investment
- 2. A connected digital single market
- 3. A resilient energy union with a forward-looking climate change policy
- 4. A deeper and fairer internal market with a strengthened industrial base
- 5. A deeper and fairer economic and monetary union (EMU)
- 6. A balanced and progressive trade policy to harness globalization
- 7. An area of justice and fundamental rights based on mutual trust
- 8. Towards a new policy on migration
- 9. Europe as a stronger global actor
- 10. A union of democratic change.

Based on these priorities the Commission adopted a yearly work program consisting of new initiatives in each of the ten priority policy areas, translating the objectives into concrete legislative proposals. This way the European Commission had the flexibility to amend its objectives in order to react to new developments and crises such as the Brexit or the Migration crisis. From the start, Juncker aimed to foster the standing of the European Commission and the accountability of the European Commission's work for EU citizens:

»This Commission was elected on the basis of a clear political mandate: the ten priorities set out in our Political Guidelines. Today’s Work Program is the translation of those ten priorities into concrete first deliverables. Citizens expect the EU to make a difference on the big economic and social challenges and they want less interference where Member States are better equipped to give the right response. That is why we committed to driving change and to leading an EU that is bigger and more ambitious on big things, and smaller and more modest on small things.«
(European Commission 2014)

In this context of a »new start for Europe« (Juncker 2014a) a team of Center for European Integration Studies (ZEI) scholars set out to monitor the work plans of the EU institutions. In doing so, ZEI responded to the processes of improvement of the European Union in the aftermath of the Treaty of Lisbon. Streamlining competences, making institutions more transparent and accountable, and enhancing the reputation of the EU by focusing on results and their meaning for the life of EU citizens has been on the agenda of EU reform processes for many years. The dialectics of optimizing integration by making it real and sustainable has led to the development of ZEI’s flagship project »Governance and Regulation in the EU: The Future of Europe«.

In its first phase between 2014 and 2019, this transdisciplinary and multi-annual project monitored the implementation of the European Commission’s annual Work Program based on the ten priorities outlined by EU Commission President Juncker. This project provided researchers and practitioners with a research tool to continuously analyze the legislation of the EU institutions for which the Ordinary Legislative Procedure is applicable. To monitor the implementation of the proposed European Commission initiatives the progress was visualized through the use of a traffic light symbol.

| | |
|---|---|
|  | <p>Legislative proposal not tabled yet or withdrawn</p> |
|  | <p>Ongoing ordinary legislative procedure</p> |
|  | <p>Legislative proposal passed</p> |