

EU MONITOR

The Original Sins of the new European Commission

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- **There are signals of increased political confrontation in the European political arena. The new European Commission has not yet taken office and already has two big political problems awaiting it: how to deal with the democratisation of the Union and how to address the Euro-skeptic support for the Commission in the eyes of the pro-European forces.**
- **We call them “the original sins” of the new Commission, but in fact they may mean that if the Juncker Commission was a political one, the von der Leyen Commission might be the most political commission in the history of the institution.**



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The first of the original sins is the issue of Spitzenkandidaten process. Criticized as unrealistic and unnecessary before the elections, is now revered among those who care for the European democracy. Some claim the process is dead; I'd argue it will bounce back stronger during the next cycle. The reason being – it is an original sin of the von der Leyen European Commission.

The second original sin comes from the fact that the new Commission President dwells on the support of the Euro-sceptics and Euro-realists and failed to gain meaningful levels of trust of the pro-European majority in the House of the People, as the European Parliament is called. The pro-European President of the Commission needs to prove herself to the pro-European parliamentarians in the months and years to come.

The 2019 Spitzenkandidaten process

Naturally after any election in any democracy, there are shifts at the top of power. It is no different in the European Union. Over 200 million citizens headed to the polls at the end of May in the European elections, resulting in a Parliament of which 61% were first-time elected. 40% of the members are women.

The most important position related to the European elections is the election of the President of the European Commission. The process of determining the new Commission President is not directly linked to the vote, but indirectly. How "indirect" the process is was seen in the difficult weeks of June and July 2019, when first the European Council had a great difficulty in determining who should be the candidate for the Commission presidency, and then – should the candidate win the support of the European Parliament.

In the elections, the European political groups staged so-called "leading candidates", or *Spitzenkandidaten*, who were candidates of their political families for the President of the Commission. In the 2014 elections, the leading candidate of the European People's Party (EPP) received the

support of the majority of the political groups in the Parliament *before* the European Council put him as the candidate officially. The European Council was *forced* to accept the *Spitzenkandidat* of the European Parliament. Since it was Jean-Claude Juncker, a long-time partner of many of the European Council members, the *forced* candidate was easier to accept for the EU member states leaders.

This one-off would not stand the test of time. In February 2018, the informal European Council concluded, in the words of its president Donald Tusk, "there is no automaticity in this process. The Treaty is very clear that it is the autonomous competence of the European Council to nominate the candidate, while taking into account the European elections, and having held appropriate consultations"¹.

The 2019 electoral results were ambiguous. On the one hand, the EPP remained the largest political group, yet it received fewer votes than five years earlier. Its candidate, Manfred Weber, unlike Mr Juncker five years earlier, did not receive the support of other groups.

On another hand, while the EPP was pushing for the candidacy of Mr Weber, another *Spitzenkandidat*, Frans Timmermans, build a small majority coalition in the Parliament. Mr Timmermans was the Social Democrat (S&D) candidate, who obtained additional support of three other political groups (the Greens, Renew Europe and the leftist GUE/NGL).

Unlike five years before, there was not one name who came from the parliamentary elections, but two. Thus, the names of Timmermans, supported nominally by the parliamentary majority, and Weber, supported by the largest political group, were considered by the European Council. After all, it is the European Council who puts forward a candidate for the President of the European Commission, which is then voted in the European Parliament.

¹ Informal meeting of the 27 heads of state or government, 23/02/2018,

<https://www.consilium.europa.eu/en/meetings/european-council/2018/02/23/>

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The first European Council after the elections (20-21 June) did not accept either Mr Weber or Mr Timmermans. The search for alternative options was influenced by two important facts. Firstly, the divided European Parliament continued to insist that the candidate be chosen from among the leading candidates. Thus, Margrethe Vestager, the candidate of the liberals (ALDE until the elections, now Renew Europe), was also taken into consideration.

Secondly, the new President of the Commission was a part of a wider package of other leading positions. The future President of the European Council, the High Representative of the Union for Foreign Affairs and Security Policy, the President of the European Parliament and the head of the European Central Bank (ECB) also were to be newly appointed.

Among the various equilibria necessary to preserve between these positions are geographical, political, demographic, economic (membership in the Eurozone), and, finally, the gender balances. Clearly certain balances (for example, gender) proved to be more relevant than others (i.e. geography).

Since the first European Council ended with no conclusion on either Mr Timmermans or Mr Weber, the next European Council was organized at the turn of the month (30 June-2 July), just ahead of the first seating of the new European Parliament. After turbulent negotiations, the European Council decided to put forward as a candidate for the President of the European Commission Ursula von der Leyen, the former German defense minister. At the end it happened almost by acclamation: no one voted against, and the German chancellor abstained due to the domestic opposition to the decision in Berlin. Ms von der Leyen was put forward first by the French President Emmanuel Macron, and the German Social Democratic opposition was led by the ex-2014 Spitzenkandidat of S&D Martin Schulz.

Earlier, Mr Timmermans was said to be close to the winning the approval of the European Council but was blocked by a coalition of EPP leaders, who objected to the idea of giving in the position of Commission President to the Social Democrats. This was probably the first of its kind political situation in the European Council where the political

colors of prime ministers were more important than their national interests.

The EPP-led uprising against its natural leader, Angela Merkel of Germany, was probably one of the biggest surprises in the negotiations, as Ms Merkel was said to be ready to support Mr Timmermans. The Visegrad-4 coalition composed of leaders of four political families (Mr Babis with the liberal ALDE, Mr Orban still with the EPP, Mr Pellegrini with the S&D and Mr Morawiecki with the European Conservatives and Reformists, ECR) and backed by the Italian Prime Minister Conte also protested against the appointment of Mr Timmermans, to complement the blocking minority of the EPP leaders.

Ursula von der Leyen has been nominated in a package with Charles Michel (Belgium's Prime Minister, liberal, new President of the European Council from December), Christine Lagarde (Frenchwoman, new ECB head, former leader of the International Monetary Fund) and Josep Borrell (Spanish Social Democratic Minister of Foreign Affairs, new High Representative for Foreign Affairs, the President of the European Parliament 2004-7).

A new European Parliament organized itself from 1 July. The Parliament was dissatisfied with the way the European Council chose its candidate for the President of the Commission. Mr Weber talked of a Macron-Orban axis against the Spitzenkandidaten system, and he was not the only one complaining. Against the anger of the European Parliament, the building of a majority behind Ms von der Leyen was a difficult task. Mr Tusk defended the European Council decision when he addressed the Strasbourg chamber on 4 July: "To some, the Parliament represents genuine European democracy, because of its directly elected members, while to others it is rather the European Council, because of the strong democratic legitimacy of the

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leaders. In fact, such disputes make little sense, as both institutions are democratic².

The nomination method for Ursula von der Leyen was clearly unpopular in the European Parliament. When the time comes for her confirmation vote on 16 July, the new Commission President-elect admitted after the vote that she was not certain to pass. In fact, she obtained 383 votes, only 9 votes more than the bare minimum of 374. Her approval would not be possible without the support of the governmental parties of Hungary's Fidesz (still affiliated with EPP), of Poland's Law and Justice (ECR) and of Italy's Five Star Movement (unaffiliated).

The Original Sins of von der Leyen Commission

The new Commission President comes into office with two original sins. None of them are directly attributed to Ms von der Leyen, but she and her College will be held accountable for them, nonetheless.

First is the issue of Spitzenkandidaten, which will need to be addressed in an institutional way between the European Parliament and the European Council. The Commission President has already committed herself to contribute to reviving the process in the future.

The second guilt was born on 16 July. Clearly Ms von der Leyen did not seek the support of ECR or the unaffiliated Italian members. As the vote was secret, the Polish and Hungarian governments claimed their MEPs had voted in favor of Ms von der Leyen. This should be read as a political investment into the future relations with the Commission. Both governments are embroiled in ongoing Article 7 procedures for their violations of the rule of law. Warsaw and Budapest hope for an easier approach of the Commission. The left-wing groups are worried Ms von der Leyen will give in to the pressure.

For now, Ms von der Leyen says there are no negotiations over the rule of law, but there is a new opening towards the governments in Warsaw and Budapest. There is a new trust. "The Central Eastern European countries trusted me since they knew me from the minister days at the defense ministry of Germany", says the new Commission President³.

The party politics in a fragmented Parliament

The new European Parliament is diverse and divided. There are almost 200 national political parties organized in seven groups. The two largest centrist groups, the Christian Democrats from the EPP and the Social Democrats of S&D, lost the combined majority. The new mathematical majority is possible with the third group, the liberals, which changed a label into "Renew Europe" and officially no longer wants to be addressed as "liberals". The fourth group of key relevance are the Greens, who, under the theme of combating climate change, have achieved a better result than expected.

The extreme right received a worse result than expected, with the new far-right group Identity and Democracy (ID) underperforming. Still, the threat of anti-European movement is real. The know-how and information flow about what is happening in the member states in the European Parliament is spectacular – probably much better than in the national media, which often relegate the European issues in post-elections news sphere.

The diversified European Parliament organized its leadership and committee work. The Italian Social Democrat David Sassolini was elected President of the Parliament. Among the vice-chairmen are two Czech MEPs, Dita Charanzova (ANO 2011/Renew) and Marcel Kolaja (Pirati/Greens). The groups divided the chairmanship of 20 parliamentary committees among themselves. The draft

² Address of Donald Tusk in the European Parliament, 4 July 2019, <https://www.consilium.europa.eu/en/press/press-releases/2019/07/04/report-by-president-donald-tusk-to-the-european-parliament-on-the-last-european-council-meetings/>.

³ Ursula von der Leyen for Gazeta Wyborcza, Le Figaro, El Pais, Die Welt, La Repubblica, 19 July 2019, accessed on <http://wyborcza.pl/7,75399,25007092,ursula-von-der-leyen-dla-wyborczej-praworzadnosc-to-swieta.html>.

division showed that the ID group was to have two chairmen of parliamentary committees.

The “cordon sanitaire” is an approach that has been present in European politics since the early 1990s. It means not to cooperate with anti-system parties. Effectively, it is a punishment for political beliefs based on the assumption that democratic parties should not cooperate with political forces that abuse democracy while not respecting its principles. Such precaution became a common practice against extreme parties in many countries. In Czechia, the Communist party was subject of such a cordon. In Slovakia, for example, a cordon was applied to the extreme SNS party and in Latvia parties do not enter into coalitions with parties representing the Russian-speaking population. Other applications of cordon sanitaire took place in France, Italy, Austria, Netherlands, and other member states.

In the European Parliament, the main political forces agreed to apply the cordon to the ID. The agricultural and legal committees’ leadership was granted to the EPP and Renew Europe politicians. Initially there was no decision to apply the cordon to other political forces in the Parliament. However, several left-centrist groups agreed to try to block

the appointment of parliamentary committees’ chairmen and vice-chairman to individual politicians of the Polish party Law and Justice (PiS) and Hungarian Fidesz due to the ongoing Article 7 TEU procedure.

The most visible application of the ‘cordon sanitaire’ 2019 took place in the employment and social affairs committee (EMPL), where the Polish former prime minister Beata Szydło (PiS/ECR) was the proposed candidate. Her candidacy was blocked twice by the centre-left coalition. On the third attempt, the ECR changed its candidate. The cordon was not applied to the ECR as the group, but to a specific candidate of the ECR. The ECR chairs the EMPL committee as the Slovak MEP Lucia Ďuriš Nicholsonová (SaS/ECR) was chosen as the chairwoman.

The next big fight in the European politics will be about the composition of the most political College of Commissioners to date. This fight will be fought most visibly during the parliamentary hearings in Brussels, where politicians will be screened not only for their competence, but also for their past political performance. Each one of them will need to build a majority in their committee hearings.



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