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PART II

Managing the Union

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CHAPTER 8

The Commission Services: A powerful permanent bureaucracy

Liesbet Hooghe and Christian Rauh

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Summary

The European Commission has always been torn between its roles as an international secretariat and as an 'engine of integration'. Its expanding scope of activities, allegations of mismanagement, the challenge of eastern enlargement, and an increasingly attentive and sceptical public continuously compel the Commission services to rethink these roles. The institution has embarked on internal reforms that have moved it closer to a 'normal bureaucracy', but the Commission services remain a bureaucracy with unique agenda-setting powers at the heart of the European Union (EU) polity. This

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chapter describes the functions and organization of the Commissions services and highlights what the officials themselves think about the challenges the institution faces. We conclude that while the Commission bureaucracy has become more circumspect of bold political initiatives, neither its capacity nor its will to play a strong policy role in Europe have been significantly weakened.

Introduction

Commentaries on the European Commission¹ tend to focus more on the college, the political arm of the Commission (see Chapter 5), than on the services, the Commission's permanent bureaucracy. This emphasis is not surprising: commentaries on national political systems also tend to pay more attention to political executives than to bureaucracies. But in the case of the Commission, it is unwise to focus overly on the college, for the Commission services are not a normal bureaucracy. They exercise a central role—sometimes in a leading and sometimes in a supporting capacity—in virtually everything the EU does. Few European initiatives are launched, few legislative proposals are made, and few decisions are taken without being extensively prepared, examined, and approved by the Commission services.

The Commission was originally designed by the founding fathers to be one of the 'engines' of European integration and it has often lived up to this role. But, over past decades, the context of European integration has changed. Three exogenous shocks—a sharp increase in tasks and managerial workload, the 2004 'Big Bang' enlargement, and a deepening politicization of European integration—have intensified the contradictions between Commission officials' administrative and political roles.

This chapter examines how the Commission services deal with these tensions. We outline the evolution of Europe's central bureaucracy, discuss its functions and internal procedures, highlight the major responses to a changing context, and finally scrutinize what the Commission officials themselves think about the roles of their institution. We conclude that while the Commission bureaucracy has become warier of bold political initiatives, neither its capacity nor its will to play a strong policy role in Europe have been significantly weakened.

Origins and evolution

The Commission services have their origins in the High Authority of the European Coal and Steel Community (ECSC). Jean Monnet, the High Authority's first President, wanted it to be small and informal. Shortly after becoming President, Monnet

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(1978: 405) remarked to a fellow member of the High Authority: 'If one day there are more than two hundred of us, we shall have failed.'

Monnet's hopes were quickly dashed. Following its foundation in 1952, the High Authority rapidly acquired more staff, a more formal organization, and more bureaucratic procedures than Monnet had envisioned. When, in 1957–58, the Commissions of the European Economic Community (EEC) and the European Atomic Energy Community (Euratom) were established, their administrations were built on the High Authority model. With the mergers of the High Authority and the two Commissions in 1967, the single Commission that we know today came into existence. Over the intervening years, the Commission services have expanded their tasks as the EU has come to touch upon many aspects of European citizens' lives. Yet core features of the services have remained durable.

- The services have always emphasized their impartiality (that is, their neutrality in policy stances, save perhaps for a certain pro-integration bias) and independence (that is, autonomy from national interference). This neutrality has facilitated close working relationships with a host of governmental and non-governmental organizations (NGOs). More than any national or international administration, the work of the Commission is intimately interwoven with that of national, regional, and local administrations, and stakeholder groups.
- The administrative structure, organized around the Brussels equivalent of ministries, Directorates-General (DGs), has remained essentially unchanged, except that the number of policy DGs and services increased from fifteen in 1958 to forty-four in 2016.²
- The Commission has always been small in size compared to national administrations. The Commission rarely implements EU policies and does not undertake much routine administration, the two most common bureaucratic activities that require large numbers of civil servants. In 1959, there were just over 1,000 full-time staff in the EEC Commission for a population of 172 million; in 1970, there were close to 5,300 in the merged Commission; by 1990, the number had increased to 16,000 for 343 million; by mid-2015, there were 23,500 full-time officials for more than half a billion EU citizens in twenty-eight member states ~~(twenty-seven, post-Brexit)~~. In addition, the Commission employs annually some 7,600 temporary agents, contract agents, and seconded officials, as well as about 1,200 trainees (*stagiaires*).³
- Recruitment has been primarily meritocratic. Officials are recruited through competitive procedures, although this method has not always been applied strictly at the most senior levels. National governments have often insisted on a broadly proportional representation of their nationals in the top layers of the bureaucracy and some key posts, such as the Directors-General for development, or trade, were until recently reserved for particular nationalities

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(for years, the Director-General for Agriculture was always French). Commissioners, too, sometimes bend the rules of competitive recruitment to reward *cabinet* members with a permanent appointment.

- The services consistently have been involved in administrative, as well as political, activities—with the relative importance of the political being much greater than in national administrations. Preparing EU legislation, managing funds, conducting trade negotiations, or leading accession talks—tasks undertaken mainly by the services—often require policy choices with significant political ramifications. Monnet intended the Commission to set the agenda for Europe and the services have generally lived up to his expectations.

So what kind of bureaucracy does this make the Commission—or ‘the House’, in the language of Commission officials? The outlined core features can be traced to three diverse models of bureaucracy.

The Monnet model

Jean Monnet had a strong hand in shaping the early years of the Commission services. His vision was to recreate at European level a planning commission, based on the French *Commissariat du Plan* he had headed after the Second World War. The *Commissariat* was composed of a small high-level team of civil servants and experts outside the normal bureaucratic hierarchy, whose main job was to produce five-year national economic plans. In the same vein, Monnet wanted the High Authority to be made up of a small, organizationally flexible and adaptable, multinational nucleus of individuals. It was to be their role to develop ideas, and stimulate and persuade others, but to leave implementation to national administrations. Monnet did not want a permanent core of civil servants.

This Monnet spirit is still palpable. By and large, Commission officials focus on designing policies and rely on national or regional administrations to implement most EU legislation. The services (along with Commissioners and their *cabinets*) bring together an exceptionally diverse and multinational collection of people. And although officials have career tenure, the Commission is more inclined than national administrations to attract experts from outside, not least because its resources are so limited.

National bureaucratic models

Monnet was never able to mould the High Authority wholly according to his vision. From the start, the nature and range of its responsibilities and the watchful, sometimes suspicious, eye of member states meant that it came to have much in common with national bureaucracies—that is, from an early stage, the services were strongly shaped by Weberian principles and modes of operation. Hierarchy, formality, and impartiality became key organizational principles.

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Particular national bureaucratic traditions have also fed into the shaping of the services. The strongest national signature remains French, which, while weaker now than in the early years of European integration, is still apparent in the Commission's organizational structure and terminology. For example, the terms for senior positions are borrowed from the French model: *directeur-général*; *directeur-général-adjoint*; *directeur*; *conseiller*; and *chef de cabinet*.

International organization models

The Commission also has features of an international bureaucracy. In important respects, the League of Nations and the United Nations (UN) secretariats were models for the High Authority. The influence of international organization bureaucratic models is evident in the special work conditions of Commission officials, such as their relatively high pay and special status in the host country. Generous terms of employment are designed to help officials to resist outside pressures. In return, Commission officials pledge neither to seek nor to receive instructions from their home state. Like international civil servants, Commission officials also benefit from tax privileges and limited immunity against prosecution, although some of these privileges have been curtailed by the most recent personnel reform.

These diversified legacies are evident in persistent conundrums that the Commission services face, including:

- how to wed meritocracy with national representation;
- how to guarantee officials' impartiality and independence, while recognizing their national and sectoral allegiances; and
- how to provide political leadership in the absence of electoral accountability.

The Commission has always been an amalgam of diverse traditions, but over time the resulting tensions have become more evident. As the EU's tasks have expanded, its membership has diversified. As its decisions have become politicized, the Commission has found it more difficult to reconcile its various roles. However, as we describe next, the threads of continuity appear as strong as those of change.

Powers, structure, and functioning

Administrative routines and political tasks are built into of the Commission services' day-to-day work. The basic tasks of the European Commission are described in the 1992 Treaty on the European Union (TEU, or Maastricht Treaty), especially Article 17. The Treaty instructs the Commission to serve the European interest, provides the institution with an encompassing right to set and manage the European legislative agenda, and requires the Commission to be independent. More

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specifically, the Commission's powers and functions can be grouped under six headings—as:

- policy initiator;
- legislative facilitator;
- executor;
- legal guardian;
- mediator and broker; and
- external representative and negotiator.

These powers apply to both the college of Commissioners and the Commission services, which puts the latter in a position that is unparalleled among international and national bureaucracies. The ultimate political responsibility for Commission action lies with the college (see Chapter 5). However, in practice, the services have considerable leeway to act on behalf of the institution.

If political and administrative tasks could be disentangled clearly, the College would be responsible for politics and the services for administration. But there are a number of reasons why the role of the services is not easily separated from that of Commissioners and their *cabinets*. To begin with, the distinction between what is a 'political decision' and what is 'routine' or 'administration' is blurred. So, for example, deciding whether a new product is subject to an existing EU law on product standards may appear to be purely administrative—but the decision may be contested by important economic or social interests. Likewise, ensuring the smooth functioning of Europe's internal market by harmonizing national rules on, say, the regulation of consumer contracts is a technical task—but the particular choices the services make invariably affect the distribution of rights and resources across and within societies.

Second, Commissioners often rely heavily on the services for information and advice. Before a decision is finally tabled in the college, the services usually scrutinize it in a multilayered process that involves various departments and hierarchical units in the Commission (Hartlapp *et al.* 2013). Here, the services operate as the main repository of accumulated wisdom in the Commission. While Commissioners and *cabinets* come and go, the services hold the fort.

Third, Commission officials tend to be the hub of multilevel policy networks that connect EU institutions, national administrations, interest groups, and policy experts. They often create, run, and maintain these networks, and develop long-term relationships, while Commissioners and their *cabinets* typically drop by to defend a particular proposal and then disappear. Thus the services are positioned well to detect potential political ramifications, which provides them with a unique steering capacity (Beyers and Kerremans 2004; Suvarierol 2009; Metz 2015).

Finally, and arguably most importantly, Commissioners have to contend with a strong tradition of policy entrepreneurship among Commission officials, which has a legal basis in the Commission's monopoly on the right of initiative: no EU

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legislative decision may be adopted unless the Commission decides to propose it. Monnet's intent to create a team of creative thinkers echoes powerfully. This ethos is reinforced by internal career incentives: in contrast to the unglamorous work of administering existing programmes, designing European policy boosts personal satisfaction, status, and prestige, as well as chances of promotion.

In summary, Commissioners and their *cabinets* simply do not have the time, information, or political will to closely monitor their civil servants or control their actions. That is why the services have a notable influence on each function that the Commission performs in the political system of the EU.

Policy initiator

The single most important power of the Commission is its virtually exclusive Treaty right to draft legislative proposals. This prerogative guarantees a pole position in initiating and designing the content of European policy. The Commission maintains this position whether it deals with broadly based policy initiatives or proposals to develop or revise narrow 'technical' measures.

Clearly, many others actors besides the Commission may also attempt to initiate EU policy. The European Council and the Council of Ministers regularly request policy papers from the Commission. The European Parliament (EP) can prod the Commission to start initiatives. Member states table policy documents and proposals at Council meetings. Interest groups make policy submissions to relevant DGs. However, to be turned into a binding European rule, such proposals must be picked up and fleshed out by the services of the Commission. No other body can formally draft legislation or direct the Commission on how it should respond to emerging regulatory or legal demands.

Certainly, the Commission's monopoly of initiative has received a few dents over recent decades. Most importantly, the Commission does not initiate legislation in common foreign and security policy (CFSP) and in some areas of police cooperation. In most other fields, the Council and Parliament may request legislation, although the Commission has the power to refuse, and it has occasionally done so. Since the 2007 Lisbon Treaty, EU citizens have also been able to request the Commission to legislate in an area via a petition carrying 1 million signatures spanning at least seven member states. But even where other actors successfully push the Commission into drafting a proposal, they still have to rely on the Commission services to formulate the substantial legal rules (Hartlapp *et al.* 2014).

Legislative facilitator

The Commission also acts as a legislative facilitator. It is the only institution present throughout the whole legislative process—at meetings in the Council of Ministers, in the Parliament, and at inter-institutional meetings. This continuing presence, often personified by the same officials who have drafted a legislative proposal, adds

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to the services' knowledge not only of what the legislators in the Council and the EP ideally want, but also what they are prepared to accept.

The bulk of EU legislation now uses the ordinary legislative procedure (OLP)—formerly known as codecision. The Commission initiates a proposal and, after consultation with national parliaments and (where required by the Treaty) the Committee of the Regions (CoR) or the Economic and Social Committee (EESC), it engages in a layered negotiation game with the EP and the Council of Ministers that can stretch over three rounds. In the first and second readings, the Commission's legislative role is pivotal: it can withdraw its proposal, amend it, or raise the voting hurdle in the Council of Ministers by accepting amendments passed by the Parliament. Once the Council and the EP convene in a conciliation meeting, which is the third and final stage, the Commission loses the right to withdraw its proposal and it can no longer raise the bar to unanimity in the Council if it disagrees with the Parliament's amendments. At that point, it is charged with taking 'all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council'.⁴ These are the legal rules, but their exercise in practice has been progressively eroded by the expansion and normalization of the OLP (Ponzano *et al.* 2012). Indeed, it has become increasingly difficult for the Commission to withdraw its proposal if not so requested by the Parliament or the Council. The last case in which the Commission withdrew a proposal for political reasons—that is, to prevent it from being altered against the Commission's wishes—dates back to 1994 (Ponzano *et al.* 2012: 39).

The bottom line, however, is pretty clear: with the exception of the few policy areas mentioned, every initiative begins with the Commission. No national bureaucracy and virtually no other international governmental organization has this kind of authority. Comparative examples that spring to mind are the Commission in the Economic Community of West African States (ECOWAS) and, within much narrower parameters, the Staff of the International Monetary Fund (IMF) (Hooghe *et al.* forthcoming).

Executor

In a few areas, the Commission implements policy directly. The most important of these is competition, in which it has to decide, for example, whether state aids and certain types of takeover or merger are permissible. In most policy areas, however, the Commission relies on national or regional governments, or external agencies, to do the work. Some 76 per cent of the EU budget is implemented by third parties.⁵ Here, the Commission's role is largely limited to putting an implementation framework in place—that is, rules that tell national or regional governments or agencies how to implement EU legislation.

Such implementation frameworks—for example rules prescribing how to test technical product standards or how to set prices for agricultural products—must normally be channelled through a so-called comitology committee, of which there were 287 in 2014 (European Commission 2015b). The comitology network is densest in

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internal market and industry, environment, transport, justice, and consumer, as well as agriculture, policy. Here, member state representatives, scientific experts, and interest group representatives watch closely how the Commission monitors the implementation of EU policies by third parties. Comitology is the living embodiment of how different institutions and different levels of government have become intertwined. Unilateral action by one institution has become virtually impossible (Marks *et al.* 1996).

Legal guardian

The Commission—along with the Court of Justice of the EU—is also charged with ensuring that EU law is applied uniformly. The Commission is heavily dependent on ‘whistle-blowing’ to be made aware of possible breaches of EU law. Its limited resources mean that only a relatively small number of likely breaches can be pursued all the way to the Court; the usual approach is to resolve the matter informally. From time to time, however, the Commission organizes dawn raids on suspected firms, which (if found guilty) may end up paying hefty fines. The Commission may impose fines of up to 1 per cent of a company’s total turnover for the preceding business year for failure to provide accurate information or refusal to submit to an inspection.

Since the 1992 Maastricht Treaty, the Commission has also been able to take member states to the Court. The first fine imposed on a member state was in July 2000, when the Court of Justice ordered the Greek government to pay €20,000 for each day of continued non-compliance with a 1992 Court judgment concerning the disposal of toxic and dangerous waste at a plant on the island of Crete.⁶ This power has been invoked sparingly, but the threat of Court proceedings hangs as a shadow over the Commission’s use of softer instruments to compel member states into compliance, such as shaming or withholding funds (Falkner 2016).

Mediator and broker

EU decision-making involves a multiplicity of actors eager to influence policy. Within this multilevel system, there is a strong need for mediation and brokerage, for which the Commission is particularly well placed. The Commission staff tends to have a good overall understanding of the positions of decision-making actors—knowledge that stems from its contacts across the EU and its extensive involvement in EU policy processes. It is also more likely to be perceived as impartial, compared, for example, to the Council presidency, parliamentary groups, or interest group representatives. In fact, Commission officials spend large amounts of their time organizing consultation procedures, building policy-related networks, and engaging in bilateral meetings with external interests to hammer out the politically most feasible path to European policy (Hartlapp *et al.* 2014).

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External representative and negotiator

Finally, the Commission and its services negotiate trade matters on behalf of the EU. The institution also takes the lead during enlargement negotiations, and shares responsibilities with member states in foreign policy, development policy, and the external dimensions of such policies as transport, environment, and competition. Here, the Commission's influence depends on the character of the policy. The influence of the services is greatest in areas that:

- fall under what used to be called the 'first pillar' (of the EC)—notably, trade and the single market;
- have been subject to extensive transfer of competence, such as enlargement;
- do not normally raise too much political sensitivity, such as development;
- require impartial leadership, such as competition; and
- require technical expertise, such as agriculture or environment.

Structure of the Commission services

The Commission services are organized into DGs, and general and internal services. Directorates-General are normally concerned with specific policies, but their mandates vary in breadth and specificity. Some have a sectoral focus, such as Mobility and Transport (DG MOVE), Energy (DG ENER), or Agriculture and Rural Development (DG AGRI). Others have cross-cutting responsibilities, such as Internal Market, Industry, Entrepreneurship and SMEs (small and medium-sized firms) (DG GROW), or Employment, Social Affairs and Inclusion (DG EMPL). A range of services handles horizontal tasks, such as the Secretariat-General (SG), the Legal Service (SJ), and the Publications Office (OP), and others have specific duties, such as fighting fraud (the European Anti-Fraud Office, or OLAF) or compiling statistics (Eurostat).

The Commission's most senior official is the Secretary-General. There have been only six Secretaries-General in the history of the Commission at the time of writing: Émile Noël (1958–87, French); David Williamson (1987–97, British); Carlo Trojan (1997–2000, Dutch); David O'Sullivan (2000–05, Irish); Catherine Day (2005–15, Irish); and Alexander Italianer (2015–, Dutch). In principle, the Secretary-General is the captain on the ship. He or she and his or her services aim to ensure that all parts of the Commission coordinate activities, act in accordance with formal procedures, and liaise with other institutions. Under Émile Noël and, to a lesser extent, David Williamson, the Secretary-General was also a formidable policy-shaper. Several important new policy ideas—including cohesion policy, justice and home affairs (JHA) policy, asylum policy, and foreign policy—were nursed in the Secretariat-General. The two subsequent Secretary-Generals interpreted their role in more strictly managerial terms. Catherine Day steered between these poles and, perhaps more than her

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predecessors, understood her role to be the extended arm of the Commission President in the services (Kassim *et al.* 2013: 171, 282; Peterson 2015: 185–207).

Each individual DG or service is headed by a Director-General, who may be assisted by one or more deputies. Directors-General give instructions to directors, who head a directorate within DGs. Exact administrative setups on budgets, administrative costs, staff figures, or legislative output vary considerably. But an average-sized DG has between three and five directorates, each of which is composed of between three and seven units—the lowest organizational level in the Commission. A typical unit contains between twelve and fourteen officials, of whom, aside from its head of unit, between four and six work on policy development. These people are assisted by clerks, or secretarial or administrative officials, often supplemented by one or two contractual positions.

It is in this complex machinery of the Commission services that new ideas for policies emerge, are tested, negotiated, and scrutinized, and finally are pushed onto the broader agenda of European integration.

The Commission under pressure

In the first half of the twenty-first century, the role of the Commission services came under intense external pressure. This was largely a consequence of three external shocks. The first was the expansion of Commission powers and responsibilities over consecutive Treaty reforms. For example, the number of provisions in which the Commission holds the sole right of legislative initiative rose from 68 in the 1958 Rome Treaties to 172 in the 2009 Treaty of Lisbon (Biesenbender 2011). Deeper European integration has provided Commission officials with powerful political tools for shaping European societies, but the Commission has also been nudged to take on a more traditional administrative role. As the policy portfolio has widened and grown more complex, so has pressure grown to beef up coordination within the services and with outside stakeholders. As the EU budget has expanded, so have demands for managing these funds efficiently.

Parts of the Commission services were ill-prepared for this new reality, which became evident when alleged malpractice in the Commission services led to the resignation of the Santer Commission in March 1999. The immediate cause was the publication of a report by a Committee of Independent Experts (1999a), established by the European Parliament to investigate accusations of maladministration in the Commission (Hooghe 2002; see also Chapter 5). Media attention was mostly directed towards those parts of the Committee report that detailed favouritism by some Commissioners. But the message to the services was that there were serious problems of administrative performance in the organization (Committee of Independent Experts 1999b).

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The second shock, enlargement to include the Central and Eastern Europe countries (CEECs), was a game changer. No institution was left unaffected, but the impact on the Commission has been particularly great. Political interests have diversified, resources have become scarcer, and implementation, more haphazard. These changes have made it harder for the Commission to play its roles of initiator, mediator, and legal guardian. The Commission's internal organization has also been profoundly affected, for example it had to overhaul its own organization to make space for new nationals (Ban 2013). Such an exercise is never popular among existing staff because it diminishes promotion opportunities. In this case, it also led to considerable disillusionment among recruits from the new member states. Personnel reforms by the Commission that adversely affected both pay and promotion came into force on the same day as the accession of ten new members. The Commission has invested extensive personnel resources in the accession process and it will continue to do so for some time to come (Kassim *et al.* 2013).

Perhaps the most enduring challenge is the politicization of European integration (Hooghe and Marks 2009). 'Politicization' refers to the increasing contentiousness of decision-making in the EU. The early neo-functionalists, who invented the term, believed that politicization would lead to more regional integration; a federal polity, or something like it, would result. The process of legitimating the Maastricht Treaty proved this assumption to be wrong. It opened a complex elite bargain to public inspection, and precipitated referenda and a series of national debates that alerted the public to the fact that European integration was diluting national sovereignty. The rejection of the Maastricht Treaty in Denmark and its near-rejection in France (in 1992) revealed an elite–public gap, and sustained the populist notion that important EU decisions could no longer be legitimized by the executive and legislature operating in the normal way; rather, direct popular approval was required (Hooghe and Marks 2012). Given the deep societal challenges that the Union faces, for example with the euro crisis or the refugee crisis, a more attentive and sceptical public is likely to remain an important constraint on the European Commission (De Wilde and Zürn 2012; Rauh and Zürn 2014). Politicization may weaken the Commission's claim to be the primary agenda-setter for Europe. In a polity that struggles to be democratic, decisions by unelected Commission officials have questionable legitimacy. However, they also generate strong incentives for the Commission services to actively demonstrate their added value to the wider European public (Hartlapp *et al.* 2014: ch. 9; Rauh 2016).

The Commission has always struggled to reconcile its role as administrative manager with its political agenda-setting role. But politicization, enlargement, and task expansion have certainly made this more difficult. In response, the institution has embarked on comprehensive internal reform to strengthen both its managerial capacity and its responsiveness to stakeholders and European citizens. As we shall see, these efforts have not fundamentally altered the balance between administration and political agenda-setting. The Commission remains an institution with a pronounced hybrid personality.

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Internal Commission reform

After the resignation of the Santer Commission and under the cloud of nepotism, fraud, and mismanagement in 1999, the incoming Prodi Commission made internal reform a top priority. The reform process, which was mainly driven by Commission Vice-President Neil Kinnock, kept the basic organizational structure of the Commission services, but sought to make them more professional, efficient, and focused by strengthening managerial systems and principles.⁷

Four elements of the reform speak directly to the services' hybrid role. First, the Commission's financial management and control were overhauled. Under the old system, policy-making took place in one part of the Commission and financial planning, in another. There was no incentive for policy initiators to incorporate value for money in their decisions. The reform created bridges between policy design and financial management by decentralizing financial responsibility to units, and even to individual officials, separating financial control and auditing, simplifying accounting, and reorganizing cooperation with national administrations, which are often the culprits when EU funds are mismanaged.

Second, senior recruitment was made more meritocratic. The new procedures made it more difficult for national governments to interfere with the hiring and firing of senior officials (Egeberg 2003). The reforms also mandated mobility through the services to discourage national governments or particular industrial interests from 'capturing' a service. Directors-General can no longer spend more than five years in the same post and management training is mandatory.

Meritocracy has always been strongly entrenched at the entry level. The reform tightened rules on temporary hires and reinforced the *concours*—a series of written and oral examinations—as the primary recruitment mechanism. Competition in the *concours* is intense and there are usually, for each vacancy, well over a hundred qualified candidates—that is, people with a good academic qualification and high proficiency in at least one language in addition to their mother tongue. Candidates who pass the *concours* are placed on a reserve list from which they may be cherry-picked by an interested DG. Nationality is, in principle, not a criterion, but overrepresented nationalities, such as Belgians and Italians, find it more difficult to jump from the reserve list to a permanent job.

Third, the reform streamlines rules on the 'externalization' of support tasks to non-core Commission services. Tasks may be externalized to EU agencies or national administrations, or outsourced to private parties. For each category, rules of engagement and oversight have been standardized and tightened. The basic idea is that external agents take on implementation so that the Commission can concentrate on making policy.

A final set of measures is aimed at making the Commission more 'service-oriented' and accountable to its principals—the EP, member states, interest groups, and also Europe's citizens. The Commission pays its invoices more quickly, has increased electronic access to documents, and has adopted guidelines for consultation with civil society.

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The thrust of the reform reflects new public management (NPM) philosophy, which applies principles and practices from the private sector, such as competition, cost-effectiveness, outsourcing, and customer satisfaction, to public service (Hood 1991). At first blush, this emphasis appears to shift the Commission in the direction of the more service-oriented Anglo-Saxon bureaucracies and away from the more politically inspired Franco-German influences that have historically shaped its practices (Balint *et al.* 2008; Kassim *et al.* 2013: ch. 8). However, the new system is not at odds with policy activism and political entrepreneurship. To the extent that the services' energies are refocused on 'core functions such as policy conception, political initiation and enforcing Community law' and 'away from managing programmes and projects and directly controlling the latter' (European Commission 2000: 5), the services may end up doing *less* standard routine administration and *more* policy initiation—and that would be close to Monnet's heart.

Balancing diverging external and internal interests

As a result of task expansion, enlargement, and politicization, the services face an extraordinarily diverse set of internal and external interests, all of which try to influence the policies that the Commission feeds into the EU system. Coordinating, balancing, and communicating with internal and external stakeholders are key challenges for Europe's bureaucracy.

Greater diversity affects internal coordination within the Commission services. Officials do not think alike on how to conduct policy or what kind of policy should be proposed. Divisions may run along sectoral perspectives and constituencies, competence-seeking motives, and DG allegiances, or sometimes even ideology or nationality. For example, [DG-GROW](#) thinks very differently about regulating gender equality from, say, [DG-EMPL](#). Societal contention sometimes tends to spill over into the Commission services. Finding a common policy position is not a trivial matter for the organization.

In practice, the services' day-to-day operation fluctuates between efficient problem-solving and bureaucratic politics. Efficiency necessitates a fair balancing of contending interests, but bureaucratic politics, whereby coordination is approached much more strategically among the Commission services, can get in the way (Hartlapp *et al.* 2013). Undoubtedly, policy initiation within the Commission is highly formalized. Typically, drafting starts in a single DG—the lead department or *chef de file*—whereby a unit gathers relevant facts, communicates with external stakeholders, and sets an initial legal position. At this stage, which often stretches out over months or years, the lead DG may or may not decide to include other services. In a second, formal, coordination stage—the inter-service consultation—the lead DG is required to collect opinions on the initial draft from all 'concerned' DGs. There is some leeway on who to invite, but it must include the SG, the Legal Service, and often also the DG for the Budget (DG BUDG). DGs need to respond within fifteen days with one of three opinions: a disapproving *avis négatif* (which happens very

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rarely); a direct *accord* (approval); or an agreement subject to certain amendments (the most frequent answer). Usually, bilateral talks follow, and if no agreement is reached, the lead DG can withdraw its proposal, draft a new text, or hand over the conflictual points to higher tiers of coordination—that is, directors, the *cabinets*, or ultimately the Commissioners. But even this densely formalized process opens up multiple opportunities for the lower echelons of the Commission services—and in particular the lead DG—to set the basic political parameters of a Commission initiative.

The managerial reforms brought greater predictability to this coordination process. First, the Commission is required to develop a multi-annual policy programme, which makes it easier to see which DGs work on which issues at any given point in time and thus which ones should be included in a coordination exercise. Second, the lead DG is now required to involve other services in its impact assessments, which scrutinize the likely effects of its proposed policy across various dimensions. Impact assessments tend typically to draw in DGs EMPL and GROW. Third, the reforms have considerably strengthened the coordinative capacity of the SG. Besides being a key actor in setting up the multi-annual policy programmes, the SG beefed up the so-called upstream coordination by setting up central posts for coordination—sectorally responsible SG officials who monitor the activities of DGs with overlapping policy mandates. These rules enable the SG to act as legislative gatekeeper. Yet research into a broad array of policies indicates that, under these new rules, the services still rarely achieve a representative balance of the diverse policy perspectives that persist inside in the Commission (Hartlapp *et al.* 2014).

Greater diversity of interests and perspectives also affects coordination of external stakeholder interests. The Commission services are the target of varying lobbying interests who attempt to influence drafting officials through bilateral contacts, working groups and expert committees, broad-scale stakeholder meetings, public consultations, or public relations (PR) campaigns. With their scarce resources, the services depend heavily on the policy-related information that these interests convey.

In this context, politicization of European integration poses particular challenges. A more attentive and often sceptical public necessitates that the Commission acts more carefully with regard to the immediate distributional consequences and the public reception of its procedures and policies. Making the Commission more accountable and responsive to public interests was arguably one of the key motivations for the *Spitzenkandidaten* process (see Chapter 5). But political sensitivity has also grown among the lower echelons of the Commission services. Policy officials who work on issues that have traditionally been considered purely technical—for example contract rules, product standards, or food safety—have become aware that their regulatory choices may have political implications (Rauh 2016). They rebalance their stakeholder contacts, monitor public opinion and media debates, engage in long-term PR activities to prepare their initiatives, and even revise extant European law in response. This behaviour sometimes clashes with an administrative approach that gives precedence to managing the European market rather than attuning it to

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changing political demands. However, since the politicization of European integration is likely to stay, the Commission services will need to walk the fine line between political agenda-setting and efficient administration for years to come.

What do Commission officials think about their institution's role?

The Treaty creates clear expectations for the officials working in the Commission services. It prescribes that they must put the Union's interest first, set the agenda for the EU, and promote the Union's interest independently from national pressures. The Commission's autonomy, its all-European focus, and its exclusive power of initiative were central to Monnet's conception of the Commission as the engine of European integration. Already in the early 1960s, Émile Noël, the Commission's first Secretary-General, had institutionalized them in Commission staff rules, which state that:

[A]n official shall carry out his duties and conduct himself *solely with the interests of the Communities* in mind; he shall neither seek nor take instructions from any government, authority, organization or person outside his institution. . . . *He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Communities.*

(Commission Staff Regulations 2005, Art. 11, emphasis added)

Several observers anticipated that increased managerial challenges streaming from task expansion, enlargement, and politicization would cool the political agenda-setting ambitions of Commission officials. Administrative reform in particular, which was designed to buttress the Commission's managerial capacity, was seen to reinforce this trend. In other words, the expectation is that the Commission's bureaucracy would become more like a normal civil service executing orders given elsewhere. In fact, the 2000 White Paper on Reforming the Commission (2000: 7) still emphasized that:

[T]he original and essential source of the success of European integration is that the EU's executive body, the Commission, is supranational and independent from national, sectoral or other influences. This is at the heart of its ability to advance the interests of the European Union.

So to what extent do Commission officials still subscribe to Monnet's core philosophy sixty years after the Commission's inception? Have administrative reform and politicization dampened officials' ambition in acting as European agenda-setters? And have officials from the new member states adopted the traditional norms?

We bring to bear evidence from four surveys of Commission officials in 1996, 2002, 2008, and 2014. The first two surveys were conducted among the senior ranks

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of the Commission bureaucracy: Director-Generals, Deputy Director-Generals, directors, and principal advisers (Hooghe 2002, 2005). The 2008 and 2014 surveys polled a representative sample of the Commission bureaucracy (Hooghe 2012; Kassim *et al.* 2013).⁸

Agenda-setting, nationality, and EU governance

We first need to be clear about what we mean by ‘Monnet’s ideas’. One understanding emphasizes features of the Commission’s immediate environment:

1. that the Commission has the sole power of initiative;
2. that it should develop new policies rather than administer existing ones; and
3. that its composition should be meritocratic rather than reflect the EU’s multiple nationalities.

A broader conception also considers the role of the European Commission in the future EU institutional architecture:

4. that the Commission is not simply subservient to the member states as central players of the EU; and
5. that it should become Europe’s government in an ever closer Union.

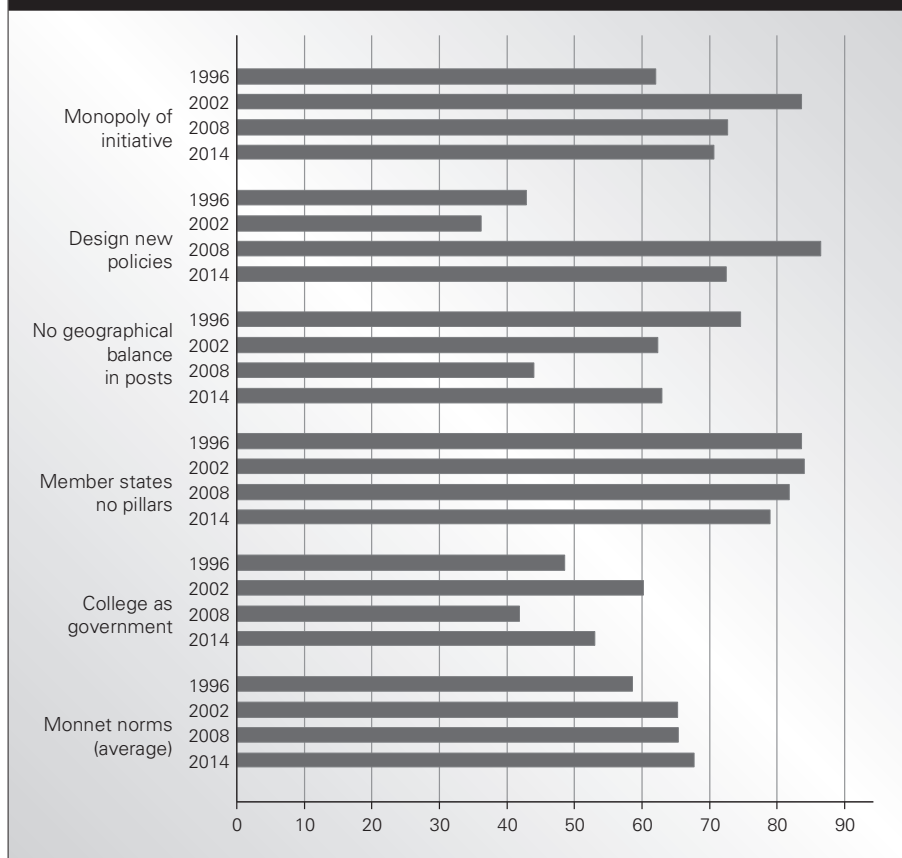
The four surveys provide a glimpse of how Commission officials’ beliefs on these Monnet norms have evolved against the backdrop of profound change in EU politics. The first survey, conducted in 1996, took place before the eastern enlargement, before monetary union and the expansion into non-economic policy areas, and at a time that European integration was only minimally politicized. The last two surveys of 2008 and 2014 were conducted in the full glare of a politicized, expanded, and more supranational EU. How, if at all, did these changes affect Commission officials’ beliefs in Monnet norms?

The short answer is: ‘Not much.’ Figure 8.1 reports support among senior officials for these five norms over nearly two decades. Each bar indicates the percentage of senior officials who agree or agree strongly with a norm.

The most robust estimates are the figures that express average support for the five norms—the four bars at the bottom of the figure. Average support increased—but statistically not significantly—from 59 per cent in 1996 to 68 per cent in 2014. Support for Monnet norms *in the aggregate* barely budged, which is remarkable given the dramatic changes in the Commission services’ political environment.

Let us now take a closer look norm by norm. There is consistent and overwhelming support for a characteristic that distinguishes the Commission from other bureaucracies: its monopoly of legislative initiative. Between 62 and 84 per cent supported the principle. When asked for justification, most Commission officials explained the need for strong Commission agenda-setting power in pragmatic terms. They argued that Commission leadership tends to produce better results than

FIGURE 8.1 Senior Commission officials and support for Monnet norms



member state guidance. During interviews, officials contrasted the relatively smooth handling of enlargement or climate change, in which the Commission has taken the lead, with well-documented examples of inefficient or botched member state guidance, such as the failure to manage the break-up of Yugoslavia, the aborted attempt to negotiate external trade in services, deadlocks in immigration and asylum policy (including, recently, the failure of Frontex to secure Europe’s southern borders and safeguard Schengen), and, of course, the euro crisis. Many top officials essentially warned that enlargement and crisis will grind EU decision-making to a halt unless the Commission gains power and can preserve its right of initiative.

Next come two norms that go to the heart of the Commission’s daily operation: the balance between designing new policies and management, and the role of nationality in personnel policy.

One major objective of the administrative reform programme was to focus attention on administrative management. This move ran counter to Monnet, who saw a

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contradiction between the need to provide political leadership and the duty to administer, and, when forced, relegated the Commission's administrative and managerial tasks to second place—a choice not always appreciated by his colleagues. By the mid-1990s, the Commission's senior officials were not so sure about the wisdom of Monnet's choice. The glorious years of Commission leadership under Jacques Delors (1985–95) left a sour aftertaste when, a few years later, accusations of mismanagement and nepotism were slung at the college and the Commission bureaucracy. Many senior officials had seen it coming and supported a correction (Hooghe 2002). As Figure 8.1 shows, in 1996—before the Santer crisis—a majority of senior Commission officials already wanted to make management and administration a priority. By 2002, at the cusp of the administrative reform, support for this view had grown, with only 37 per cent of officials agreeing with the statement that designing new policies should have priority over administering existing ones. But, by the end of 2008, after the administrative reform had been implemented, the overwhelming majority of senior officials (86 per cent) wanted the Commission to focus *more* on initiative again—and this trend continued into 2014. We may speculate that the administrative managerial pendulum had swung too far or that the challenges of enlargement, monetary union, and politicization had made the Commission leadership change its mind. Be that as it may, it is clear that the changing context has not corroded the officials' determination to act as an agenda-setter of European integration.

Monnet also emphasized the need for officials to be independent of national interests. The strongest tool for realizing this aspiration is a personnel policy that allocates posts on the basis of merit instead of nationality. Administrative reform has reinforced this shift by asserting that merit, not national quotas, should determine promotion and recruitment, especially at the highest ranks. In Figure 8.1, support among senior officials for this principle is considerable, but it softened from 75 per cent in 1996 to 62 per cent in 2002. In 2008, the support base had shrunk to a plurality of senior officials (44 per cent, with another 17 per cent neither agreeing nor disagreeing). Direct comparison is complicated because the question wording changed between 2002 and 2008. In 2008, the question was whether posts should be 'distributed according to geographical balance'; in 2002, it was whether posts should be 'distributed across nationalities proportionate to their respective populations'. So the sharp dip in support may be caused in part by a change in the question—but it is difficult to believe that this alone explains the sea change.

Interviews reveal that many top officials take a more nuanced view than either the Monnet idea or the administrative reform on nationality suggest. Officials resent *parachutage*—the practice of appointing individuals outside the normal recruitment procedures—but see merit in geographical balance. As late as the mid-1990s, 35–40 per cent of top positions were filled by outsiders parachuted in from national administrations, diplomatic services, or from Commissioners' *cabinets* into the Commission's top bureaucracy. These individuals bypassed competitive examinations and blocked career paths for officials who had worked their way up through the ranks.

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Moreover, there were no guarantees that these parachuted officials had the necessary skills or that they would be independent from the national capital that landed them the job. One outcome of the 2002 personnel reform was the virtual elimination of *parachutage* and, on the rare occasions on which it is still used, it is subject to competitive examination. Because *parachutage* has thus become a thing of the past, the once-deep suspicion against national colonization has mellowed—which provides one plausible explanation for the dip in the 2008 attitudes on geographical balance.

Geographical variation among Commission officials, on the other hand, ensures a range of views in policy-making and may bestow greater legitimacy on EU policy. A policy blind to the realities of a diverse multilevel polity could do more harm than good. Senior officials' instincts about how to balance national sensitivities and impartiality have been honed by the hard school of the last decades. A Commission that speaks in foreign tongues is vulnerable to Eurosceptic rhetoric, while a Commission perceived to be the handmaiden of particular national interests loses credibility. That is one reason why officials make a sharp distinction between talking with compatriots and making policy for compatriots. While the former finds broad approval, the latter meets with widespread reticence. When asked in 2002, only 12 per cent believed that Commission autonomy would be better served if officials were to avoid contact with compatriots, while 80 per cent agreed that national policy dossiers are better *not* handled by officials of the same nationality.

In 2008, we asked a more probing question: whether it is problematic for Commission officials to manage dossiers of special interest to their own member states. We found that an absolute majority (53 per cent) finds it unproblematic. Allocating national dossiers to nationals remains contested, but sometimes it is wise to strike a balance between the ideal and the practical. As a top official observed, there are not many non-Estonian officials who speak Estonian and so, to the extent that good policy relies on local knowledge, one needs to use the human capital that one has. Moreover, one major outcome of the new personnel policy is that even when geographical balance influences hiring and promotion, it happens after candidates have gone through the fire of meritocratic examination.

The last two statements in Figure 8.1 gauge senior officials' attitudes on the constitutional future of Europe. The first statement—member states should be the central pillars of the EU—echoes de Gaulle's call for intergovernmentalism.⁹ The second—the Commission's college should be government of Europe—taps Monnet's (or Hallstein's—see Chapter 5) notion of supranationalism. If Monnet's political ideas were to determine Commission views on Europe's architectural design, one would expect to see solid majorities opposing member states being central pillars and solid majorities supporting the idea of the Commission as 'government for Europe'. The expectation that member states should *not* run the EU is confirmed (from 65 per cent in 1996, to 84 per cent in 2002, 82 per cent in 2008, and 79 per cent in 2014), but support for the Commission as the embryonic European government is less widespread than expected (49, 60, 42, and 52 per cent, respectively). On basic issues of EU governance, senior Commission officials are distinctly divided.

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A minority of Commission officials can be called supranationalist—that is, they agree that the college of Commissioners should be the government of Europe and disagree that member states should remain the central pillars. A smaller minority are intergovernmentalists who disagree with the former and agree with the latter positions. But many officials believe that *neither* the college of Commissioners *nor* the member states should be the kernel of European government, or they believe that *both* should lead Europe. This third group does not want to be lumped in with the other two. We call them ‘institutional pragmatists’ on account of the fact that they prefer to side-step institutional battles. They favour a multilevel polity in which the Commission and member state institutions are conceived as complementary: the Commission, on account of its monopoly of initiative; member states, on account of their legitimacy to legislate and implement EU policy (Hooghe 2012). Table 8.1 shows how each of these visions has found a constituency among senior Commission officials since the mid-1990s. Plurality, not polarity, continues to describe most aptly the political views of senior Commission officials.

It may come as a surprise that a majority of the Commission’s bureaucratic leadership is, at best, lukewarm on a federal Europe with a government-like Commission. After all, liberal intergovernmentalists saw the Commission mainly as an agent of the member states (Moravcsik 1993), while neo-functionalists conceived it as biased to supranationalism (Pollack 1997). But the mixed picture that we find is consistent with a conceptualization of the EU polity as multilevel (Marks *et al.* 1996). The system of multilevel governance in which Commission officials operate primes them to develop views that internalize the Commission’s interdependence with other actors and institutions.

Rank-and-file vs top, and East vs West

The 2008 and 2014 polls surveyed the whole Commission, and thus give us an opportunity to explore the breadth and depth of Monnet norms across the Commission services as a whole.

TABLE 8.1 Supranationalists, institutional pragmatists, and intergovernmentalists among senior Commission officials

	1996 (%)	2002 (%)	2008 (%)
Supranationalists	35.2	53.1	39.3
Institutional pragmatists	37.0	26.1	33.5
Intergovernmentalists	22.2	8.8	12.6

Note: $n = 105$ (1996), 93 (2002), 186 (2008); data not available for 2014
Source: Kassim *et al.* (2013)
Source: http://europa.eu/agencies/index_en.htm
Source: <http://eca.europa.eu>

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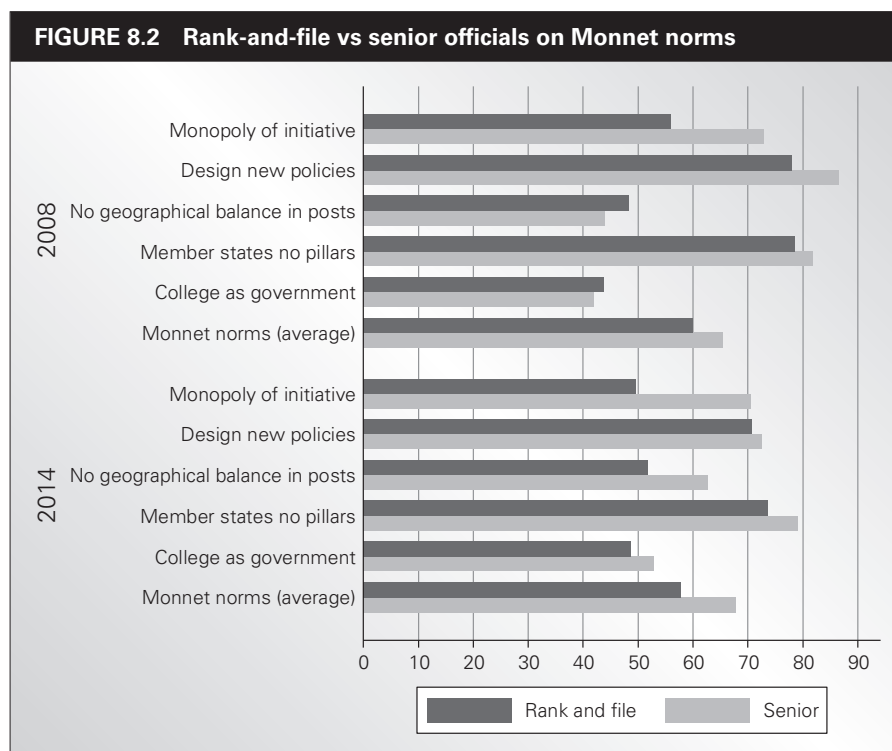
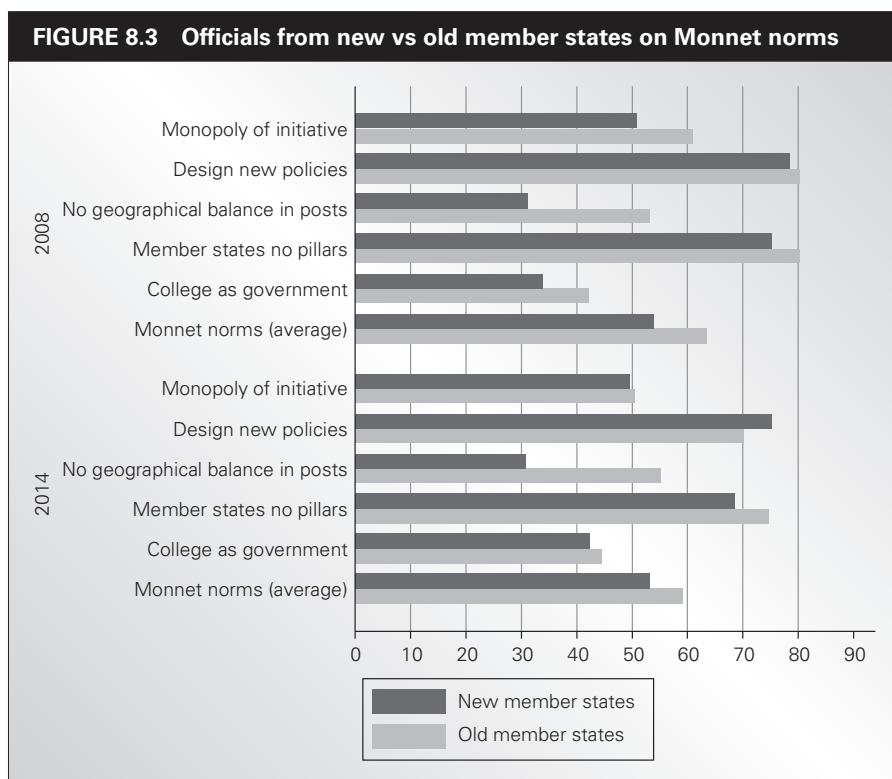


Figure 8.2 compares rank-and-file with senior officials. In all but one instance, junior and middle management is less in favour of Monnet norms than senior officials. The greatest difference relates to the Commission's agenda-setting power, in which regard the rank-and-file seem much less insistent on maintaining the Commission's monopoly of initiative. The gap between top management and the rest of the Commission appears to have widened—from 5 per cent in 2008 to 10 per cent in 2014.

By mid-2015, 27 per cent of Commission policy-makers (AD grades) hailed from the thirteen newest member states. They appeared to think somewhat differently compared to officials from the EU15, but the gap seems to be narrowing (see Figure 8.3). In 2008, officials from the new member states were less supportive of Monnet norms in every instance—on average, nearly 10 per cent. By 2014, that overall difference had halved (see Figure 8.3).

There is only one exception: a deep and persistent gap on the desirability of geographical balancing in allocating Commission posts. Just 30 per cent of new member state recruits believe it to be a bad idea and nearly half (49 per cent) positively support the policy. Not so in the old member states: 55 per cent oppose geographical balancing and just 27 per cent support it. This finding appears to be a direct

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effect of the Commission's hiring policy since 2006 to meet target quotas for nationals of the new member states. The policy both diminished promotion opportunities for EU15 officials and generated uncertainty among recruits from the new member states, who often felt they had to prove themselves doubly to escape 'the logic of tokenism: the assumption by their colleagues that even those with excellent credentials [were] there only because of nationality' (Ban 2013: 199). As one newly minted director from a new member state recounted of his first staff meeting:

And then I had a meeting with my staff, and that was something like, I saw seven new faces, all people working here for years, very experienced, knowing the system and so on. And I am and I was comparatively younger than they are. So I had a feeling they are looking on me as something exotic, coming from the east, very young, without experience. So, 'show what you know' – you know, this feeling, [of being] on the spot.

(Quoted in Ban 2013: 142)

Ten years after the Commission embarked on the largest personnel renewal since its inception, neither 'new' or 'old' officials have found an angle of repose.

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Conclusion

After an eventful turn of the century—shaped by task expansion and administrative reform, enlargement, and politicization—the Commission services have emerged more unchanged than changed. They continue to be a hybrid of an administrative bureaucracy and a political agenda-setter. Internal reforms have indeed put the organization on a more professional footing, most particularly by upgrading on-the-job training and managerial skills, reducing national quotas and country flags, and decentralizing accountability. There are some signs that these changes have weakened the Commission services' traditional role of being an engine of integration, but they continue to be a strategic agenda-setter. In some ways, the managerial reforms have reinforced that role. A central purpose of these reforms has been to free the Commission administrators from routine administration and implementation, so that they can focus on drafting policy solutions.

Responses by the Commission services to demands for more internal and external coordination and changes in staff policy, work practices, and political sensitivity seem to reinforce its special role in the EU architecture. Despite a changing context, there is remarkable institutional continuity. Surveys of the Commission's senior officials before and after the reform corroborate this conclusion. Support for agenda-setting in the spirit of Monnet's ideal—understood here as a preference for a privileged role for the Commission in setting Europe's policies—has remained robust.

Does this trend suggest that more policy may flow from the services? The answer is 'not necessarily', because the changing context of European integration is likely to constrain the Commission's penchant for policy entrepreneurship. New internal procedures such as the Commission's annual policy strategy and management programme are designed to entrench this restraint, by compelling Commission officials to pursue initiatives within the guidelines set by the college and the Secretary-General. These measures may keep the Commission services' entrepreneurship within bounds. But perhaps most of most consequence is that a political environment of resurgent nationalism and sceptical public debates is sending powerful signals to the Commission services to tread lightly.



ENDNOTES

1. http://ec.europa.eu/about/ds_en.htm
2. There are thirty-three Directorates-General, which are equivalent to departments or ministries at the national level, and eleven services, which usually perform a more specialized task and tend to have a more arms-length relationship with the core administration.
3. http://ec.europa.eu/civil_service/about/figures/index_en.htm
4. Art. 294(11) TEU.
5. http://ec.europa.eu/budget/library/biblio/publications/glance/budget_glance_en.pdf

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6. Case C-45/91 *Commission v Hellenic Republic* ECLI:EU:C:1992:164.
7. For an overview, see Kassim (2004).
8. Data for 2008 collected as part of The European Commission in Question project, funded by the UK Economic and Social Research Council (Grant No. RES-062-23-1188) and conducted by the first author, along with Michael Bauer, Sara Connolly, Renaud Dehousse, Hussein Kassim, John Peterson, and Andrew Thompson. For further information, see online at <http://www.uea.ac.uk/psi/research/EUCIQ> or see Kassim *et al.* (2013). The data for 2014 were collected as part of the project, 'European Commission: Facing the Future', by a team of researchers led by Hussein Kassim and Sara Connolly, and including Michael W. Bauer, Renaud Dehousse, and Andrew Thompson. It is drawn from an online survey ($n = 5,545$), conducted between March and April 2014: see <https://www.uea.ac.uk/political-social-international-studies/facing-the-future>. We are grateful to the principal investigators for sharing preliminary data for the purpose of this chapter.
9. The item reads as 'Member states—not the European Commission nor the European Parliament—should be the central players in the European Union'. Table 8.1 reverses the direction of the wording to make it consistent with Monnet norms.



FURTHER READING

The academic literature on the Commission has grown considerably in recent years. The list of further reading provided here concentrates on sources that include extensive discussions and analyses of the services. The full findings from the 2008 survey of Commission officials is reported in Kassim *et al.* (2013).

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WEB LINKS

http://europa.eu/about-eu/institutions-bodies/european-commission/index_en.htm
The Commission's website.

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http://ec.europa.eu/reform/index_en.htm

Provides access to European Commission (2004) *Reforming the Commission: Reform of Europe's Public Services*.

http://ec.europa.eu/civil_service/docs/toc100_en.pdf

Provides access to European Commission (2005) *Staff Regulations of Officials of the European Communities: Conditions of Employment of Other Servants of the European Communities*.