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# **The European Commission: technocratic and independent?**

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## **1. Introduction**

Since there was no literature to read in preparation of the lecture of Mrs. Balfoort, I decided to read the book of Derk-Jan Eppink, called ‘Europese Manderijnen’. This book provides an excellent view behind the scenes of the European Commission, and inspired me to analyze the independence of European Commissioners.

Many scholars simply assume that the European Commission, as a supranational actor, is insulated from national interests. They conceive the European Commission as a single, unitary entity making decisions which advance European objectives. These assumptions are understandable. After all, its internal discussions and decision-making processes are not open to public inspection, but are conducted behind closed doors. From behind these closed doors, a great amount of decisions, recommendations, opinions, and other measures are issued in the Commission’s name (Nugent 1997: 2; Thomson 2007: 170). The Treaty reinforces these perspectives on the Commission by stating that “the members of the Commission shall, in the general interest of the Community, be completely independent in the performance of their duties. In the performance of these duties they shall neither seek nor take instructions from any government or any other body” (TEC: article 213(II)).

Having read the book of Derk-Jan Eppink, I started to question these portrayals of the Commission. It seemed to me that the College of Commissioners was composed of many elements and interests. Searching for literature, it became clear that there has not been done a lot of research on this topic, especially in comparison with other key EU institutions (Egeberg 2006: 1-2).

In order to be able to pass a deliberate judgment on the independence of European Commissioners, there will be focused exclusively on the appointment process in this paper. The studies that look at the European Commission as a unitary and independent actor with a pro-integrationist agenda will be challenged. Here, the Commission will be conceived as an agent in a principal-agent relationship with member states. In this theory, it is stated that principals – the European member states – delegate power to agents – the College of Commissioners (Hix 2005: 27-28). In the second section, there will be elaborated on this theory. After discussing the rationale and dangers of delegation, the third chapter will analyze the power of member state governments in the appointment process of European Commissioners. Afterwards, in the fourth chapter, it will become clear that member state governments seem to use this power to try to control the Commissioners, and to influence Commission policies in line with their own interests.

Member state governments tend to choose their Commissioners carefully, and answers to questions like ‘why?’ and ‘how?’ will be provided in this chapter as well. In the final chapter, the concluding remarks, there will be given an answer to my research question: *“Is the European Commission as unitary and independent as often portrayed?”*

## **2. The Principal-Agent Theory**

From article 213(II) of the EC Treaty, one can expect the Commission to be an independent actor, making decisions in the interest of Europe. Liberal intergovernmentalists like Andrew Moravcsik share this view of the European Commission as independent and unitary actor, although they believe that the European Commission is a weak institution. In their view, the Commission is not able to influence the process of European integration, but only to attend the preferences of the most powerful EU member states. The neofunctionalists conceive the European Commission as an independent and unitary actor too, but they believe that the Commission is a much more powerful institution, and see it as the motor of European integration with a pro-integrationist policy agenda (Pollack 1997: 109-110). Most scholars simply assume that these theories give a good explanation of the role of the Commission. However, in this paper these assumptions are disputed. According to Mark Pollack, the principal-agent theory might provide a good alternative in examining the independence and the role of the European Commission in the process of European integration (Pollack 1997:127; Wonka 2007: 169-170). In this chapter, the principal-agent analysis will therefore be outlined.

### 2.1 Principal-Agent Analysis:

The principal-agent theory has its origin in the private sector. Here, it became the most important framework for analyzing problems caused by the involvement in any kind of contract. In this classic version, the principal was a shareholder of a company, which delegated power to an executive, the agent, to take care of the day-today business. Later, the theory became very popular amongst political scientist, who used this theory to analyze the relationship between the US Congress and the US presidency and federal bureaucracy. (Kassim & Menon 2003: 122).

Also scholars who studied the European Union, made use of the principal-agent analysis. Here, the relationship between principals and agents was created when a group of collective principals - the member state governments - chose to delegate power to a supranational agent - the European Commission (Pollack 1997: 111).

## 2.2. The rationale of delegation:

There are several reasons why member state governments would delegate powers to the European Commission. Delegation of power is usually motivated by a desire to minimize transaction costs; when collective problems are solved at one place on a supranational level, the efficiency of EU policy-making will be enhanced. Second, power is delegated for monitoring compliance. Because member state governments do not trust each other, they delegate certain powers to the European Commission. This makes free riding impossible, and creates stability. Third, by delegating power to the European Commission, long term interests can be protected. Member state governments have a short-term horizon and are only interested in re-election. Moreover, it is interesting for member state governments to delegate power the Commission in order to displace unpopular decisions. By shifting the responsibility to the European Commission, politicians are able to escape electoral punishment in case of unpopular decisions or policy failures. Finally, the European Commission has more specialized knowledge and expertise, which can improve the quality of policy (Kassim & Menon 2003: 123; Tallberg 2002: 26).

## 2.3. Danger of delegation:

Principals usually require their agents to exercise their powers in a neutral way. However, the agent can also have its own interests and policy preferences. For instance, the agent can become the target of lobbying by private interests groups. Besides, the agent can be interested in increasing its influence in the policy process. It may use its delegated powers to pursue its own policy preferences at the expense of the preferences of the principles; this is called 'shirking'. Moreover, the agent may enjoy a favoured position due to asymmetric distribution of information. All these actions can be costly for the principal, and are hard to discover. Contractual restrictions like comitology, and monitoring the behaviour of agents are seen as possible solutions (Pollack 1997: 111-115; Hix 2005: 28-29).

### **3. The appointment process of the College of Commissioners**

The European Commission is the chief executive body of the European Union, and has a lot of power in the legislative decision-making procedure. In the appointment process of the College of Commissioners, a lot has changed over the years. From 1957 until 1993, the appointment of a European Commissioner had to be accepted unanimously by the Council of Ministers; it was a purely intergovernmental affair. This created a balance of veto powers that left individual members practically free in nominating a potential future Commissioner.

After the Maastricht Treaty, also the Commission President and the European Parliament got a formal say in the appointment process. The European Parliament first needed to approve the nominated Commission President, and then again the whole College of Commissioners before it could be appointed. Although this formal power, the role of the European Parliament was mainly symbolic. The member state governments still played a decisive role; each of them held the right to nominate its Commissioner, and even if other governments rejected the candidate, the member state governments were in the position to appoint another candidate.

The Treaty of Nice changed the unanimity rule into a requirement for qualified majority. This change removed the veto power of any single member state government (Napel & Widgrén 2006: 2-3; MacMullen 1997: 29-31). Whereas the unanimity rule would probably lead to the nomination of a Commission President with modest rather than more extreme policy preferences, a qualified majority of left or right governments in the Council of Ministers could agree on a Commission President with policy preferences other than those of the minority governments (Wonka 2007: 173). The same could count for the appointment of the rest of the Commissioners. Besides, the big member<sup>1</sup> states were no longer allowed to appoint two Commissioners. With the ratification of the Nice Treaty, all member states could only appoint one Commissioner.

At this moment, this is still the case, but with the upcoming Lisbon Treaty the size of the European Commission is going to be reduced from twenty-seven to eighteen Commissioners in 2014, i.e. two-thirds of the number of member states. In order to create equality between the member states, a rotation system must guarantee that each state is represented in two out of three Colleges of Commissioners (Duff 2008: 7). If this change in the size of the Commission will have consequences for the appointment procedure, is not yet clear.

In short, according to the Treaty member states have a large degree of freedom in selecting and nominating their Commissioners. Member states played, and will play, a decisive role in the appointment process. It is unclear if there are major changes on the way in 2014.



## **4. Policy preferences of European Commissioners**

In order to minimize transaction costs, member states sometimes delegate power to the European Commission. Delegation has both advantages, as well as disadvantages. If member state governments are able to control the European Commissioners, the disadvantages can be limited. In the previous part of this paper, it has become clear that member state government have a lot of freedom in the selection and nomination process of European Commissioners. In this chapter, there will be examined to what extent member state governments use these appointment powers to control Commissioners, and to influence Commission policies according to their own preferences. Member state governments tend to choose their Commissioners carefully, and this likely affects the Commission's policy preferences. In this section, the motives of the member state governments will be outlined, and there will be found out how member state governments choose their Commissioners.

### 4.1. Motives for member state governments:

It is widely acknowledged that the European Commission is a powerful actor in the legislative decision-making process of the European Union. With its exclusive right of initiative in numerous areas, the European Commission acts at the very beginning of the policy cycle, and has a privileged position in setting the agenda. Moreover, with the extended legislative policy competences, the European Commission gained influence in European politics over the years. These realities give member states a motive to try to influence Commission policies through their Commissioner (Wonka 2007: 171-175). Besides, as already mentioned in the second section, the European Commission may use its delegated powers to pursue its own preferences at the cost of the preferences of the principals. In order to minimize this risk, it seems to be even more important for member state governments to control European Commissioners.

### 4.2. Matching policy preferences?

For every member state government, the best way to influence Commission policies is to select and nominate a Commissioner who represents its interests inside the European Commission. As a result, it is more likely to believe that Commissioners have preferences similar or close to those of the member states, instead of being completely independent and more pro-integrationist.

In order to find out if the preferences of Commissioners were matching with the preferences of the member states, several researchers collected information of all 215 European Commissioners who have served between 1958 and 2006 in the College of Commissioners. This information was mainly about party affiliation and previous jobs in the political arena – the political visibility; both considered to be good indicators of the ideological position of future Commissioners.

#### 4.2.1. Party affiliation

Let us first have a look at party affiliation. Although Commissioners with no party affiliation would come closest to be technocratic and independent experts, figure 1 shows that most of the Commissioners have party affiliation. Moreover, most of the 215 Commissioners analyzed are members of one of the parties in government (Wonka 2007: 178-179). Member states governments profit from the existence of political parties, by scanning the membership files for a candidate who shares the government’s goals and policy preferences (Wonka 2007: 175).

*Figure 1:*  
**Party affiliation of Commissioners**

Party represented in government	67.4%
Party represented in opposition	18.1%
No party affiliation	13%

Holger Döring points at the differences between small and large member states<sup>1</sup> in their relation with the European Commission. “Due to the limited capacity of the administration of the smaller states, they rely more upon the Commission to get proposals through the Council” (Döring 2007: 215). He underlined this statement with an institutional explanation by stating that until the ratification of the Treaty of Nice in 2003, large member states were used to have two Commissioners. Small member states, with only one seat in the European Commission, should therefore have a stronger incentive to appoint Commissioners with matching interests in his view. Indeed, as figure 2 shows, small states have a far higher percentage of Commissioners from governing parties than from opposition<sup>2</sup>. Large states could afford to ‘give away’ one Commissioner to the opposition party. Actually, as Arndt Wonka states, “by offering opposition parties a Commissioner, governments could aim at generating support for their EU politics or ensure party’s support in building parliamentary majorities” (Wonka 2007:180).

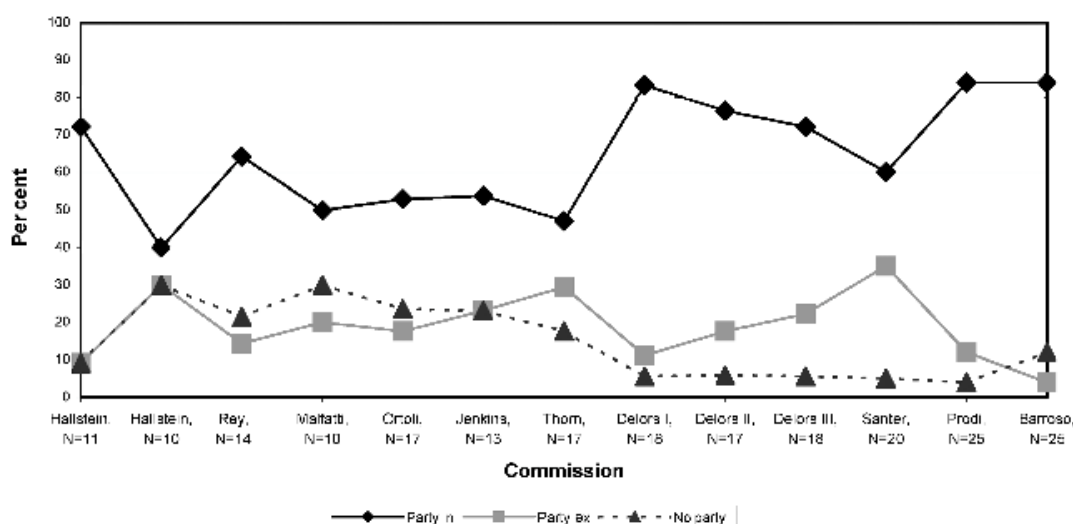
*Figure 2:*  
**Party Affiliation of Commissioners**

Affiliation	Large States	Small States
Government	69	85
Opposition	31	7
None	8	8

Furthermore, the amount of Commissioners who were a member of one of the governing parties increased over the years. Besides the boost after the ratification of the Nice treaty in 2003, primarily the first Delors Commission of 1985 marked an intensification of the importance of appointing Commissioners of parties represented in government (figure 3). Above all, this is due

to the Single European Act (SEA). With the SEA, the European Union extended its competences to a large extent. Mainly the European Commission gained a lot of influence with its exclusive right to initiate legislation on several fields. Therefore, governments had stronger incentives to nominate Commissioners with similar policy preferences. Although the SEA just came into effect in 1987, by the time the first Delors Commission was appointed - in 1985, the negotiations on the SEA were at such an advanced stadium, that governments took the effects of the SEA into account when they nominated their Commissioners. The figure also shows that the percentage of non-party affiliated technocrats dropped to a lower level of around five percent (Wonka 2007: 176, 179).

Figure 3: Party affiliation of European Commissioners between 1958 and 2006



#### 4.2.2. Political visibility

Besides that party affiliation is a good indicator of the ideological position of a future Commissioner, it is also a good strategy for member state governments to look at his prior political career. This strategy is mainly used to make sure that the future Commissioners are trustworthy as future representatives of the interests of member state governments. Figure 4 shows that Commissioners used to be high ranked politicians very often. More than fifty-five percent of them had held a position as a minister in their country's government prior to the nomination. Furthermore, more than sixty-three percent had been members of national parliament, and almost seventeen percent held a mandate as a member of European Parliament. Finally, almost one quarter of the Commissioners were intensely involved

Figure 4: Political visibility of Commissioners

Minister	55.3%
Member of Parliament	63.3%
Member of European Parliament	16.7%
Party Executive	24.7%

in their party's internal affairs (Wonka 2007: 181). In short, the figure shows that a large amount of the appointed Commissioners<sup>3</sup> had shown loyalty towards their political party in one way or another, and were considered reliable representatives by member state governments. It is clear that member states use the political résumés of a potential candidate in the appointment process.

Wonka shows that also the political visibility has gained importance over the years. As could be seen in figure 5, the share of Commissioners who had previously served as ministers increased from around forty percent to more than eighty percent in the Barroso Commission. The same is true for Commissioners who used to be members of national parliament, or dedicated party politicians. The figure shows furthermore that the amount of national parliamentarians is much higher than the share of European parliamentarians (Wonka 2007: 181-182). One can conclude from this information that most European Commissioners have experience in the national political arena.

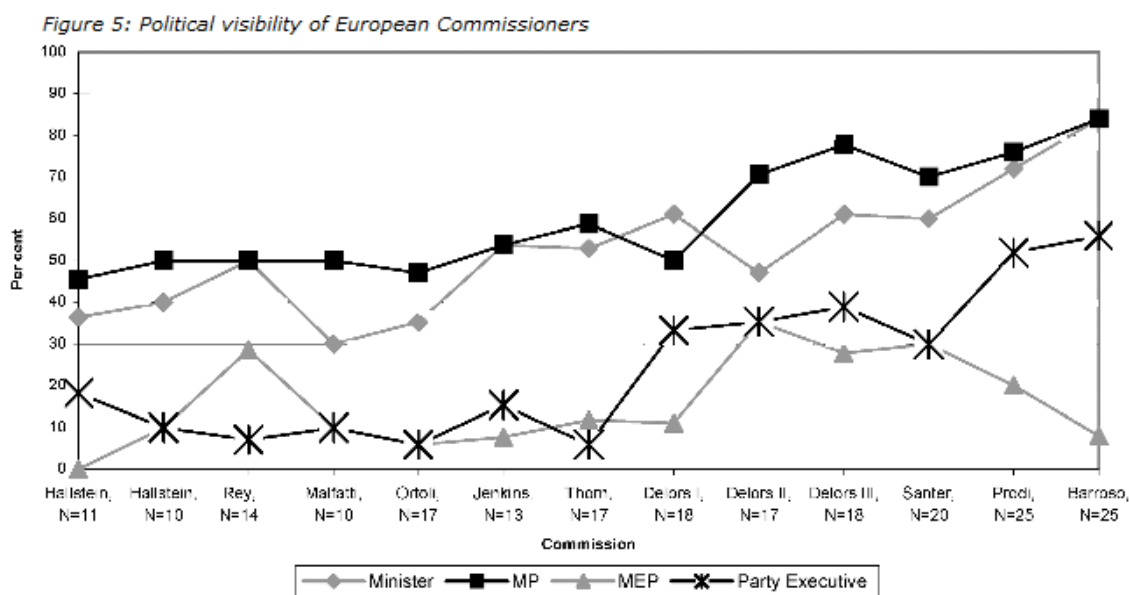
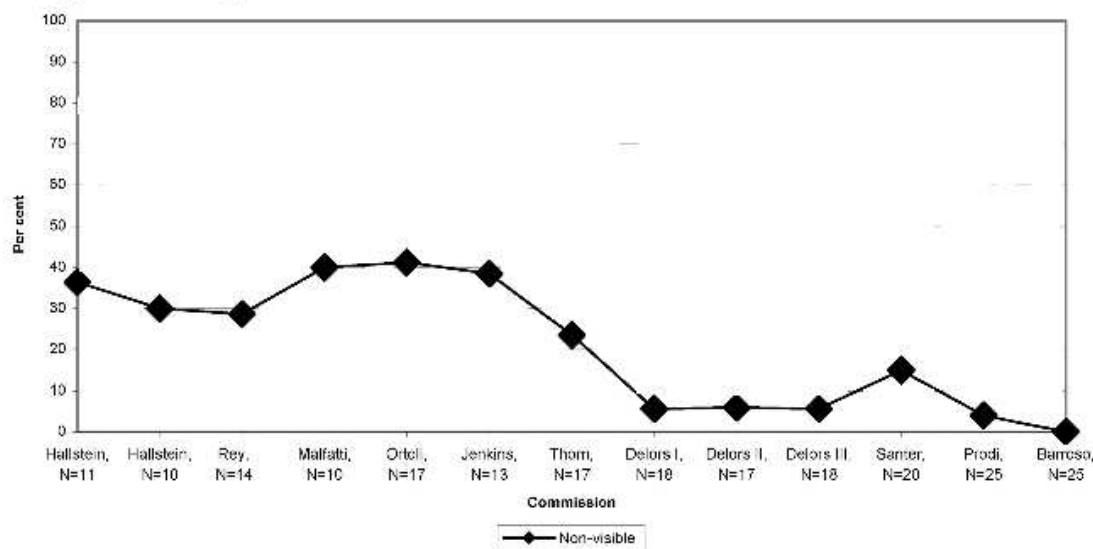


Figure 6 shows that the number of Commissioners who were not politically visible in the years prior to the appointment, have been reduced to a very low level. As one can see, the Single European Act again plays a decisive role in this way of thinking.

Figure 6: Percentage of non-visible Commissioners



### 4.3. Socialization

“The socialization logic emphasizes institutional learning as a mechanism that shapes political orientation. This reasoning builds on the notion that people are social beings who are influenced by the experiences and views that they encounter in different walks of life” (Hooghe 1999: 439). According to Liesbeth Hooghe, work experiences influence the orientations of Commissioners to a large extent. “Former national civil servants or government ministers are most likely to be intergovernmentalists – all the more so when they spend a considerable period serving their country” (Hooghe 1999: 449). In addition, she states that preferences of Commissioners are shaped more by expertise outside the European Commission than within it. She found little evidence of socialized ‘Eurocrats’, who promoted the interests of the Commission at all costs. Instead, she found nationally and party affiliated officials who defended national interests (Hooghe 2005: 887-888). Preferences are influenced by the length of the Commissioner’s prior work experience, the length of their work in the Commission, their party affiliation, and the position of their home country in the European Union. However, work experience in the member states is considered crucial, irrespective of how long the officials work for the European Commission (Hix 2005: 48-49).

In short, the best way for a member state government to influence Commission policies, is to select and nominate a Commissioner with matching policy preferences. It has become clear member states carefully choose their Commissioners, and that party affiliation and political visibility have gained importance in this process. Furthermore, there can be stated that European

Commissioners are not as technocratic and independent as is assumed in many literature. Because the heavier weight of the officials' party affiliation, nationality, and prior work experience, Commissioners have to be considered political instead of socialized Eurocrats.

## 5. Concluding remarks

In the foregoing chapters there has been tried to analyze the independence of European Commissioners. Due to the limited research in this field, the focus was solely on the appointment process of the College of Commissioners. As indicated in the introduction, there will be made an attempt to answer the research question “Is the European Commission as independent and unitary as often portrayed?” in this section.

Since both neofunctionalists as well as (liberal) intergovernmentalists portray the European Commission as a unitary and independent actor, in this paper the principal-agent theory has been used to explain the relationship between member states – the principals, and the European Commission – the agent. It has become clear that member states have several motives to delegate some power to the European Commission - mainly because it reduces transaction costs, and that there also exist various dangers. If member states are able to control their Commissioners, the disadvantages could be limited.

In the third chapter, the appointment procedure was outlined. According to the EC Treaty, member states have a great amount of freedom in selecting and nominating their Commissioner. Even if a Commissioner would be rejected, the member state would be in the position to select another Commissioner. The European Parliament has gained a formal say, but this is still mainly symbolic.

With the knowledge that the European Commission is a very powerful actor in the legislative decision-making process of the European Union, and that it gained influence in the European policy field, member states have certain motives to try to influence Commission policies and try to control the European Commissioners. It is stated that member states, due to their appointment powers, are in the position to choose Commissioners with matching policy preferences. Member states select their Commissioners, by looking at party affiliation and political visibility. Besides that most of the selected Commissioners are members of a party represented in government, party affiliation gained importance over the years. Primarily the Single European Act and the Treaty of Nice marked this importance. It is shown that Commissioners without any party-affiliation have become scarce in the College of Commissioners. Also political visibility plays a central role in the appointment process. This strategy is mainly used to make sure that the future Commissioners are trustworthy as future representatives of the interests of member state governments. It has become clear that most Commissioners have been high-ranked politicians in their prior jobs. In addition, the number of

non-visible Commissioners have been reduced to an extreme low level. Here, also the Single European Act explains the relapse. Besides, there have been some researchers who analyzed the socialization of Commissioners. They had to conclude that the officials' party affiliation, nationality, and prior work experience were more important in shaping the view of the Commissioner, than experience within the European Commission - irrespective of how long the official worked in Brussels.

Therefore, taking all the foregoing into consideration, one has to conclude that European Commissioners should be considered more political instead of technocratic Eurocrats. Due to the fact that the policy preferences of Commissioners are similar or close to those of the member states, it can be stated that European Commissioners are not as independent as often portrayed; they tend to defend the preferences of their member state governments. Besides, if all the twenty-seven Commissioners are influenced by national interests, it is hard to believe that the Commission is a unitary actor.



## 6. Endnotes:

<sup>1</sup> The member states that used to have two seats in the European Commission are considered large states, namely France, Germany, Italy, Spain, and the United Kingdom.

<sup>2</sup> Some data are missing

<sup>3</sup> Of course only the Commissioners of whom the information was available.

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