Chronicle of an Election Foretold: The Longer-Term Trends leading to the *'Spitzenkandidaten'* procedure and the Election of Jean-Claude Juncker as European Commission President

Martin Westlake

Editorial Board

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Abstract

By focusing on the near-term campaign in the 2014 European elections analysts have tended to over-look a series of longer-term trends that were jointly and inexorably leading to the *Spitzenkandidaten* (lead candidate) process and to some at least of the subsequent structural reforms to the Commission. The paper argues that those longer-term trends continue and that the (s)election of Jean-Claude Juncker as President of the European Commission and the structural reforms he subsequently introduced are better understood as steps in ongoing processes rather than fresh departures. Thus, what will happen in 2019 will have been conditioned not only by 2014, but also by previous elections and previous developments, as considered in this paper.

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The Longer-Term Trends leading to the '*Spitzenkandidaten*' procedure

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The basic question this paper will address is the following: 'How and why did Jean-Claude Juncker become Commission President in 2014?' This paper, I should stress from the outset, is not about the personality or the politician. In an illustrious and accomplished domestic and international political career spanning some forty years, Jean-Claude Juncker was previously Prime Minister of his country for eighteen years, Finance Minister for twenty years (ten of those overlapping) and President of the Eurogroup for nine years. Nor should it be forgotten that in October/November 2009 Jean-Claude Juncker was already being seriously considered as a candidate for the position of President of the European Council. Despite the media coverage to the contrary at times, Jean-Claude Juncker was never anything less than a very strong candidate for the position. The question this paper addresses is not about Juncker's alleged merits or de-merits. Rather, this paper will point to the confluence of a series of longer-term trends, some more visible than others, but all of them leading inexorably, sooner or later, to the situation now reached with the Presidency of Jean-Claude Juncker.

This paper is not, therefore about the fine grain detail of the months leading up to the May 2014 European elections – the tweets and the televised debates

and so on. Above all, it is not an analysis of the whole so-called *Spitzenkandidaten* (lead candidate) procedure. (For those interested in such analyses, see Sara B. Hobolt, 2014; Thomas Christiansen, 2015, and Julian Priestley and Nereo Penalver Garcia, 2015.) This paper will not concentrate on the political manoeuvring and the deal-making in the European Council, the European Parliament and in the national capitals, fascinating though it was. Rather, I would like to explain how this President of the Commission ended up as *this* President of the Commission, and I hope what follows will clear up the doubts of those who find such a phrase perplexingly tautological.

In particular, this paper will seek to show how the sudden concentration of the media on the shorter-term events of the European election campaign distracted from certain longer-term trends, and how concentration on the short-term tactics of the protagonists distracted from longer-term strategy. Using the metaphor of a microscope, I would like to switch to a lower power of magnification, so that nine longer-term trends or phenomena will become more discernible, namely:

- An increasingly crowded institutional landscape;
- The pendulum from visionary charismatics to quiet consolidators (as Presidents of the European Commission);
- The growing size of, and numbers in, the European Commission;
- The growing role of the European Council;
- The growing empowerment of the Commission Presidency;
- The evolution of appointment mechanisms for the Presidency of the Commission;
- The growing powers and role of the European Parliament;
- Increasing German concerns about the democratic nature of the European Union;

- The European People's Party's constitutional and federal vision and, in that context, the concept of lead candidates ('*Spitzenkandidaten*').

The paper will conclude that the current President of the European Commission, who happens to be Jean-Claude Juncker, lies at the confluence of all of these trends and transitions and, indeed, the appointment of Jean-Claude Juncker, or somebody very like him, was largely a product of them. As the paper will show, the Lisbon Treaty did not quite envisage what actually occurred, but it got what it got because the underlying trends were inexorable, if not irresistible.

1. An increasingly crowded institutional landscape

As the European integration process has progressed, so the European Commission has found itself functioning in an increasingly crowded institutional landscape, with a subsequent diminution of its separate visibility and a blurring of its responsibilities. Apart from the European Council and the European Parliament (dealt with separately below), institutional newcomers have included: the Court of Auditors; the European Bank for Reconstruction and Development; the institutional arrangements under the Schengen Agreement; the Committee of the Regions; the European Central Bank; the Eurozone and its mechanisms; and the European External Action Service. These developments have not always by any means led to an encroachment on the European Commission's role and powers, and sometimes the effect has been the opposite (on economic governance, for example), but they have nevertheless increasingly seemed to hem it in. Other developments, often the price paid to keep the integration momentum

progressing, have included the 'pillars' structure of the Maastricht Treaty[1] and the Open Method of Coordination. In this Brobdingnagian vision of Europe, the landscape is more clouded, roles are less clear, purity has given way to profusion, and nowhere is this more apparent than in terms of public perceptions. When Jacques Delors first became President of the European Commission in 1984, many of these actors or processes did not exist; indeed, an irony of his three presidential mandates is that he was responsible for the future existence of many of them. Moreover, part of Delors' genius was to seek a sort of constructive complicity with the Commission's chief protagonists – the European Council and the European Parliament. The relationships with both will be dealt with in more detail below, but the basic equation was the European Commission's support for the development of the roles of the European Council and the European Parliament in return for the support of both for the Commission's integrationist policy agenda. As such, the institutional relationship was a transitional one. Both the European Parliament and the European Council have since become fully-formed and fully-grown institutions in their own right. It would nevertheless be understandable if the European Commission were to seek a reassertion of its authority, albeit in a more restrained context, based on clearer lines of command and of legitimacy, but how might that be done?

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[1] Of course, the pillar structure was necessary to keep a unified structure for European integration within a single treaty. There would otherwise have been separate treaties (especially on foreign policy), even possibly with separate institutions. In the overall scheme of things, therefore, the pillar structure was a positive for the Commission. I am grateful to David Galloway for making this point.

2. The pendulum from visionary charismatics to quiet consolidators

Taking a historical view of the Presidency of the European Commission and its predecessor, the High Authority of the European Coal and Steel Community, the period from 1952 until the present day can be sub-divided into two parts. In the first, from 1952 through until about 1994, the pendulum traditionally swung from ambitious, combative and fervent visionaries – whose chief distinguishing feature was that they had never been Prime Minister or President – to low-profile, competent, technocratic consolidators. To characterise individuals such as René Mayer or Jean Rey in such a way is not necessarily to pass judgement on the personalities themselves, nor on their political achievements in their domestic contexts. To paraphrase Ortega y Gassett, as High Authority/Commission Presidents they were themselves plus their circumstances. That said, it would be commonly agreed that there were four such visionary High Authority/Commission Presidents in that first period, namely: Jean Monnet, Walter Hallstein, Roy Jenkins, and Jacques Delors[2].

Jean Monnet, FR, 1952-55

René Mayer, FR, 1955-58

Paul Finet, BE, 1958-59

Piero Malvestiti, IT, 1959-63

Rinaldo Del Bo, IT, 1963-67

Albert Coppé, BE, 1967

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[2] Thus, I do not include among the visionaries Sicco Mansholt and his unexpected and eventful one-year (1972-1973) interregnum, though he certainly made waves! See van Merriënboer (2015) for an amusing account. It should also be pointed out that Monnet, Hallstein and Delors were *also* experienced technocrats, but that was not the main impression they left.

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Walter Hallstein, DE, 1958-67

    Jean Rey, BE, 1967-70

    Franco Maria Malfatti, IT, 1970-72

    Sicco Mansholt, NL, 1972-73

    François Xavier Ortoli, FR, 1973-77

Roy Jenkins, UK, 1977-81

    Gaston Thorn, LU, 1981-85 – former Prime Minister

Jacques Delors, FR, 1985-1995

    Jacques Santer, LU, 1995-99 – former Prime Minister

    Romano Prodi, IT, 1999-2004 – former Prime Minister

    José Manuel Barroso, PT, 2004-2014 – former Prime Minister

Jean-Claude Juncker, LU, 2014 – former Prime Minister

The European Coal and Steel Community's High Authority was the embodiment of Jean Monnet's supranational vision. As its first President (1952-54), he immediately insisted on the introduction of the twin principles of collegiality and confidentiality into its rules of procedure (those principles remain enshrined in the European Commission's rules of procedure to this day), thus ensuring that its individual members would be shielded from 'national instructions'. He resigned in 1954 and was succeeded 'by a series of largely unknown technocrats.' Teasdale and Bainbridge (2012), p. 297.

Though (unlike Monnet with regard to the ECSC) not the chief blueprint draftsman, Walter Hallstein had been actively involved in the negotiations that led to the signing of the Treaties of Rome and hence the creation of the EEC. As the European Commission's first President (1958-1967), Hallstein

jealously guarded the supranational flame and rapidly built on a vision that led to the creation of a customs union and a common market and a common agricultural policy and, later, the Merger Treaty, own resources and qualified majority voting. Hallstein's vision included a strong Parliament and an embryonic foreign policy. So much, so fast, led to several ugly clashes with President de Gaulle, culminating in the so-called 'empty chair crisis' (de Gaulle was to Hallstein as Thatcher was to Delors – and vice versa!). Hallstein was badly bruised by the 1966 crisis and resigned in 1967, but by then his monument, to paraphrase Sir Christopher Wren's memorial in St Paul's cathedral, could be seen all around him. He was followed, to quote Teasdale and Bainbridge again, 'by a series of short-lived incumbents … who were more modest in their political style and more careful in their handling of heads of state or government.' Teasdale and Bainbridge (2012), p. 506.

Roy Jenkins came to the Presidency of the European Commission (1977-1981) having effectively headed the cross-party campaign for a 'yes' vote in the June 1975 referendum on continued UK membership of the EEC. Though not a fervent visionary in the Hallstein mould, Jenkins was a convinced European and his Commission was marked by a series of important steps in reasserting the Commission's role (for example ensuring, despite French President Valéry Giscard d'Estaing's opposition, that he and his successors could attend G7 summits) and in pushing the integrationist logic further (most notably by resuscitating the concept of Economic and Monetary Union after the failure of the Werner Plan and the 'snake' in the earlier 1970s).

Gaston Thorn's ensuing Presidency (1981-1985) coincided with a period of economic and political crisis. His appointment had not been supported by France and Britain, suspicious of his federalist views, and his term was overshadowed by a worsening relationship with the Thatcher government, in

particular over her demands for a budgetary rebate. Poor relations were further exacerbated by the reservations of other EC governments about Britain's confrontation with Argentina over the Falkland Islands in 1982 and by the opposition of some European leaders to Ronald Reagan's foreign policy, particularly the deployment of cruise and Pershing missiles. These were also years of international economic recession and episodic threats of trade wars. Notwithstanding his personal commitment to the federalist cause and the poor circumstances he had inherited, Thorn's presidential period was commonly referred to as one of 'Euro-sclerosis'.

Jacques Delors (1985-1995), in contrast, enjoyed the support of a strong Franco-German axis and through his political skills and vision was able to advance along the line of least resistance, completion of the internal market to overcome 'Euro-sclerosis' (and hence also the Single European Act and the introduction of Qualified Majority Voting in the Council), and thereafter use the momentum gained to push for a Social Charter and Chapter and fiscal harmonization and, after German unification, economic and monetary union. The 1991 Maastricht Treaty also established the European Union and launched the Common Foreign and Security Policy. A key factor in Delors' success was his understanding that 'the EC heads of government had the potential to commit their countries to a significantly more pro-European approach than their foreign, finance or other departmental ministers ...' and that 'the regular summit meetings of national leaders, held in the form of the European Council, offered a unique opportunity to mobilize strong, proactive leadership in favour of closer European integration.' Teasdale and Bainbridge (2012) p. 203. (For portraits and a comparative analysis of Hallstein, Jenkins and Delors, see Hussein Kassim (2012) and for portraits and analyses of all of the European Commission Presidents up until Barroso, see van der Harst and Voerman (2015). As to what Jean-Claude Juncker thinks of his illustrious

predecessor and the differences in the challenges they face, see the interview conducted with Juncker by the Jacques Delors Institute at Notre Europe[3]).

After the third Jacques Delors Presidency (1992-94), as will be seen further on in this paper, the pendulum seemed to stick at the technocratic end of the scale. In a sense, Delors had made the position of Commission President almost too important and attractive. The Commisson Presidency seemed no longer to be primus inter pares, but primus. It was in any case around this time, at the end of 'Delors III', that the idea grew that the next President of the European Commission should be 'one of us' – that is, a former or current Head of State or Government. It is in any case an incontrovertible fact that every Commission President after Delors (Santer, Prodi, Barroso, Juncker) was previously a Prime Minister, whereas, with the exception of Thorn, every President before him was not and Prime Ministers, it should be noted in passing, are naturally used to centralized command structures.

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[3] Published 22 January 2015, https://www.youtube.com/watch?v=ucs7GuiuEVA

3. The growing size of, and numbers in, the European Commission

President or year	Number	Languages
Monnet/Hallstein*	9	4
1973 Ortoli	13	5
1981 Thorn	14	6
1986 Delors	17	8
1995 Santer	20	10
2004** Barroso	25	19
2007 Barroso	27	22 (23)
2013 Barroso	28	23 (24)***

*For a brief period after the entry into force of the Merger Treaty on 1967 there were fourteen Commissioners, but the number was reduced back to nine in 1969.
**The five larger Member States were reduced to one Commissioner each (in return for vote re-weighting in the Council)
***Irish has been an official language since 2007, albeit with a derogation.

As the table/box shows, the Commission has been steadily growing in size and numbers since the ECSC and the original EEC, with their relatively small composition of six Member States, came into being. The Paris and Rome Treaties enshrined the tradition whereby larger Member States were entitled to two members of the European Commission, whereas the smaller Member States were entitled to one, thus creating several future headaches: namely, that there were more Commissioners than there were Member States and the conundrum of how to define a larger Member State. The Treaties also enshrined another immutable principle; namely, that each Member State was entitled to at least one Commissioner, no matter how small (and no matter that they were not supposed to be taking instructions). The Ortoli and Thorn Commissions were presented with relatively modest challenges in dealing with the 1973 and 1981 enlargements. The first brought one definitely larger Member State and two smaller. The second brought one definitely smaller. The Delors Commission was presented with a similarly incremental challenge

with the arrival of Spain (a larger Member State) and Portugal (smaller) in 1986. The language count (up to eight from an initial four) was also relatively modest. Moreover, the insistent push to more integration and more tasks for the European Commission presented Delors with obvious solutions to the 'slack' created by increasing numbers of Commissioners. His successor, Jacques Santer, was faced with a new wave of enlargement and a new, cultural and structural, challenge. The arrival of Sweden, Finland and Austria (the latter with honorary 'northern' status) was the first 'northern' enlargement since 1973, significantly altering the institution's linguistic dynamics (favouring English rather than the previously predominant French) and its cultural mores (with an immediate emphasis on transparency and openness). Santer had also to absorb the new Commissioners by spreading the Commission's political responsibilities out over twenty different portfolios.

Just as the Delors III Presidency was accompanied by a common understanding that the job was now too big for anybody who had not occupied a Prime Ministership or Presidency, so the Santer Commission was accompanied by a common understanding that the Commission was becoming too big and increasingly unwieldy. To borrow from Paul Vanden Boeynants (a Belgian politician famous for his unique and acerbic sayings, typically delivered in a mixture of French and Dutch), "*Trop is te veel en te veel is trop*" ("too many is too much and too much is too many"). It was not just a question of the creation and distribution of portfolios (with the concomitant risk of 'activism' on the part of ambitious Commissioners). Twenty was more a mini-assembly than a management body and the mixture of numbers,

cultures and languages made collegiality and control increasingly difficult.[4] As if that were not enough, Santer was faced with an additional challenge – the inevitable backlash from the Delors activist heyday. Though it may now be forgotten, it was Jacques Santer who first coined the dictum 'doing less better.'

Another, even greater, imperative loomed ever larger, for it was becoming apparent that all of the Central and Eastern European countries and a number of so-called 'micro states' (Cyprus, Malta) would sooner or later (probably sooner, and possibly in one or two waves) be acceding to the European Union. Simply to extend membership of the European Commission to each of the new Member States would, it was considered, result in a huge and untenable increase in the number of Commissioners. The feeling, to borrow from Shakespeare, was: 'O, that way madness lies; let me shun that; No more of that.' (*King Lear Act 3, scene 4, 17–22*) The race was on to find a way to limit the number of members of the Commission *before* the next waves of enlargement (since otherwise each new Member State could be expected to insist on having its 'own' Commissioner). And the solution had to be elegant enough to avoid charges that the old Member States were 'stitching up' the new ones before they had even arrived. The result, in the end neither elegant nor efficient, was a Protocol on Enlargement appended to the 2001 Nice Treaty. This provided that:

> '*When the Union consists of 27 Member States, The number of Members of the Commission shall be less than the number of Member States. The Members of the Commission shall be chosen according to a rotation system based on the*

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[4] Of course, the provision of simultaneous interpretation (of a traditionally very high quality) enables the college to function efficiently as a meeting, but all Commission proposals must subsequently be tabled in all languages.

principle of equality, the implementing arrangements for which shall be adopted by the Council, acting unanimously. The number of Members of the Commission shall be set by the Council, acting unanimously.'

The process, during the Nice IGC, of unseemly horse-trading over numbers of Commissioners and MEPs and vote weights in the Council has been well described in Galloway (2001). The participants in the Nice IGC themselves came away knowing that they had not done enough, having merely passed on the hot potato to a future enlarged Union, which is why adjusting to enlargement was identified by the December 2001 Laeken Declaration as one of the two major challenges facing the European Union. The ensuing Convention and IGC duly considered the problem and would, in due course, reinforce the provisions set out in the Nice Protocol, but the vagaries of the negotiation and ratification process meant that the two waves of enlargement would soon crash down on the Union before what would ultimately be called the Lisbon Treaty could be ratified and implemented. Some progress had however been made inasmuch as the five largest Member States had at last accepted that, as of the end of the 1999-2004 Commission, they would be reduced to one Commissioner (the sweetener was 'compensation' in the form of re-weighted Council votes). Ironically, this reduction of five in the number of Commissioners coincided with the arrival of ten new Member States, each with a Commissioner. (Indeed, the two Barroso Commissions were faced with an increase of Commissioners from twenty to twenty-eight and an increase in working languages from ten to twenty-three/four.)[5]

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[5] Of course, manageability is not only a question of sheer numbers. Most national governments are much larger, especially if secretaries of state and under-secretaries of state are also taken into account. Governments have other reasons to be bound together (implementing a manifesto, for example). I am again grateful to David Galloway for making this point.

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The result, it was hoped, would be a period of temporary 'madness', until the Lisbon Treaty could be ratified and implemented and only until 2014, because Article 17 thereof provided as follows:

> *Lisbon Treaty, Article 17*
>
> *(4) The Commission appointed between the date of entry into force of the Treaty of Lisbon and 31 October 2014, shall consist of one national of each Member State, including its President and the High Representative of the Union for Foreign Affairs and Security Policy who shall be one of its Vice-Presidents.*
> *5. As from 1 November 2014, the Commission shall consist of a number of members, including its President and the High Representative of the Union for Foreign Affairs and Security Policy, corresponding to two thirds of the number of Member States, unless the European Council, acting unanimously, decides to alter this number.*
>
> *The members of the Commission shall be chosen from among the nationals of the Member States on the basis of a system of strictly equal rotation between the Member States, reflecting the demographic and geographical range of all the Member States. This system shall be established unanimously by the European Council in accordance with Article 244 of the Treaty on the Functioning of the European Union.'*

Unfortunately, this provision became bound up in the political debate leading up to the second, October 2009, Irish referendum on the Lisbon Treaty (following the June 2008 'no'). In order to convince the Irish people and secure a 'yes' vote, the European Council twice addressed the issue. First, at its 11-12 December 2008 meeting, it decided as follows:

> *'On the composition of the Commission, the European Council recalls that the Treaties currently in force require that the number of Commissioners be reduced in 2009. The European Council agrees that provided the Treaty of Lisbon enters into force, a decision will be taken, in accordance with the necessary legal procedures, to the effect that the Commission shall continue to include one national of each Member State.'*

At a second, 18-19 June 2009 meeting, the European Council recalled and reaffirmed the December 2008 decision. The planned reduction in the number of members of the Commission was off the table indefinitely. When the issue raised its head in the run-up to the appointment of the 2014-2019 European Commission, the European Council once again addressed the issue, deciding at its 22 May 2013 meeting that:

> *'the Commission will continue to consist of a number of members equal to the number of Member States. This number also includes the Commission President and the High Representative of the European Union for Foreign Affairs and Security Policy/Vice President of the Commission...*
> *The decision, which in effect maintains the current practice, will apply from 1 November 2014. In view of its effect on the functioning of the Commission, the European Council will review this decision well in advance of the appointment of the first Commission following the date of accession of the 30th Member State or the appointment of the Commission succeeding that due to take up its duties on 1 November 2014, whichever is earlier.'*

Since the current European Commission has put a temporary moratorium on further accessions to the European Union, the issue will presumably not be addressed again before the run-up to the appointment of the 2019-2024 Commission.

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Reducing the number of members of the Commission was a most obvious step in trying to retain its decision-making capacity and organisational efficiency. Other measures were also envisaged and some were enacted. A first was the gradual empowerment of the Commission President (dealt with separately below), particularly so as to give him/her more powers with regard to portfolio allocation. (Behind such allocations were value-judgements about 'more important' portfolios or 'better' Commissioners, but evidently such considerations had to remain tacit.) Another was the possibility for the President (a power granted by the Amsterdam Treaty) to appoint Vice-Presidents and hence de facto 'senior' Commissioners. It was a power that successive Commission Presidents, from Jacques Santer onwards, used to good effect, but always without any explicit identification of the other Commissioners as being somehow 'junior'. Moreover, with Member State sensitivities constantly hovering in the background, the umbilical link between individual Commissioners and distinct portfolios was retained. Another measure frequently discussed in the 2000s was the possibility of creating 'clusters' of Commissioners. The umbilical portfolio-Commissioner link would be retained, but several Commissioners would be working on particular aspects of the same policy field. The most obvious policy area where such an arrangement was both called for and could work was external relations and it did indeed seem as though the Lisbon Treaty had provided for just that:

> *Lisbon Treaty Article 18*

> *4. 'The High Representative shall be one of the Vice-Presidents of the Commission. He shall ensure the consistency of the Union's external action. He shall be responsible within the Commission for responsibilities incumbent*

on it in external relations and for coordinating other aspects of the Union's external action.'

'Coordinating other aspects' was to imply coordinating the Commissioners responsible for those other aspects (for example, development and enlargement). For various political reasons this option was ducked in 2009, despite the creation of the position of High Representative. As a consequence of this and Irish referendum sensitivities, the first High Representative, Cathy Ashton, had to build the new European External Action Service from scratch whilst constantly traversing the globe in airplanes.

But the idea of 'clusters' did not go away. In a 14 November 2013 *Financial Times* article the then Dutch Foreign Secretary (and future European Commission First Vice-President), Frans Timmermanns, argued for 'greater focus and balance in EU governance'. It is worthwhile revisiting parts of the agenda he then proposed, none of it requiring Treaty change, and all of it since realised:

- *'to negotiate a European Governance Manifesto for the next five years with the member states, the incoming commission and parliament. It should lay down what Europe needs to focus on, and also what Europe needs to leave to the states. This will mean more Europe in some areas, and less in others.*

- *'the EU needs to follow the logic of the treaty and create a smaller, reformed Commission with a president and vice-presidents heading a limited number of policy clusters. The vice-presidents would have the sole authority to initiate legislation. This would restore the commission's focus and strengthen its clout…'*

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On 18 March 2014, Timmermans co-authored an op-ed article with German Foreign Minister Frank-Walter Steinmeier, published simultaneously in *Handelsblatt* and *NRC Handelsblad*. The article was a more muted version of the same calls for, inter alia, focus (foreign policy, economics, jobs, growth, EMU, subsidiarity), a 'constructive debate on the EU's political priorities', 'stronger implementation' and 'a reinforced coordination role for the High Representative' (code for clusters). The article emphasised joint intent. As the appointment process for the new Commission grew closer, so did speculation within the Brussels policy-making community as to whether, at last, the next Commission President would manage to introduce 'clusters' of some sort…

4. The growing empowerment of the European Commission President

Another way of dealing with the managerial challenge of the Commission's frequent growth in size and numbers has been to strengthen the President's powers and role, with the concomitant consequences of enhancing executive accountability on the one hand and of, effectively, undermining collegiality on the other. Article 158 of the Maastricht Treaty gave the president a consultative role in relation to the nomination of the other members of the Commission, though the power was weak and capped by the need for unanimity among the Member States: 'The governments of the Member States shall, in consultation with the nominee for President, nominate the other persons whom they intend to appoint as members of the Commission.' The Amsterdam Treaty inserted a provision that: 'The Commission shall work under the political guidance of its President.' The Nice Treaty further emphasised the President's pre-eminence by elaborating on that provision in declaring (Art. 217) that the Commission President:

'Shall decide on its internal organisation in order to ensure that it acts consistently, efficiently and on the basis of collegiality.

2. The responsibilities incumbent upon the Commission shall be structured and allocated among its Members by its President. The President may reshuffle the allocation of those responsibilities during the Commission's term of office. The Members of the Commission shall carry out the duties devolved upon them by the President under his authority.

3. After obtaining the approval of the College, the President shall appoint Vice-Presidents from among its Members.

4. A Member of the Commission shall resign if the President so requests, after obtaining the approval of the College.'

Of particular note were the related powers whereby the President could re-shuffle portfolios at any time and could require the resignation of a Commissioner, although after obtaining the approval of the college – both doubtless informed by the unfortunate experiences of the Santer Commission. The Lisbon Treaty extended the President's right to request resignation to the High Representative. As will be seen in Section 7 below, some of the incremental increases in the European Parliament's powers in relation to the Commission also reinforced the role of the Commission President. In 2004 José Manuel Barroso introduced one other highly significant change in the European Commission's administrative structure: the Secretariat General became a service of the President. Under his predecessors, one of the Secretariat-General's primary roles had been to support the college and ensure the collegiality of its functioning. Now it was to become more akin to a Cabinet Office, thus further underpinning the President's growing Prime Ministerial role and function.

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In passing, it is interesting to note in this context that the Convention proposed to give the President-elect significantly greater power with regard to the selection of individual Commissioners (I am grateful to Henning Christophersen, a member of the Convention's Praesidium, for making this point.) However, this was predicated on the Commission comprising: 'its President, the Union Minister for Foreign Affairs/Vice-President, and thirteen European Commissioners selected on the basis of a system of equal rotation among the Member States' (Article 25.3). Accordingly, Article 26.2 provided that:

> '*Each Member State determined by the system of rotation shall establish a list of three persons, in which both genders shall be represented, whom it considers qualified to be a European Commissioner. By choosing one person from each of the proposed lists, the President-elect shall select the thirteen European Commissioners for their competence, European commitment, and guaranteed independence.*'

In the subsequent Inter-Governmental Conference the Member States shied away from such a strong provision, instead settling (Article I-27.2) for:

> '*The Council, by common accord with the President-elect, shall adopt the list of the other persons whom it proposes for appointment as members of the Commission.*'

Clearly, the IGC's formulation was a re-assertion of the Member States' role and power; the President needed to be stronger, perhaps, but not *that* strong.

5. The growing role of the European Council

The European Commission has always enjoyed a symbiotic relationship with the European Council, although less so with the occasional Summits of Heads of State or Government that preceded it. The first such Summit was held in Paris in February 1961, convoked by French President Charles de Gaulle, who was pushing for a more intergovernmental approach to European integration – the Fouchet plan. When the plan collapsed, de Gaulle abandoned summitry, though a ceremonial Summit was held in 1967 to mark the tenth anniversary of the signing of the Treaty of Rome. Walter Hallstein meanwhile continued to champion Jean Monnet's vision; namely, the supranational approach and status of the European Commission. De Gaulle's successor, Georges Pompidou, saw such summits more positively as a way of giving the integration process fresh impetus. Meetings were held in The Hague (1969), Paris (1972) and Copenhagen (1973). The positive developments that flowed out of these meetings could not be ignored by pro-integrationists. Pompidou's successor, Valéry Giscard d'Estaing, convoked two such meetings in Paris in 1974. Both he and Pompidou pushed for more regular meetings of what he styled the 'European Council', against the scepticism of pro-integrationists and the Benelux countries, who feared a resurgence of Gaullist inter-governmentalism. But Jean Monnet himself backed the proposal, arguing that such regular summitry would 'enhance the authority of the European institutions and their capacity to act.' The European Council thereafter met two or three times a year and found its first foothold in the Treaties through the 1986 Single European Act, later amended by the 1992 Maastricht Treaty, and again amended and enhanced by the 2009 Lisbon Treaty (when it became a fully-fledged institution with its own full-time presidency).

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The brief pen portraits in Section 2 above of the Commission's visionary Presidents gave a few examples of the symbiotic relationship at work. On the one hand, the rivalries; Hallstein's tussles with De Gaulle; Jenkins's tussles with Giscard d'Estaing; Delors's tussles with Thatcher – each with the implication of being equal adversaries. On the other hand, the positives. For example, the waltz between Summits/European Councils and Commission Presidents, starting at the 1969 Summit, over plans for Economic and Monetary Union: Pompidou-Rey (Barre and Werner Reports); Giscard d'Estaing and Schmidt – Roy Jenkins (the European Monetary System); Mitterrand and Kohl – Delors (Economic and Monetary Union). As described above, Jacques Delors developed a particularly complicit working relationship with the European Council, but all of his successors recognised the unique political authority and authenticity that only the European Council could bring on major strategic issues – the sort of over-arching leadership that Jean Monnet had identified as being necessary. (For some colourful examples of such tussles and waltzes, see de Boissieu et al, 2015.)

The formal creation of the European Council as an institution and, perhaps above all, the creation of the permanent/full-time President, consolidated this relationship, reinforced by the imperative of dealing with the post-2008 economic and financial crisis. So big were the political stakes that power was strongly focussed at the level of heads of state and government. (The process is well-described in Van Rompuy, 2014.) But the gradual process of consolidation of strategic power in the European Council had been under way for a long time and corresponded to a vision set out at some length by German Chancellor Angela Merkel in her 2 November 2010 speech at the College of Europe in Bruges.

Merkel first argued that 'it is not just the Parliament that deliberates on legislation but of course the Council as well. The Council is part of the European legislative process and is composed of representatives of the member states; representatives of the Commission participate in its deliberations.' This she identified as the 'Community method.' But, she went on, 'it should not be overlooked that the European Council, too, is part of the European Union; it is a European Union institution. The member states are constitutive elements of the Union, they are not its adversaries.' This higher level she identified as the 'Union method.' In a sense, she was merely repeating the provisions of Article 9 B 1 of the Lisbon Treaty: 'The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions.' Thus the European Commission retains its sole right of legislative initiative but the European Council (and the political authority and strategic direction that it gives) is *above* the Community's legislative procedure. A good example of this perceived superiority was provided by the June 2014 European Council when it adopted its guidelines for the future European Commission, notably it 'invited the EU institutions and the Member States to fully implement these priorities in their work,' thus placing itself above them all:

> *'STRATEGIC AGENDA FOR THE UNION IN TIMES OF CHANGE*
>
> *The May 2014 European elections open a new legislative cycle. This moment of political renewal comes precisely as our countries emerge from years of economic crisis and as public disenchantment with politics has grown. It is the right time to set out what we want the Union to focus on and how we want it to function. The European Council agreed today on five overarching priorities which will guide the work of the European Union over the next five years: stronger economies with more jobs; societies enabled to empower and protect; a*

> *secure energy and climate future; a trusted area of fundamental freedoms; effective joint action in the world.'* Conclusions – 26/27 June 2014 EUCO 79/14 1

It could be argued that the apparent novelty of the *Spitzenkandidaten* process and the consequent concentration on the power struggle between the European Parliament and the European Council, on the one hand, and the changing nature of the relationship between the European Commission and the European Parliament, on the other, distracted attention from another, equally significant and just as profound, change in the relationship between the European Commission and the European Council. In that context it has perhaps been overlooked that, under the provisions of the Treaties, the President of the European Commission is a full member of the European Council *in his own right*. The emergence of the European Council has thus strengthened the European Commission President's role vis-à-vis his college of Commissioners, since it enables him to return from European Council meetings with edicts and imperatives with which he has himself agreed and to which he himself is party.

6. The evolution of appointment mechanisms for the Presidency of the European Commission

With regard to the Presidency of the ECSC's High Authority, the Treaty of Paris foresaw a somewhat complicated procedure. Eight of the nine members were appointed by agreement among the Member States. A ninth was appointed/co-opted by the eight others, needing at least five votes to be appointed. The Treaty's Article 11 declared that 'The President and the Vice

President of the High Authority shall be designated from among the membership of the High Authority for two years, in accordance with the procedure provided for the designation of the members of the High Authority by the governments of the member States … the designation of the President and Vice President shall be made after consultation with the High Authority.' Jean Monnet's appointment as the first President of the High Authority was something of a foregone conclusion. His replacement by René Mayer, a former French Prime Minister, was a matter of continuity. The appointment of Mayer's successor coincided with and was overshadowed by the creation of the first European Commission.

Under the 1957 Treaty of Rome, the nine members were now all to be appointed by the Member States 'acting in common agreement' (Art. 158). The President and the two Vice-Presidents of the Commission were to be appointed from among its members 'for a term of two years in accordance with the same procedure as that laid down for the appointment of members of the Commission' (Art. 161) This wording was taken over directly from the Treaty of Paris, but this time there was no foregone conclusion with regard to the Presidency. There were three serious candidates: Jean Rey, Belgian Minister of Economics; Sicco Mansholt, Dutch Minister of Agriculture, and Walter Hallstein, a very special German state secretary. The position had still not been filled when the Treaties took effect on 1 January 1958. The Member States' foreign ministers finally decided on 8 January 1958, opting for Hallstein. Thereafter, the Presidency seemed to remain in the gift of the Franco-German tandem, though his successors were, variously, Belgian,

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Italian and Dutch, before the position returned to a Frenchman, François-Xavier Ortoli.[6]

What happened next is evocatively described by Ortoloi's successor, Roy Jenkins, in his *European Diary*. The entry for 22 January 1976, during a '*tour d'horizon*' in N° 10 Downing Street with the Prime Minister, Harold Wilson, is as follows:

> *'In the course of the discussion Harold Wilson raised, but not very strenuously, the future presidency of the European Commission, in which a change was due at the beginning of 1977. There was a predisposition in favour of a British candidate, he said, but it was not sufficiently strong that the British government could nominate whomever they liked. Giscard d'Estaing and Schmidt had apparently reacted unfavourably for some reason or other to the suggestion of Christopher Soames, who was currently one of the five vice-presidents of the Commission. They had more or less said, half-paraphrasing Henry Ford, that the British could confidently put forward any candidate they liked, provided it was Heath or Jenkins. I am not sure whether or not Wilson consulted Heath. In any event, he offered the job to me…'*

With the appointment of his successor in 1981, Gaston Thorn, normal service seemed to have been continued – Thorn being very close to French President Valéry Giscard d'Estaing. The fascinating process that led to the appointment of Jacques Delors was detailed and documented in Charles Grant's biography of Delors (1994). Grant sets the scene, shortly after an ill-tempered 16 July 1984 meeting between Delors and French President François Mitterrand

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[6] See van der Harst and Veorman (2015) for more detail on the appointments of Hallstein (p. 34), Rey (pp. 60-61), Malfatti (pp. 75-76 & 78), Mansholt (pp. 95 & 97), Ortoli (p. 119), Thorn (pp. 153-154) and Santer (pp. 201-202).

"Delors' meeting with Mitterrand had left him no wiser on his chances of going to Brussels. Horse-trading among governments would decide the presidency of the European Commission, and it was the Germans' turn. In Paris on 28 May Mitterrand had told Kohl that if the Germans did not have a candidate, he would suggest Cheysson – his clever, choleric and unpredictable foreign minister – or Delors. On 25 June, at the EEC's Fontainbleau summit, Delors had an inkling that he might be in the running. Delors recalls:, 'I'd come to welcome Kohl when he got out of the helicopter. He took me aside and said … that he'd agree to a French president as long as his initials were JD and not CC.'" (pp. 57-58)

At the Fontainebleau summit there was no formal discussion of the Commission presidency. Nevertheless, Jacques Attali's *Verbatim* (pp. 659-60) recounts a conversation over breakfast between Kohl and Mitterrand. Kohl said he would not insist on a German president, and hinted that, because of Cheysson's friendship with Hans-Dietrich Genscher, his own foreign minister whom he mistrusted, he would prefer Delors to Cheysson. Meanwhile, Margaret Thatcher, who had been positively briefed by her Foreign Secretary, Geoffrey Howe, told the French President that she could accept Delors, but not Cheysson.

The rest, as they say, is history. But a number of aspects of the procedure described above are important to note in the context of this paper. In the first place, the position seemed very much to have still been in the gift of the Franco-German tandem (a convention apparently respected by the British government and by the other Member States, who would have needed subsequently to give their 'common accord'). In the second place, the position seems to have been regarded as being relatively unimportant in the greater scheme of things, with Chancellor Kohl prepared to forego Germany's 'turn'

because he had no suitable candidate waiting in the wings, and President Mitterrand prepared to put his second choice candidate into the position if the first choice wasn't acceptable. (In similar vein, during the second Delors mandate Douglas Hurd, the then British Foreign Secretary could still, just about, get away with describing Jacques Delors as 'the most senior official in Brussels'.) Perhaps above all, the whole decision-making procedure was informal and took place behind the scenes. Less evident from the account Grant gives is another set of informal conventions which were much spoken about in 'Brussels' and seemed to have been largely respected. These were that Presidents from large Member States (Hallstein, Malfatti, Ortoli, Jenkins,…) should be followed by Presidents from smaller Member States (Rey, Mansholt, Thorn,…), that Presidents from the 'north' should be followed by presidents from the 'south' (with France located somewhere in between), and that there should be balance between Presidents from the political left, right and centre. Lastly, as was seen in Section 2 above, the cumulative effect of the Delors Presidencies and the advances made under them was to transform the position of President into an important position that should, henceforth, be occupied by a former or current Prime Minister, but preferably a lower-key personality – two other informal conventions, in effect.

At face value, therefore, the appointment of Delors' successor, Jacques Santer, in 1994 was a perfect choice: he was a former Prime Minister; he was from a small Member State; he was from the 'north'; he was on the right; he was a lower-key personality and he was acceptable to the Franco-German tandem. But Santer's appointment was anything but straightforward, and another old convention – that such decisions should take place discreetly, behind closed doors – was abandoned during the process. The problem was bound up in the new convention about former Prime Ministers which, when taken together

with the other old conventions, effectively narrowed the field of potential candidates to the current or former Prime Ministers of just seven Member States (the smaller ones), and then those candidates had to be on the right and willing to put their names forward. One such candidate, the Dutch Prime Minister, Ruud Lubbers, made no secret about his readiness to serve and was considered to be the front-runner. But his candidature was vetoed by the German Chancellor, Kohl, who bore Lubbers a grudge for the misgivings he had voiced about the speed of the German unification process. The still-functioning Franco-German tandem had identified the Belgian Prime Minister, Jean-Luc Dehaene, as their preferred choice. The *Independent* newspaper reported on 24 June 1994:

> *'EU electors have just voted for a new European Parliament. But the choice of a President of the Commission is one of the least democratic processes in the European Union, with no input from outside the circle of heads of government. … Mr Dehaene is the leading candidate for one reason, which is that Helmut Kohl, the German Chancellor, likes him. In addition, François Mitterrand, the French Prime Minister, is glad to see a candidate who speaks French. In general the other states follow the lead of these two. But any of those gathered around the dinner table tonight can veto, because each is a sovereign head of government.'*

However, the British Prime Minister, John Major, dogged by his eurosceptical backbenchers and a hostile press, was badgered into wielding a very public veto on Dehaene's candidature at the June 1994 Corfu European Council. Major, in turn, put forward the then European Commission Vice-President, Sir Leon Brittan, as his preferred candidate, but Brittan's candidature was never seriously considered. The Heads of State or Government were, embarrassingly, unable to agree at Corfu and it took another hastily-arranged

summit in Brussels two weeks later for them to find unanimity around the candidature of Jacques Santer. An *Economist* editorial (8 January 1998), unaware of the fate that awaited the Santer Commission, described the procedure thus:

> 'The circumstances of his selection in 1994 were unpropitious. It was the turn of the Benelux countries to fill the post. Germany's Helmut Kohl refused to countenance Ruud Lubbers, the Dutch Prime Minister, and Britain's John Major vetoed the Franco-German choice of Jean-Luc Dehaene, the Belgian Prime Minister. By default, the job fell to Mr Santer, then Luxembourg's prime minister, who did not really want the job. … Mr Santer, it seems, is destined to be the unknown president.'

Santer himself admitted that he 'was not the first choice – but to become Commission president was not my first choice either.' (Geoff Meade, 2008) On 20 July 1994 the European Parliament, freshly elected in June, exercised the new right granted to it by the Maastricht Treaty and voted on whether to approve Santer as the nominee for Commission President. He scraped through with a mere 20 vote majority – which was clearly more a protest about the way the nomination procedure had been handled than a criticism of the quality of Santer's candidature itself. This sorry procedure had three clear consequences. A first was that the European Commission was weakened by the whole affair and, in the post-Delors era, a number of Member States were happy to see that happen. A second was that the European Parliament's role (explored further below) was manifestly reinforced; it had immediately demonstrated that its new right was not a technical nicety but a real power that it had the discipline and the political will to wield. A third was that, paradoxically, the procedure strengthened the Commission President's hand in the nomination of his fellow Commissioners and the distribution of their

portfolios (also explored below). A fourth consequence, less germane to the theme of this paper, was the elevation, in the perceptions of the British media and of Conservative backbenchers, of the veto into an apparently indispensable weapon in the armoury of British Prime Ministers. (See, for example, Duncan Watts and Colin Pilkington, *Britain in the European Union Today*, third edition, Manchester University Press, 2005, especially, p. 54.) This section will pass a veil over the subsequent resignation of the Santer Commission (see Section 6 below) though, of course, it naturally weakened the Commission still further. (For a ringside account of the Santer Commission's demise, see Priestley, 2008, pp. 145-202.)

After the Santer *debâcle*, a more Prime Ministerial tone entered into considerations about the Commission Presidency, with an understandable emphasis on professionalism and managerialism. Romano Prodi was appointed with urgent unanimity by the Berlin European Council in March 1999 although, ironically, his appointment respected all of the old conventions: a Social Democrat to follow a Christian Democrat; a southern, large country to follow a northern, small one; and a politician of naturally modest demeanour, if of serious intent. The perception of managerialism was well summed-up in a *Bloomberg Businessweek* report on 27 September 1999, under the headline 'Romano Prodi: Europe's First Prime Minister?'

> *'When Italy's Romano Prodi was designated last April as President of the European Commission, he had a strong mandate to push through radical changes in the vast, bureaucratic Brussels institution, which acts as the quasi-government of Europe. … Prodi, a long-time senior manager in state industry and a former Prime Minister, was seen as someone who at least could put an honest face on a discredited body. The mild-mannered economist is taking that mandate and running with it. He is, in fact, looking like the first-ever Prime*

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> *Minister of Europe. … He has had more of a say that any of his predecessors in choosing his commissioners… He has also retained the power to fire them…'*

The emphasis, almost suddenly, was on prime ministerial powers, quasi-government, managerial ability and financial probity. The Prodi Commission did more than undertake a massive programme of administrative and budgetary reform – it notably oversaw the introduction of euro notes and coins and welcomed in the massive wave of enlargement in 2004. Nevertheless, it was primarily characterised, and is primarily recalled, as being a quintessentially managerial reform body.

There was perhaps, then, an inevitable pushback towards a more political emanation of the Commission in 2004, at the end of the Prodi years but other, deeper political forces were also at work. In particular, Europe's major political families and political groupings had been steadily coalescing since the first direct elections to the European Parliament in June 1979. Already, in the mid-1980s, the EPP began to convene 'party summits' before European Council meetings, and these meetings 'played a part in solidifying support among centre-right leaders for Economic and Monetary Union in the years from 1989 onwards…' (Teasdale and Bainbridge, 2012, p. 406) The Maastricht Treaty's Article 138(a) stated that 'Political parties at European level are important as a factor for integration within the Union. They contribute to forming a European awareness and to expressing the will of the citizens of the Union.' Similar wording was, ultimately, carried over into the Lisbon Treaty. The Confederation of Socialist Parties converted itself into the Party of European Socialists in November 1992 and itself began to hold party summits before European Council meetings. The European Liberal, Democrat and Reform (ELDR) Party followed in December 1993.

Consciousness of a more party political dimension to the European Commission grew in this post-Maastricht period. It became a common practice to count the number of 'socialist' or 'social democrat' or 'Christian Democrat' or 'Liberal' members of the European Commission, for example (and the same practice grew with regard to the European Council). An important part of the reason for this was that Commissioners would attend the pre-European Council summits of their respective European political parties and their respective political groupings within the European Parliament, thus in the eyes of some abandoning at least some of their guise as being completely independent in the execution of their duties. Mixed into this growing consciousness was the old claim by the European left that the Delors and Prodi Commissions had, somehow, been left-of-centre and by the centre-right that the ('Christian Democrat') Santer Commission had been brought down by the left in the European Parliament. The then President of the PES Group in the EP, Pauline Green, had certainly played a key role in the events leading up to the Santer Commission's resignation (again, see Priestley, 2008, pp. 145-202). There was a growing sense that the Christian Democratic centre-right should – and could – have its way. The unprecedented 2004 wave of enlargement changed the political balance within the Prodi Commission and enlarged the EPP Group significantly within the European Parliament (the 1999 'sweet deal' with the British Conservatives had also put wind in the Group's sails). And there were now eleven EPP Heads of State or Government in the European Council. There was a double sense; that the Christian Democrat right should take the European integration process in hand, and that the EPP alone was strong enough to act as a majority on its own. As will be seen below (Section 9), the Convention and ensuing Inter-Governmental Conference had made provision for some sort of linkage between the elections to the European Parliament and

the Presidency of the European Commission.[7] It was felt that 2004 could mark a new, EPP, departure. Confirmation of both that ambition and that it had effectively been realised came in the Foreword to the *EPP-ED 2004 Yearbook*, penned by then then EPP-ED Chairman, Hans-Gert Pöttering:

> '*The EPP-ED Group emerged from the European elections in June once again as by far the largest political group in the European Parliament, with 268 MEPs from all 25 Member States of the European Union. Using this strength in the interest of Europe's citizens is for us a responsibility and a political commitment. The EPP-ED Group scored a major political success with the appointment by the Heads of State or Government on 29 June of José Manuel Durão Barroso to the office of new Commission President. The EPP succeeded, through early implementation of the provisions of the new Constitution, in appointing a candidate originating from the political family which won the European elections. The EPP was thus able to impose its candidate in defiance of an agreement already reached between some Heads of State or Government before the European elections.*
>
> *The new Commission under its President José Manuel Durão Barroso began work on 22 November after the European Parliament endorsed the new Commission team by a large majority of 449 votes on 18 November (251 against and 44 abstentions). … The EPP-ED Group always consistently supported Barroso during the difficult period of putting together the new team right up until the election of the entire Commission. Following election by the European Parliament, President Barroso can set to work with a strong team on tackling the issues concerning the future of Europe over the next five*

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[7] For the 'pre-history' of what they term 'parliamentarising the election of the Commission President,' see Penalver Garcia and Priestley, pp. 49-51. However, whilst a number of federalist MEPs from other political groupings might have written or spoken about the possibility of an electoral link, it was the EPP that decisively 'ran with the ball.'

>*years.'* (my emphasis – the rival candidate obliquely referred to was the former Liberal Belgian Prime Minister, Guy Verhofstadt)

Thus, the new Commission President was clearly regarded and portrayed as being an EPP (Christian Democrat) choice. His initial political language with regard to liberalisation and deregulation and his apparent lack of enthusiasm for social policy further consolidated the impression that Barroso was going to be not only a Prime Ministerial President of the Commission, but one intent on leading a centre-right policy approach to EU politics and policies.

On the same basis, the EPP again endorsed Barroso as its candidate for a second term during the 2009 European election campaign and, after the EPP again 'won' the elections, was able to secure his nomination by the European Council on 17 June 2009 (this time with 431 votes in favour, 251 against and 44 abstentions). On 16 September 2009, Barroso was duly re-approved by the European Parliament for another five years. Towards the end of his ten years in office Barroso was sometimes heard to say, almost plaintively, that he had constantly had to work in the shadow of the Delors Commissions but, in truth, it was Barroso, and the EPP Group that championed him, that first invited the comparison. Barroso's determination to remain in office for two full mandates – ten years – inevitably invited further comparison with the only other Commission President to have served for ten years – Jacques Delors (though in his case it was two four-year mandates and one two-year mandate). Whatever Barroso's personal political inclinations, his administrations were not, in the end, notably partisan. A concentration on the European Union's 2010 Strategy led to emphases on climate change, the subsequent Europe 2020 strategy and as of 2008, on dealing with the economic and financial crisis that beset the European Union. But, for the purposes of this paper, it is important to note that he was the first

Commission President appointed after having been, in Pöttering's words, 'a candidate originating from the political family which won the European elections.' The – correct – implication was that Barroso would not be the last.

7. The growing powers and role of the European Parliament

As described elsewhere, the European Commission and the European Parliament, two of the EU's truly supranational institutions, have always enjoyed a symbiotic relationship and a large degree of complicity (Westlake, 1994, 1 & 2). On the one hand, the Commission seeks legitimacy. On the other, the Parliament seeks control. Both have traditionally distinguished themselves from the intergovernmental Council and the European Council. The advent of direct elections to the European Parliament in 1979 – a development long sought after by the Parliament and long supported by the Commission – represented a sea-change in relations between the two. The Parliament, an inherently militantly federalist organisation, had long since developed a blue-print designed to both further democratise and further federalise the Continent. On 14 February 1984, under the impulsion of veteran Italian federalist Altiero Spinelli, the European Parliament adopted a Draft Treaty Establishing the European Union. It would remain remarkably faithful to the main details of that blueprint over the next thirty-five years, as it followed a joint strategy of 'small steps' (developing conventions and precedents, frequently with the Commission's complicity) and 'big steps' (winning, or banking, constitutional innovations at subsequent IGCs). Thus, already in 1980 the Parliament unilaterally held a symbolic/indicative vote on Gaston Thorn's nomination as President of the European Commission and

would do so thereafter in 1984, 1988, 1992 (Delors, I, II and III) and 1994 (Santer). Finally, in 1997, the Amsterdam Treaty provided that: 'The governments of the Member States shall nominate by common accord the person they intend to appoint as President of the Commission; the nomination shall be **approved** by the European Parliament.' (My emphases in bold throughout this analysis.) (This, it should be noted, went beyond the ambitions of the 'Spinelli Treaty' which had provided, in its Article 25, that: 'At the beginning of each parliamentary term, the European Council shall designate the President of the Commission. The President shall constitute the Commission after consulting the European Council.')

The 1993 Maastricht Treaty **synchronised** the Commission's and the European Parliament's five-year terms of office and provided (Article 158) that:

> *'The President and the other members of the Commission thus nominated shall be subject as a body to a vote of approval by the European Parliament. After approval by the European Parliament, the President and the other members of the Commission shall be appointed by common accord of the governments of the Member States.'*

'The Parliament interpreted this as bestowing on it the right to approve, and therefore also to veto, the member governments' nominations.' (Kassim, 2012) The Parliament certainly sought to organise parliamentary hearings with individual nominees for the Commission in 1994, but it was the Amsterdam Treaty's provision that; 'The governments of the Member States shall, by common accord with the nominee for President, nominate the other persons whom they intend to appoint as Members of the Commission,' that gave the

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Parliament a solid Treaty basis for the organisation of parliamentary hearings for individual candidates, and thereafter the practice became generalised.

The near miss in 1999 of censure, headed off only by the pre-emptive resignation of the Santer Commission, represented a massive leap forward in the overall power balance between the two institutions in favour of the Parliament. The Nice Treaty introduced a further quantum leap forward, by reducing the former unanimity requirement in the European Council to qualified majority vote; 'The Council, meeting in the composition of Heads of State or Government and acting by **a qualified majority**, shall nominate the person it intends to appoint as President of the Commission; the nomination shall be approved by the European Parliament.' In 2004, the European Parliament first drew blood through the parliamentary hearings procedure, when Rocco Butiglione was obliged to withdraw his nomination and Igrida Udre was also pushed out and the President-elect, José Manuel Barroso, had to change the portfolio of another Commissioner-nominee before winning parliamentary approval for his proposed college. Finally, the Lisbon Treaty introduced the provision that led to the *Spitzenkandidaten* procedure:

> '*Taking into account the elections* to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, **shall propose** to the European Parliament a candidate for President of the Commission. This candidate **shall be elected** by the European Parliament by **a majority** of its component members. If he does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure.'

These incremental increases in the involvement of the Parliament have made the process increasingly political. Notably:

- nominees for the Presidency have to explain to the Parliament, in increasing detail, their intended policies;
- nominees for the Presidency may have to engage in policy commitments and/or make policy concessions;
- nominees for the Presidency appear before the European Parliament's political groups and have to build and subsequently rely on the support of coalitions, whilst also avoiding the creation of too much enmity among the other, less supportive, groups;
- nominees for the Presidency may, following the hearings with individual nominees, have to reshuffle portfolios.

Last but not least, nominees for the Presidency have to draft policy 'manifestos'. The way in which these have become increasingly political can be illustrated by comparing José Manuel Barroso's 2009 'Political Guidelines for the Next Commission' with Jean-Claude Juncker's 2014 'A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change, Political Guidelines for the Next European Commission'.

This section ends by addressing the following question: what exactly *did* the Lisbon Treaty want in this context? In some language versions (for example, English, French, Italian) of the Treaty's Article 9 D, the European Council proposes a candidate for the Presidency of the European Commission after 'taking into account the elections'. And yet in other language versions (German and Spanish, for example), the Article talks about 'taking into account *the result* of the elections'. There is a significant difference between these two versions. Since the European Council had to decide on several

different positions (Presidency of the Commission, High Representative, Presidency of the European Council), 'taking into account the elections' could mean ensuring a balance of the best-performing political families when making nominations to those various positions. But 'taking into account the result' (and not 'the results') could only mean, more narrowly, nominating for the Presidency of the Commission the representative of the political family which had won the most seats. Since before they are published the draft Treaties are pored over by specialised teams of jurists-linguists to ensure that all language versions are harmonized, this discrepancy is mysterious. As Section 9 below explores, the English version was a perhaps watered-down version of what the more ambitious of the Treaty's draftsmen had initially intended in the Convention and the ensuing IGC. In any case, the stronger wording in the German version clearly influenced the nature of the debate in that country's media, as the next section will show…

8. Increasing German concerns about the democratic nature of the European Union

Germany, like the West German Republic before it, has always harboured strong concerns about the democratic structure of the European Union and has always championed the European Parliament as a democratic counterweight to more intergovernmental developments. Thus, it was the German government that pushed for direct elections to the European Parliament as a counter-weight to the institutionalisation of the European Council, it was the German Government's insistence, in the early 1970s, that led to the Parliament gaining its first significant budgetary powers in return for the development of own resources. Similarly, it was at German

government insistence that the European Parliament received its first embryonic legislative powers in the Single European Act as a democratic counter-balance to the introduction of Qualified Majority Voting in the Council of the European Union. Throughout all of this period Germany enjoyed the same rights and status as the other large Member States (France, Italy and the United Kingdom), but the unification of Germany in 1990 led to structural recognitions of Germany's new status as the largest Member State – it now had more members in the European Parliament (99) and ultimately would be granted a different weighting in the Council of the European Union. German unification, coupled with the consolidation of economic and monetary union and Chancellor Angela Merkel's continued electoral success has led some commentators to write of German 'hegemony'. It is not a term with which most German politicians and thinkers feel at all comfortable and has given rise to considerable soul-searching, epitomised by the recent publications of two post-war great German philosophers; Jürgen Habermas, *The Crisis of the European Union – A Response* (2012) and the late Ulrich Beck, *German Europe* (2012). Leaving aside their more partisan criticisms of Angela Merkel and her particular insistence on austerity and no further debt write-offs in the case of Greece, the common argument in both books is that Germany's new-found status and power must be firmly anchored in a more democratic Union. Not surprisingly, when German thinkers think about democracy, they naturally tend to think in terms of their own version of democracy.

At the same time, a 2011 ruling of Germany's constitutional court regarding the democratic nature of the 2009 European elections shook a little the traditional consensus in favour of looking to the Parliament as the obvious democratic counterweight in the European Union. In a confusing judgement, the Court held that the 5% electoral threshold established by the German

European Elections Act was in breach of the constitutional principles of equal suffrage and equal opportunities for political parties, and declared the threshold void. According to the Court, the principle of equal suffrage required that every vote had the same influence on the composition of a representative body. The Court held that electoral thresholds could indeed be justified by the need for operability of a parliament. However, in the view of the Court, the entry of more parties to the EP would not jeopardise its functioning and stability, pointing out that the EP does not – as distinct from the Bundestag – elect a government. Nor, it maintained, does the European Commission depend in the same way on the support of a stable parliamentary majority. (Almost as an aside, the Court added that therefore, because of differing population sizes and degressive proportionality for the distribution of parliamentary seats, the Parliament could not be considered 'democratic', since votes were not of equal weight.) (European Parliamentary Research Service, 2014)

Such developments led to an expectation, particularly pronounced in Germany, that something new, or different, had to happen in the 2014 European elections, particularly given the abandonment, following the Court's ruling, of the 5% threshold and the concomitant expectation that a number of smaller parties (including the far right National Democratic Party) would benefit and win representation. Given all of this, it was no surprise that the *Spitzenkandidaten* process only really enjoyed a high profile in Germany (Austria was the only other Member State where the process was at all noticed).[8] It was this expectation that led a reluctant German Chancellor to bow to the pressure from the EPP and go along with the procedure. And it

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[8] Of course, there were other reasons as to why public interest was quite so high, including a German candidate (Martin Schulz) from the junior partner in the grand coalition, Schulz's feisty campaign and the prominent backing he received from his party, and the fluent German of his main opponent, Jean-Claude Juncker, allowing for immediately accessible televised debates and high media interest.

was the same expectation that led to media outrage in Germany when, following the EPP's 'win' in the June 2014 European elections, David Cameron belatedly attempted to stop Jean-Claude Juncker being proposed by the European Council. In a furious *Bild* op-ed article (29 May 2014), its publisher, Matthias Döpfner, described Cameron's opposition to Juncker as a scandal.

> *'That much is certain: Europeans want Juncker as EU president. Schulz got the second best result. A third, who didn't stand for election, can't be allowed to get the job. That would turn democracy into a farce. You may get away with something like that in the GDR or in far-right banana republics. But not in the EU. Or otherwise it will abolish itself.'*

As *Der Spiegel* declared in an editorial on 3 June: "The EU cannot … refuse to give the people of Europe what was assured to them before the election – that they could use their vote to determine the next president of the European Commission." In a 9 June 2014 *Washington Post* blog post, Simon Hix and Stuart Wilks-Heeg demonstrated the extraordinary difference in the degree of coverage in the German press (considerable) and the UK (almost none). In effect, these expectations revealed differing visions of what democracy should be at the EU level. Thus, while Jurgen Habermas told the *Frankfurter Allgemeine* newspaper that 'if EU leaders force through an alternative candidate (other than Juncker) then in future nobody can be expected to vote in European elections,' (reported in the *Financial Times*, 6 June 2014) David Cameron argued, in a 13 June 2014 *Irish Times* article: 'Supporters of *Spitzenkandidaten* argue that elections have happened, the people of Europe have chosen Jean-Claude Juncker as commission president and that it would be undemocratic for elected national leaders to choose anyone else. It is not an attack on Mr Juncker, an experienced European politician, to say this is

nonsense.' The European Parliament adopted for its publicity campaign for the 2014 European elections the slogan 'This time it's different.' In Germany, expectations that it *should* be different ran particularly high.

9. The European People's Party's constitutional and federal vision

In June 2014 the European People's Party published a Factsheet entitled 'The story of the "*Spitzenkandidaten*"'. It began with a straightforward affirmation: 'The idea of '*Spitzenkandidaten*' or lead candidates was born of the Constitutional Convention and bears the signature of the European People's Party.' The Factsheet described how, at the October 2002 EPP Congress meeting in Estoril (Portugal) preceding the work of the European Convention, EPP leaders together drafted a 'Constitution for a strong Europe' which contained an article seeking to introduce greater democratic legitimacy into European elections. The draft article read as follows:

> *'A candidate for the President of the European Commission should be proposed to the European Parliament by the European Council in light of the outcome of European elections and by qualified majority vote.*

> *The European Parliament should give or withhold its approval by majority vote. This would give European political parties the opportunity to present their own candidates in the framework of the campaign for European elections. It would ensure a more personalised election campaign and increase democratic control and support of the European Commission.'*

Among the ten EPP Prime Ministers who attended the EPP's Estoril Congress were José Manuel Barroso and Jean-Claude Juncker. In a remarkable piece of documentary archaeology, the Factsheet goes on to show how the initial provision became an EPP fraction proposal in the Constitutional Convention which was then amended by the Presidium and further amended by the Convention and then again by the subsequent Intergovernmental Conference before being taken over in identical form by the Lisbon Treaty, becoming Article 17(7). (It was during the lengthy drafting and re-drafting process that the article's wording oscillated between 'the elections' and 'the results of the elections'.) Thus the 'lead candidates' idea was indeed an EPP innovation and, as was demonstrated in Section 6 above, was one that the EPP chose to anticipate in 2004 and 2009. Moreover, it was an innovation that the EPP was determined to see fully implemented in 2014, considering the words 'the results' to be implicit, if not explicit.

In his September 2012 State of the Union address, the Commission President, José Manuel Barroso, declared that: 'An important means to deepen the pan-European political debate would be the presentation by European political parties of their candidate for the post of Commission President at the European elections already in 2014.' Estoril revisited, in other words. At the EPP's October 2012 Bucharest Congress a resolution was adopted calling on the new EPP Presidency to 'agree a procedure and start an internal nomination process of a common candidate for the president of the next European Commission, as allowed for by the Treaties, to be presented to the electorate as an EPP frontrunner during the election campaign.' In November 2012 the European Parliament adopted a resolution urging 'the European political parties to nominate candidates for the Presidency of the Commission and expects those candidates to play a leading role in the parliamentary electoral campaign.' In March 2013 the European Commission published a

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Recommendation entitled 'Support for a candidate for President of the European Commission.' Drafted by European Commission Vice-President Viviane Reding (EPP), it declared that 'European and national political parties should make known, ahead of the elections to the European Parliament, the candidate for the function of the President of the European Commission they support and the candidate's programme.' An accompanying communication explained the reasoning behind the recommendation. The Commission adopted a further communication in March 2013, on 'Preparing for the 2014 European elections: further enhancing their democratic and efficient conduct.' Thus, the stage had been set.

Meanwhile, at its December 2009 Prague Congress, the Party of European Socialists, painfully aware that it had 'lost' in 2004 and 2009, and that it had been unable to present a common candidate in 2009 (in part because of misgivings about the *Spitzenkandidaten* procedure), adopted a Resolution entitled 'A New Way Forward, A Stronger PES,' including a resolve to designate its own candidate before the 2014 European elections. Thereafter, a campaign grew for the candidate to be selected through PES primaries and a working group was established. Basing itself on the working group's conclusions, the November 2011 Brussels PES Council meeting decided that the PES would indeed designate its candidate for Commission president through primaries which were to take place in each of its member parties and organisations, with the results being ratified at an extraordinary PES Congress. In the event, during the official nomination period (October 2013) 21 PES member parties nominated Martin Schulz as the 'common candidate', so he was duly selected on 6th November as the candidate designate. The 1 March 2014 Rome PES electoral congress formally ratified his election. As promised at the outset, this paper will not examine the details of the process that led to Martin Schulz being selected. The point is that, this time around, it

seemed that the PES had the wind in its sails, especially given favourable opinion polls that seemed to give the party a small lead as the European election campaign proper got under way.

Similarly, this paper will not examine the details of the process that led to Jean-Claude Juncker being selected as the EPP's candidate. However, it is important to note that, unlike in 2004 and 2009, several heads of state or government, including the German Chancellor, Angela Merkel, together with the (EPP) President of the European Council, Herman Van Rompuy, expressed reticence about the appropriateness of the *Spitzenkandidaten* procedure, primarily because of what it would do to the overall institutional balance. Part of the reason was also bound up in the fact that Merkel had not taken the idea seriously when Martin Schulz was first endorsed and started campaigning. By the time she had woken up to his growing media coverage and the favourable polls, the procedure was a fait accompli, raising the possibility that a CDU Chancellor could end up endorsing an SPD candidate for the Presidency of the Commission. Thus, if the procedure was now, grudgingly, accepted, it was vital that the EPP should win or, at the least, not lose the European elections. Although the European People's Party (EPP) had started preparing its campaign in June 2013 it did not finally select its chosen candidate until its March 2014 Dublin Congress. Jean-Claude Juncker, backed by Angela Merkel, was nominated over Michel Barnier (Valdis Dombrovskis withdrew), 382 votes to 245. In the light of what was subsequently to happen, Juncker's availability for the role was a stroke of luck; he had only become free for such a role because of a 'Spycatcher'-type scandal which had prematurely brought down his government.

The bare facts of the ensuing process were that Schulz and Juncker, together with the other four nominees, toured Europe (where they were allowed to do

so), and debated more-or-less together on television nine times (including set-piece debates in Maastricht, Cologne, Florence, Brussels and Hamburg). In the 22-25 May 2014 elections, the EPP won more seats than the PES (221 v 191; 29.43% v 25.43%). The Parliament subsequently insisted that Jean-Claude Juncker should be chosen by the European Council as its proposed President of the European Commission, with the implication that any other candidate would not get the parliamentary majority required. David Cameron voiced his opposition to such an option, primarily because it would change the institutional balance of power and was not explicitly provided for in the Treaties. Merkel seemed at first to try to placate him (not only because of his threats about Brexit but because she had previously sympathised with that point of view) but her hand was forced (or seemed to have been forced) by public opinion back home. In any case, after having seemed to waver on the principle, she publicly and very solidly backed the person, Jean-Claude Juncker.[9] Cameron subsequently forced a vote in the European Council on 27 June 2014, which he lost (only Hungary voted with him). The result, as a 28 June 2014 *Financial Times* editorial put it was that: 'For the first time in their history, they have endorsed a commission boss whom they did not choose.' Having been proposed by the European Council, Juncker's nomination was approved by the European Parliament on 15 July by 422 votes (in a secret ballot). The Juncker Commission as a whole was approved by the Parliament on 22 October 2014, by 426 votes to 210, with 67 abstentions. Among the innovations that he was able to bring in, relying on the support of the grand coalition of the EPP and PES Groups that had earlier forced the European Council to nominate him were: a ten-point policy programme, a more sophisticated version of 'clusters' (described as 'project teams', and with overlapping memberships) of Commissioners on specific policy themes

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[9] Those close to the process argue that, whatever the media speculation, the Chancellor actually never wavered in her support for Juncker's candidature.

(including external relations); seven Vice-Presidents with no portfolios exercising filtering roles, and a strong 'enforcer'-style first Vice-President in the person of Frans Timmermans who, as was seen in Section 3 above, had been the author of the 14 November 2013 *Financial Times* article that had called forcefully for a 'reformed Commission with a president and vice-presidents heading a limited number of policy clusters. The vice-presidents would have the sole authority to initiate legislation.'

There were some fortuitous developments during the process briefly described here, not the least of them the unexpected availability of Jean-Claude Juncker (in the circumstances, the perfect candidate) and the EPP's stronger-than-expected showing in the European elections. Nevertheless, as this paper has sought to show, the election of Jean-Claude Juncker and of his reformed Commission was not the late opportunistic power-grab that has frequently been portrayed. Rather, it was the execution of the latest instalment of a carefully-laid plan, a blueprint that began in Estoril in 2002. Behind it the chief concerns remained: transparency, responsiveness, accountability, effectiveness, efficiency and … keeping the show, and the democratic federalist blueprint, on the road… (on the importance of blueprints and of the draftsmen of blueprints, see Westlake, 1998).

10.   Conclusions: Chronicle of an Election Foretold

This paper set out to address the question as to how and why Jean-Claude Juncker became President of the European Commission in 2014. As promised at the outset it has not considered in detail the political processes around the selection and election of the so-called *Spitzenkandidaten* but, rather, has

attempted to identify and describe a series of longer-term trends, arguing that Jean-Claude Juncker's Presidency of the European Commission lies at the confluence of all of those trends and transitions. Thus, Juncker's Presidency, like his Commission, has sought clearer lines of command and of legitimacy in an increasingly crowded institutional landscape, in particular vis-à-vis the European Council (of which Juncker is a member as Commission President, as well as a former longstanding member, as Luxembourg Prime Minister). Juncker may or may not be a charismatic individual, but his Presidency stands at the current end of a long process away from charismatic, visionary Presidents and his Presidential 'style' is suitably undemonstrative and quietly efficient. Equally, his Presidency stands at the current end of a long process away from the purely technocratic and towards the more political, and away from the more collegial to the more Prime Ministerial. In the face of the Member States' continued failure to reduce the overall number of members of the Commission, Juncker has used the President's growing powers and his Presidential authority (plus a unique quantity of high quality Commissioners, including several former Prime Ministers) to drive through the concept of 'project teams' (more dynamic and potentially overlapping than 'clusters') and the specific filtering role of his first Vice-President, and his six other Vice-Presidents (including the High Representative), and he has succeeded in doing away with the previous inviolable linkage between Commissioners and portfolios (cleverly, from the top down, rather than the bottom up) and, through his 'working methods,' further centralised Presidential control, thus making an unprecedented and structural attempt to bring the large and unwieldy Commission under control (on the new internal methods see, for example, *New Europe*, 2015).

At another level, Jean-Claude Juncker's presidency is a personification of the EPP's ongoing constitutional ambition and federal vision. His presidency is

the personification of the EPP's continued numerical superiority in the European Parliament (though the absolute majority requirement obliged him to rely on a grand EPP-S&D coalition). He will be more answerable to the European Parliament and more responsive to it, as his portfolio reshuffles demonstrate, but he will almost certainly seek equidistance between it and the European Council. Though Jean-Claude Juncker also had the backing of French President François Hollande, his presence at the head of the Commission is clearly a result in part of increased German influence and of German concerns but clearly *not* with a view to somehow Germanising the Union, but, rather, democratising it in a way that will reassure a new Germany increasingly uncomfortable with its membership of what it increasingly saw as a previously undemocratic club. Perhaps above all, Juncker's presidency represents a further step in the normalisation of the Commission – it is no longer a 'pure hybrid' but a more 'ordinary executive' (see Anchrit Wille, 2013). Perhaps the days of visionaries and collegiality have forever gone, or perhaps Juncker is a new visionary.

It seems clear that the *Spitzenkandidaten* process, on the other hand, is here to stay; the genie cannot be put back into the bottle, despite the June 2013 European Council's conclusion that 'Once the new European Commission is effectively in place, the European Council will consider the process for the appointment of the President of the European Commission for the future, respecting the European Treaties.'[10] But what will this new development mean for the Union's institutional balance, or is it simply too early to tell? Writing as recently as 2012, Teasdale and Bainbridge (2012) described how:

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[10] On the other hand, on 11 November 2015, as this paper was going to press, the European Parliament adopted a resolution on 'the reform of the electoral law of the European Union.' The resolution proposes a set of changes to the EU's electoral law that would *inter alia* include formalizing the *Spitzenkandidaten* process by enshrining it explicitly. See also De La Baume (2015).

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> *'The fact that the Commission is appointed, rather than directly-elected, sometimes gives rise to criticism. However, it is precisely the fact of the Commission's not being elected that allows the present institutional balance to be maintained – a balance broadly satisfactory to the governments of all the member states, especially those of the smaller states. The procedure under which an incoming Commission must now secure the approval of the European Parliament is thought to give the institution greater democratic legitimacy, while falling well short of conferring on it an entirely independent political mandate.' (p. 302)*

Moreover, the trends described in this paper will continue, with future Commission presidents, candidates, European Parliaments, European Councils, and so on, all seeking to build on (or overturn) the precedents that have been set. Hence a concluding question: what happens next time, in 2019? Will Member State governments from the two big party families anticipate and groom their preferred candidates? (Prime Ministers will presumably be more active within their parties.) Or will the European Council, as an institution, try and pre-empt another parliamentary gambit? Will *Spitzenkandidaten* put forward slates or teams; a small cabinet of future Commissioners-in-waiting? Will they draft personal manifestos? Will the political groups in the Parliament try to force manifestos on their candidates? Will candidates seek to raise campaign funds, in the style of US Presidential candidates? Will candidates have higher profiles than was the case in 2014, for there will surely be higher levels of media interest and coverage? European political parties will surely become increasingly active and visible. And what will happen after the elections? Will the next Commission President continue with the current structures (there is no obligation under the Treaties)? Will the Member States nominate enough former heavy-hitters to enable him/her to continue with such a structure of Vice-Presidents and project teams? Will

some Member States nominate former heavy-hitters tactically with a view to winning strategically important Vice-Presidencies?

A fascinating example of the sort of possibilities that might be opening up was provided by the current Secretary General of the European Parliament, Klaus Welle, at an academic conference considering the significance of the 2014 European elections. Although a civil servant, Welle had previously acted as Secretary General of the EPP Group within the Parliament and had also previously been instrumental in enlarging the EPP family to sister political parties in the new Member States. Welle was rumoured to have played an important behind-the-scenes role in ensuring that the Parliament fulfilled its pre-ordained role in the *Spitzenkandidaten* process. (For example, 'It was a Welle-fostered power play,' reported the *Financial Times* on 14 May 2014, 'that has yielded a new system of using the parliamentary elections to select the presidency of a more revered Brussels institution – the European Commission.') In his analysis, Welle argued that the creation of an executive dependent on a parliamentary majority would lead also, inevitably, to the creation of an effective opposition within the system (as distinct from opposition to the system itself)[11] and would necessarily have organisational and structural consequences for the other twin arm of the European Union's legislative authority, the Council.

On the other hand, Joseph Janning, of the European Council on Foreign Relations, wrote in July 2014 that: 'One pattern has not been broken by the revolution: the temptation of European politics to oversell its latest outcome. In this spirit, the *Spitzenkandidaten* revolution will go into the history books as a leap towards a more democratic and accountable Europe. And this assertion

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[11] The absence of such opposition within the system has been identified by Peter Mair as a fundamental weakness in the EU's current democratic structure (Mair, 2007).

will remain as true as the contention that the Maastricht Treaty prepared the EU for major enlargement.' This paper would argue that the election of Jean-Claude Juncker and the appointment of the Juncker Commission wasn't a leap; it was but another step, and it almost certainly won't be the last. For, in closing, it should be noted that the EPP's current political manifesto calls for the *direct* election of the Commission President. Thus, what the Lisbon Treaty got in the end may not have been what it wanted but, in the eyes of those who have been pushing forward the processes considered in this paper, it was certainly what it *should* have wanted. In any case, I hope that, through my analysis of the longer-term trends described in this paper, I have provided a chronicle of an election foretold.

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