

## **EU institutions: how are the top jobs allocated?** <sup>[1]</sup>



### **What are the key EU jobs and who has been appointed?** <sup>[2]</sup>

The EU leaders have published their preferred choices for the senior political leadership of the European Union institutions. The key posts to be filled are:

- **President of the European Council:** One of the principal representatives of the EU internationally, who leads the work of the European Council (the body composed of the heads of state or government of each EU member state) in setting the EU's political direction. Belgian Prime Minister Charles Michel will replace Donald Tusk, a former prime minister of Poland, on 1 December 2019. He will serve for a two-and-a-half-year term, which could be renewed for a second term in 2021.
- **President of the European Commission:** The most senior executive official of the EU, who leads the Commission in its work of proposing and enforcing EU legislation, implementing policies and managing the EU budget. German Defence Minister Ursula von der Leyen will replace Jean-Claude Juncker, a former prime minister of Luxembourg, after winning the support of 383 MEPs on 16 July 2019.
- **High representative of the Union for foreign affairs and security Policy:** Also one of the vice-presidents of the European Commission, responsible for co-ordinating the EU's common foreign and security policy. Spanish Foreign Minister Josep Borrell is likely to replace Frederica Mogherini, the former Italian foreign minister, who has been high representative since 2014 – although the European Parliament will first need to approve the European Commission as a whole in the autumn.
- **Twenty-five other European Commissioners:** Each EU country nominates a candidate. The president of the European Commission will then allocate them a specific policy area. Given the government's intention of taking the UK out of the EU on 31 October, it has decided not to appoint a British commissioner.
- **President of the European Central Bank:** The head of the European Central Bank (ECB), the institution responsible for managing Eurozone monetary policy. EU leaders have nominated former French Finance Minister Christine Lagarde, who is currently managing director of the International Monetary Fund.

### **What do the European treaties say about how these positions are appointed?** <sup>[3]</sup>

The president of the European Council, the high representative, and the president of the ECB are all elected by the European Council using qualified majority vote.

The process for selecting the president of the European Commission and the 26 European commissioners (25 if no UK commissioner is appointed) is more complex and involves both the European Council and the European Parliament.

According to the 2009 Lisbon Treaty, the Council, acting by qualified majority vote, proposes a candidate for European Commission President to the European Parliament. The candidate is either elected by the European Parliament, or, if they fail to obtain an absolute majority, rejected, in which case the process is repeated until a candidate is successfully elected by the Parliament.

Once a commission president is elected, they assign portfolios to the commissioners appointed by each member state. Von der Leyen announced her line-up for the new Commission on 10 September. These new commissioners (including the new high representative) will now face hearings in the European Parliament in the autumn.

After all the individual hearings have taken place, the European Parliament votes on whether to accept or reject the Commission as a whole. Once the European Parliament accepts the new Commission, the Council must then vote on whether to approve it.

### **What is the 'Spitzenkandidaten process'?** <sup>[4]</sup>

Article 17 (7) of the Lisbon Treaty states that the European Council shall propose a candidate "taking into account the elections to the European Parliament". The European Parliament has interpreted this to mean that the Council's choice should be determined by the European elections.

In the run up to the 2014 European Parliament elections, the leading political groups within the European Parliament initiated what has since become known as the 'Spitzenkandidaten process', based on their interpretation of Article 17 (7) of the Lisbon Treaty.

Each of the major groupings nominated their own 'Spitzenkandidat' (top candidate) for the post of Commission president and argued that the European Council should nominate the candidate of whichever grouping held the most seats after the elections to the European Parliament.

In the 2014 European elections, the centre-right European People's Party (EPP) won the largest number of seats. Their Spitzenkandidat, the former Luxembourg Prime Minister Jean-Claude Juncker, was appointed president of the European Commission – despite opposition from UK Prime Minister David Cameron and Hungarian Prime Minister Victor Orban. But in

2019, member state governments rejected all Spitzenkandidats, including the EPP's Manfred Weber and Frans Timmermans, the candidate of the Socialists and Democrats (S&D). This led Jean-Claude Juncker to remark that he would be the first and the last Spitzenkandidat.

This might be because numerous member state governments have expressed opposition to the process: at the Sibiu summit in May 2019, French President Emmanuel Macron stated that he did not "feel bound at all by the principle of the Spitzenkandidat", and *Politico* has estimated that a majority of the European Council have expressed reservations.

### **What is the timeline for appointing these roles?** <sup>[5]</sup>

On 2-4 July, the new European Parliament held its first sitting, and elected its own new president: David Sassoli, an Italian MEP from the S&D group.

At its second sitting on 16 July, the European Parliament voted on von der Leyen's candidacy, and elected her with 383 votes in favour - nine more than the minimum 374 votes required.

On 10 September, von der Leyen revealed the structure of the new Commission, including the portfolios for each of the 25 other commissioners appointed by member state governments. Commissioners will now face parliamentary hearings in September, and the European Parliament is due to vote on whether or not to confirm the new Commission as a whole during its session of 22-24 October.

The new Commission, along with the new ECB president, are due to take office on 1 November.

The new Council president will take office on 1 December.

### **Would the UK need to appoint a British commissioner?** <sup>[6]</sup>

The UK government announced in August 2019 that it would not be nominating a British commissioner as the UK would be leaving the EU before the new Commission takes offices on 1 November. However, since then, MPs have passed a bill that would force the government to seek an extension to Article 50 if the UK Parliament fails to approve either a deal or leaving with no deal by the 19 October.

Von der Leyen has said the UK would be required to appoint a British commissioner if the extension does go ahead. But there might be ways around this.

Article 17 (5) of the Lisbon Treaty says that any new Commission must comprise of members representing at least two thirds of member states. But, before the treaty came into force, member states had already decided to revert to the old process of appointment whereby every member state nominates one Commissioner. This was turned into a legally binding decision in 2013.

The failure to nominate a candidate for Commissioner could result in the EU launching an infringement procedure against the UK government - but contrary to some recent media reports, it would not result in the EU expelling the UK from the EU.

Another option would be for EU leaders and the UK to agree a derogation under Article 17 (5) which would allow the UK to remain a member state without appointing a commissioner. This would require the consent of the UK and all member states.

#### **Update date:**

Friday, September 13, 2019

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[1] <https://www.instituteforgovernment.org.uk/explainers/eu-top-office-holders-appointment>

[2] <http://twitter.com/intent/tweet?text=What%20are%20the%20key%20EU%20jobs%20%20and%20who%20has%20been%20appointed%3F>

[3] <http://twitter.com/intent/tweet?text=What%20do%20the%20European%20treaties%20say%20about%20how%20the%20EU's%20senior%20political%20leaders%20are%20appointed%3F>

[4] <http://twitter.com/intent/tweet?text=What%20is%20the%20E2%80%98Spitzenkandidaten%20process%E2%80%99%3F>

[5] <http://twitter.com/intent/tweet?text=What%20is%20the%20timeline%20for%20appointing%20the%20EU's%20senior%20political%20leaders%3F>

[6] <http://twitter.com/intent/tweet?text=Would%20the%20UK%20need%20to%20appoint%20a%20British%20commissioner%3F>