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**The Latest Step Forward in the Federalist Drift of the European Union: The  
Emergence of *Spitzenkandidaten* for the Presidency of the European Commission**

A Master's Thesis

by

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## **List of Abbreviations**

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ALDE.....	Alliance of Liberals and Democrats for Europe Party
CDU.....	Christian Democrats
ECB.....	European Central Bank
ECR.....	European Conservatives and Reformists
ECSC.....	European Coal and Steel Community
EEC.....	European Economic Community
EFD.....	Europe of Freedom and Direct Democracy
EMU.....	Economic and Monetary Union
EP.....	European Parliament
EPP.....	European People's Party
EU.....	European Union
EURATOM.....	Atomic Energy Community
GUE/NGL.....	European United Left / Nordic Green Left
MEPs.....	Members of the European Parliament
OLP.....	Ordinary Legislative Procedure
PES.....	Party of European Socialists
QMV.....	Qualified Majority Voting
SEA.....	Single European Act
S&D.....	Group of the Progressive Alliance of the Socialists and Democrats
TEU.....	Treaty on the European Union
US.....	United States

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## **Abstract**

This research supports the view shared by the European federalists that the European Union has a federalist drift by nature, and marks the recent election procedure of the President of the European Commission as the latest critical juncture in this federalist drift. In line with this view, it analyzes the impact of the recent election procedure of the President of the European Commission on the power struggle between the institutions of the European Union in the context of “supranationalism vs. intergovernmentalism vs. federalism.” Combining the analysis and the view in question, the research argues that the historical path dependency of the European institutions constitutes the primary determinant of change in the European institutional power balance, at least in electing the Commission President. To defend this argument, the research positions historical institutionalist assumptions in its core, and draws a conclusion accordingly.

**Keywords:** *Spitzenkandidaten, Path Dependency, Critical Juncture, Relational Character, Recurring Empirical Regularity, the European Union, Power Balance*

## **Özet**

Bu çalışma, Avrupa federalistlerinin dile getirdiği görüşü savunur ve Avrupa Birliği'nin doğal bir federalist yönelime sahip olduğunu belirterek Avrupa Komisyonu başkanlık seçimlerinin güncel prosedürünü bu federalist yönelimdeki en yeni kritik kavşak olarak kabul eder. Çalışma, bu görüş doğrultusunda, Avrupa Komisyonu başkanlık seçimlerinin güncel prosedürünün Avrupa Birliği kurumları arasındaki “uluslarüstücülük, hükümetlerarasıcılık ve federalizm” eksenli güç mücadelesine etkisini analiz eder. Söz konusu analizi ve görüşü birleştiren çalışma, konu en azından Komisyon Başkanı'nın seçilmesi olduğunda, Avrupa kurumları arasındaki güç dengesindeki değişimin birincil belirleyicisinin Avrupa kurumlarının tarihsel olarak bağlı kaldığı yol olduğunu savunur. Bu görüşü savunmak için de merkezine tarihsel kurumsalcılığın varsayımlarını alır ve bu şekilde sonuca gider.

**Anahtar Kelimeler:** *Spitzenkandidaten, Yol Bağımlılığı, Kritik Kavşak, İlişkisel Karakter, Tekrar Eden Ampirik Süreklilik, Avrupa Birliği, Güç Dengesi*

## **1. Introduction: Academic and Political Relevance**

The European Union (EU)<sup>1</sup> is an ever-evolving, ever-developing entity with multiple influential institutions that cooperate with and even complete each other. However, as expected in any entity with a great scale like this, these institutions have their own understanding of the European Union. That's why, besides close cooperation, the differences in the understanding lead to a never-ending power struggle between these institutions in the context of intergovernmentalism versus supranationalism.

Regarding the inter-institutional power struggle, this research focuses on the first openly declared candidate-infested elections for the Presidency of the European Commission, and the effects of the new election procedure as a determinant of the latest European institutional power balance. As being the ultimate intergovernmentalist institution of the European Union, the European Council wants to hold its leading position in Europe's institutional structure, but the new election system of the Commission Presidency directly involving the European Parliament (EP) has the potential to shuffle the cards again. Therefore, this study tries to find an answer to the research question of "How does the new election procedure of the President of the European Commission that was enshrined in the Lisbon Treaty affect the European institutional power balance?" In relation with the research question, the hypothesis in this research is that, the EU constantly evolves into being a federal entity more and more, and the new election procedure of the President of the European Commission becomes the latest critical juncture in the federalist drift of the EU by reshaping the power balance within the institutions of the Union.

To find a sound answer to the research question at hand, interconnected points of analysis of the topic need to be addressed. First point of analysis is the institutions of the European Union. Every institution in the world is composed of individuals with different personalities but again every institution has its own character that culminates from former actions and exercises. Therefore, as

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<sup>1</sup> Except for the instances where the specific names are needed to be used in a historical context, the name "European Union" is also used in this research for the European Coal and Steel Community, the European Economic Community and the European Community as these entities are predecessors of the European Union.

individuals affect the characteristics of the institutions, the institutions affect the characteristics of the individuals too. This two way relationship creates a unified collective logic within the institution, giving it an identity. As for the European institutions, each of them sees the purposes and the roles of the Union from its own perspective. Here, the research analyzes the general motivations and goals of the European institutions within the EU framework. By doing this, the research also clarifies where the institutions stand in the European institutional power balance.

Second point of analysis is the elections of 2014 for the European Commission Presidency itself. For the first time in the history of the Union, the elections of 2014 were made with the inclusion of *Spitzenkandidaten*. In other words, like never before, the political parties of the European Parliament publicly announced their candidates for the Commission Presidency and made full election campaigns for their own candidates under the umbrella of their affiliated party groups. This situation was brought into life as a requirement of the Lisbon Treaty. Here, the research positions the relevant regulations of the Lisbon Treaty as continuations of previous ones starting from the Maastricht Treaty. By focusing on these regulations, the research points out the changing roles of the European institutions in the election process of the Commission Presidency.

Presenting the relationship between and the interconnectedness of these points of analysis under the impact of the emergence of *Spitzenkandidaten* constitutes the political relevance of this research as it clarifies the evolution of the inter-institutional power balance and the recent trends within the European Union regarding intergovernmentalism and supranationalism.

Paving the path to a credible conclusion, the research uses historical institutionalism as the main theoretical framework and process tracing for methodology. For supporting purposes, the research also makes references to the debate between supranationalism and intergovernmentalism with a principal – agent approach to form a base for the points of analysis mentioned above.



As being the first European level parliamentary elections after the ratification of the Lisbon Treaty, the EP elections of 2014 opened up a new academic space in the field of European Union studies. Since there are no former examples of this exercise within the EU context, the emergence of *Spitzenkandidaten* and its impact on the European institutional power balance is a hot topic in the academia. Yet still, the number of academic research on this topic which takes historical institutionalism in its core remains relatively few. So, the academic relevance of this research lies specifically in the direct link it establishes between the historical development of the European institutions, the emergence of *Spitzenkandidaten* as a new situation that came out of this development, and the impact of this new situation in the federalist drift of the EU.

Structure-wise, the research starts with drawing its theoretical framework and explaining its methodology. Then, it briefly describes the features of the institutions of the EU. This brief part is important to have a better understanding of the institutional structure of the EU and the relationship of the European institutions between each other. After this comes the empirical evidence part, in which the federalist drift of the European Union and the election procedure of the President of the European Commission are separately explained in detail. This part includes both the historical development processes and the final situation after the 2014 EP elections, and portrays the latest institutional power balance. Finally, the research goes through its findings and draws a conclusion accordingly.

## **2. Theoretical Framework: Historical Institutionalism**

During 1950s and 1960s, national policy choices were mostly dominated by strict Cold War bloc politics. Plus, the economic well-being of the same era hid the national differences into some extent in policy making and politics among similar countries. This situation started to change with, among other things, the economic and political shocks of the early 1970s like the unilateral termination of the Bretton Woods monetary system by the United States (US)<sup>2</sup>, the oil crisis<sup>3</sup>, and the relevant decline of the hegemony of the US in the international

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<sup>2</sup> It was brought to an end on 15 August 1971

<sup>3</sup> Between October 1973 and March 1974

system. These international developments created more space for varied national political preferences, and therefore the scholars of the time started to search for informative causes of different national political outcomes in different countries with similar situations. As classical behavioralist theories could not help explain these differences, three new institutionalist theories emerged. One of them is historical institutionalism, and it opposes the non-institutionalist and ahistorical stance of classical behavioralist theories.<sup>4</sup>

In every country, every institution and every political entity around the world, there are different individuals and interest groups with similar goals, organizational schemes and preferences.<sup>5</sup> Sticking to the rules of the game, they often act similarly too, expecting to achieve the desired and predicted outcome of their actions. However, even though the entities they operate in resemble one another, the results of these actions usually differ from other similar examples from other parts of the world. Historical institutionalism is a midrange theory that is used to find explanations to this very reality, namely to find out why similar actions of similar actors do not always give similar results in similar institutions. While doing this, it concentrates on the role of institutions, which is directly bounded to their own historical developments, over the actions and decisions of actors.<sup>6</sup>

According to historical institutionalism, institutions matter. They shape the strategies and the objectives of actors; they draw the frame of collaboration and competition between actors, and therefore have a big impact on recent and future political situations. Hall theorizes this phenomenon by naming it the “relational character” of institutions, namely the way the institutions form the interactions of individuals. There are two ways of forming the interactions in this model, the first being the internal organization of institutions which affects the distribution of power among the actors in the area of determining the policy outcomes, and in the area of influencing an actor’s definition of self interests. The second way of

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<sup>4</sup> Steinmo, Thelen, Structuring Politics: Historical Institutionalism in Comparative Analysis, Cambridge University Press, 1992

<sup>5</sup> *Ibid.*

<sup>6</sup> Steinmo, Thelen, Structuring Politics: Historical Institutionalism in Comparative Analysis, Cambridge University Press, 1992

forming the interactions is the inter-institutional configuration which is more important than the formal characteristics of institutions in the area of shaping political interactions.<sup>7</sup>

As Steinmo addresses, historical institutionalism provides a theoretical leverage for understanding continuations of policies over time and different political outcomes of similar situations within various resembling entities.<sup>8</sup> To do this, it focuses on the historical development of institutions. The first pillar of the historical development of institutions is called path dependency. In the historical institutionalist thought, path dependency is the reason why similar actions of similar actors do not always give similar results in similar institutions, because according to Hall, the actions of individuals and groups in an institution “*are mediated by the contextual features of a given situation often inherited from the past.*”<sup>9</sup> This situation is created by path dependency. Historical institutionalists try to find out how and why these paths are built by institutions, because they see institutions as one of the key elements pushing historical development forward.<sup>10</sup> The second pillar of historical development of institutions is critical junctures. Hall explains critical junctures as “*moments when substantial institutional change takes place thereby creating a branching point from which historical development moves onto a new path.*”<sup>11</sup> Although institutional development is dependent on a historical path, critical junctures may take place as a result of unintended decisions and actions. That’s why historical institutionalists try to find out what triggers such critical junctures.

The research takes the emergence of *Spitzenkandidaten* for the Presidency of the European Commission as the latest step forward in the federalist drift of the European Union, and defends that one of the key elements that makes this step possible is the path dependency created by the historical development of European institutions. Therefore, the research explains the critical junctures that

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<sup>7</sup> Hall, *Governing the Economy: The Politics of State Intervention in Britain and France*, OUP USA, 1986

<sup>8</sup> Steinmo, Thelen, *Structuring Politics: Historical Institutionalism in Comparative Analysis*, Cambridge University Press, 1992

<sup>9</sup> Hall, Taylor, *Political Science and the Three New Institutionalisms*, Cologne, June 1996

<sup>10</sup> *Ibid.*

<sup>11</sup> Hall, Taylor, *Political Science and the Three New Institutionalisms*, Cologne, June 1996.

occurred along this path, and the relational character of the European institutions that led to and that existed as a result of these critical junctures.

### **3. Methodology**

The methodology used in this research is process tracing. It is the methodical examination of empirical findings that build the basis for descriptive and causal inference. The empirical findings are selected from a momentary series of events or phenomena, and analyzed in consideration of the hypothesis and the research question. Identifying useful empirical findings needs prior knowledge on the subject of analysis. Looking at “recurring empirical regularities”, which are established patterns and repeatedly occurring actions regarding the relationship of multiple phenomena, provides the knowledge needed for this identification.<sup>12</sup>

Process tracing focuses on the development of events or situations over a period to find out causal inference, but doing this is not possible if the event or situation is not satisfactorily explained at one point of a period. That’s why the descriptive part of process tracing begins with having knowledge on a sequence of specific moments, not with observing the change or the sequence itself. That’s because, if the process in question needs to be portrayed, the specific moments in the process need to be explained first.<sup>13</sup>

The research takes the change in the Lisbon Treaty regarding the election process of the President of the European Commission as a recurring empirical regularity as it positions the change as a continuation of the previous changes starting from the Maastricht Treaty. Therefore, its unit of analysis is the impact of this treaty change on the power balance within the European institutions.

### **4. Path Dependent Europe: A Federation in Progress**

The EU’s foundation is based on the European Coal and Steel Community, which was established in 1951. The logic behind the establishment of the ECSC was to ensure economic cooperation between bigger powers of continental Europe such as Germany, France and Italy, and the main aim was to prevent

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<sup>12</sup> Collier, *Political Science and Politics* 44, No. 4, Understanding Process Tracing, 2011, p.824

<sup>13</sup> *Ibid.*

future wars among these centuries-long warring states by widening the cooperation in other areas and deepening integration with a spillover effect.

From the establishment of the European Coal and Steel Community (ECSC) in 1951 up until now, the supranational entity of Europe has gone through an extensive evolution. With ECSC already existent, Rome Treaties of 1957 established the European Atomic Energy Community (EURATOM) and the European Economic Community (EEC). Then in 1965, the Merger Treaty brought together these three communities under the name of European Communities. With entry into force of the Maastricht Treaty in 1993, the European Union was officially established and the name of the EEC became the European Community. Finally, when the Lisbon Treaty entered into force in 2009, all of these entities except EURATOM were gathered under the EU umbrella<sup>14</sup> (see Figure 1).

**Figure 1: Historical Transformation of the European Communities into the EU**

Treaty	Paris	Rome	Merger	Maastricht	Lisbon
Signed	1951	1957	1965	1992	2007
Ratified	1952	1958	1967	1993	2009
Established Entity				European Union	
	European Coal and Steel Community (Expiration of Treaty in 2002)		European Communities		
	European Atomic Energy Community				
	European Economic Community	European Community			

Source: Own Design

<sup>14</sup> Despite having a different legal foundation, EURATOM is governed by the institutions of the European Union.

Although the structural change in the EU is made clear by written treaty amendments, the identity of the EU has been and still is open to discussion. Since there are no codified treaty articles on the identity of the European Union, the relevant debate stems from a theoretical cleavage of “intergovernmentalism vs. supranationalism vs. federalism.” Therefore, this chapter describes what intergovernmentalism, supranationalism and federalism are, and then highlights the empirical evidence on why the EU has a federalist drift.

Intergovernmentalism favors the control of the member states over an international entity. According to Nugent, intergovernmentalism is a set of methods, “*whereby nation states, in situations and conditions they can control, cooperate with one another on matters of common interest.*”<sup>15</sup> It is a state-centric understanding on the roles of the international institutions, which puts them in a supporting position for state cooperation. In a broader sense, national governments do not transfer competences to the entity and do not leave room for the entity to strongly participate on traditional areas of national sovereignty. As a result, decision making in the entity is dominated and directed by its member states.<sup>16</sup>

On the other hand, supranationalism can be described as the understanding of an international entity, in which the policy competences and decision making abilities are gathered above the nation state. According to this understanding, institutions of a supranational entity act independent of its member states’ national governments, and these actions are binding for the entity’s members. This means that the law adopted by the entity has primacy over the law of its member states.<sup>17</sup> Supranational entities usually have autonomous political agendas. This supranational agenda tries to prevail over interests framed by member states.<sup>18</sup>

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<sup>15</sup> Nugent, *Government and Politics of the European Union*, Palgrave Macmillan, 2003, p. 475

<sup>16</sup> *Ibid.*

<sup>17</sup> Wessels, *The EU System: A Polity in the Making – The Evolution of the Union’ Institutional Architecture*, Cologne 2013, p. 23

<sup>18</sup> Cini, *Boragan, European Union Politics (Fourth Edition)*, Oxford University Press, 2013, p. 62

According to Elazar, a federation is “*a compound polity compounded of strong constituent entities and a strong central government, each possessing powers delegated to it by the people and empowered to deal directly with the citizenry in the exercise of those powers.*”<sup>19</sup> In other words, it is a form of governance that separates power and responsibility between a central national government and smaller local governments. In a federation, the central government has competences on issues like military spending, tax adjustments and collection, foreign affairs and national security. Moreover, citizens of a federation have the same rights and are obliged to the same set of laws, indifferent of their places of origin. Among these rights, there is also the right to elect the decision making authorities of the federal government.

As it can be seen from these descriptions, supranationalism favors more integration than intergovernmentalism. In that vein, federalism favors more integration than supranationalism.

Applying Elazar’s definition and the aforementioned features of federalism to the European Union, it can be said that the EU is not a federal entity with its existing structure. There are some features of federalism like the European Parliament as the citizens’ chamber, the Council as the state’s chamber, or the Commission as the government especially after the new election process of its president, but critical policy and legislation areas like collecting taxes, managing foreign affairs, and initiating the means of internal security are still dominated by Member States. Plus, besides Union level rights and restrictions, EU citizens are obliged to different sets of laws in different Member States. Yet, “*federation needs time*” says the former Swiss diplomat Jakob Kellenberger,<sup>20</sup> and the number of competences allocated to the Union is growing as time passes.

The historical development of the Qualified Majority Voting (QMV) practice is one of the best examples of the institutional path dependency of the European

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<sup>19</sup> Elazar *et al.*, *Federal Systems of the World: Handbook of Federal, Confederal and Autonomy Arrangements*, 2. edition, Longman, London 1994, p. xvi

<sup>20</sup> Berggrugen, Gardels, *The Next Europe: Toward a Federal Union*, *Foreign Affairs*, July/August 2013, online <https://www.foreignaffairs.com/articles/europe/2013-06-11/next-europe>; source visited on 20 April 2015

Union that has a federalist drift. QMV is the standard method of taking decisions in the Council of the European Union, except where the Treaties provide otherwise.<sup>21</sup> It allocates votes to the Member States according to their populations.

QMV is not a new method. It is existent since the Treaty of Rome of 1957 that established the European Economic Community, the predecessor of the European Union. Back then, QMV was used mostly in day-to-day legislation and regulations. As a negative response to the gradual shift from unanimity in decision making to majority voting in the following period, the then French Government abstained from official European level meetings for seven months starting from 30 June 1965.<sup>22</sup> This situation was called “The Empty Chair Crisis” and was solved with the signature of “The Luxembourg Compromise” by all Member States in 1966, which lifted the French veto on the usage of QMV.<sup>23</sup> Ambiguously, decisions on “more important” issues were taken unanimously with a strong blocking veto power in effect. Yet as time passed and as new acts and treaties were signed, the scope of QMV was extended and its features were more institutionalized. The Single European Act (SEA) of 1986 extended its area of practice across the whole single market program. The 1992 Treaty of Maastricht widened this area into the policies of education, environment, health, economy and monetary, and into the implementation of certain joint decisions in home affairs. The Amsterdam Treaty of 1997 widened the space even bigger. QMV started to include employment, social policy, equal opportunities, statistics, and the implementation of certain joint decisions in foreign affairs.<sup>24</sup> Finally, with the entry into force of the Lisbon Treaty of 2007, QMV became the standard decision taking method of the Council, which overwhelmingly replaced the most of the policy areas of unanimity in the past. These areas include energy, asylum, humanitarian aid, the EU budget, transport, immigration, border checks and many more.

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<sup>21</sup> Treaty on the the European Union, Lisbon Consolidated Version 26.10.2012 , C 326/24, Article 16 (4)

<sup>22</sup> Europa website, Luxembourg Compromise, online [http://europa.eu/legislation\\_summaries/glossary/luxembourg\\_compromise\\_en.htm](http://europa.eu/legislation_summaries/glossary/luxembourg_compromise_en.htm); source visited on 27 June 2015

<sup>23</sup> *Ibid.*

<sup>24</sup> Euro Know website, Qualified Majority Voting (QMV), online <http://www.euro-know.org/europages/dictionary/q.html>; source visited on 22 April 2015



The Lisbon Treaty introduced a new system for QMV, which is called “double majority.” As it is explained in the Lisbon Treaty, according to the double majority rule, “*a qualified majority shall be defined as at least 55% of the members of the Council, comprising at least fifteen of them and representing Member States comprising 65% of the population of the Union. A blocking minority must include at least four council members, failing which the qualified majority shall be deemed attained.*”<sup>25</sup> As it can be seen with the developments in Qualified Majority Voting, the decision taking processes of the European Union is constantly evolving into a supranational nature, in which unilateral actions are losing weight in the institutional structure of the Union.

Along with enhancing the scope of QMV, the Single European Act also brought other measures for the federalist evolution of the European Union. Signed approximately 30 years after the Treaty of Rome, the SEA opened a new path for the Union as it led to the creation of all the other remaining treaties of the EU in the next 30 years up until today. Signing of the SEA became a necessity for the EU because of the unanimity based decision making process at the Council. By opening up new spaces for the practice of QMV in the Council, the SEA added new momentum to the harmonization of legislation among Member States with a main objective of completing the internal market in the EU. The SEA made a projection of creating a single market in the EU by 1992, therefore expanded the institutional powers at the Union level. For example, the Commission gained power against the intergovernmental components of the Union with the inclusion of its conferral for the implementation of the rules which the Council lays down. As another example, the inclusion of the requirement of the European Parliament’s consent when concluding an association agreement strengthened the EP’s position on the inter-institutional power balance of the EU. Another feature of the SEA was the introduction of the concept of a common foreign policy, which is a strong sign of the Union’s federalist drift. According to the

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<sup>25</sup> Treaty on the the European Union, Lisbon Consolidated Version 26.10.2012 , C 326/24, Article 16 (4)

SEA, Member States shall consult one another on matters of foreign policy that might be relevant to the security of the Member States.<sup>26</sup>

The year of 1992 represents one of the biggest federalist moves in the history of the EU. That year, the long integration process of the economies of the Member States came to a whole new level with the establishment of the Economic and Monetary Union (EMU) with the ratification of the Maastricht Treaty. The EMU includes the coordination of economic policy making between Member States, the coordination of fiscal policies especially on the boundaries of national debt and deficit, the creation of Euro<sup>27</sup> as a single currency and the Eurozone, and the creation of an independent monetary policy run by the European Central Bank (ECB). Except for setting own national budgets within agreed limits for deficit and debt, Member States have no other competences over the EMU. The remaining responsibilities of the EMU are divided amongst the institutions of the EU with supranational practices.

With the Economic and Monetary Union already in effect and the European Central Bank already existent, the Member States who use the Euro currency have no competences over maintaining Euro's purchasing power and price stability in the Eurozone. This is the ECB's task. However, as the global financial crisis of 2008 shortly turned into a debt crisis in the Eurozone, it became a necessity to take further Union level measures for the banking sector in Europe. Therefore in 2012, with the inclusion of stronger prudential requirements for banks, improved depositor protection, and rules for managing failing banks, the Banking Union emerged for a more independent and deeper integrated European banking system.<sup>28</sup> As a result, banking policies of Member States who use Euro currency were transferred to the EU level.

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<sup>26</sup> Europa website, The Single European Act, online [http://europa.eu/legislation\\_summaries/institutional\\_affairs/treaties/treaties\\_singleact\\_en.htm](http://europa.eu/legislation_summaries/institutional_affairs/treaties/treaties_singleact_en.htm); source visited on 22 April 2015

<sup>27</sup> The name "Euro" was not used in the Maastricht Treaty. It was officially adopted in the Madrid meeting of the European Council on 16 December 1995

<sup>28</sup> European Commission website, Banking Union, online [http://ec.europa.eu/finance/general-policy/banking-union/index\\_en.htm](http://ec.europa.eu/finance/general-policy/banking-union/index_en.htm), source visited on 20 April 2015

A European Union Army is not existent yet, but is definitely on the table. In 2009, the European Parliament adopted an initiative report that says “*a common defence policy in Europe requires an integrated European Armed Force which consequently needs to be equipped with common weapon systems so as to guarantee commonality and interoperability*”.<sup>29</sup> More recently Jean-Claude Juncker, the President of the European Commission, stated that “*getting Member States to combine militarily would make spending more efficient and would encourage further European integration.*”<sup>30</sup> Besides the intention to create a unified army, this statement is also valuable in the context that it shows the willingness of the President of the Commission himself for further European integration. This may be the start of a new area of integration that can be counted as a sign of the Union’s federalist drift.

The number of the indicators of the federalist drift of the EU and the power gain of supranationalism against intergovernmentalism within the EU can be increased, but let alone the aforementioned competences transferred and being planned to be transferred to the Union through time, the federalists say that the EU itself has been designed to be a federal entity in the first place. A year before the establishment of the ECSC, Robert Schuman, the French Foreign Minister of that time, presented a declaration known as The Schuman Declaration. Known as one of the founding fathers of the EU, he stated in the declaration that, “*the pooling of coal and steel production should immediately provide for the setting up of common foundations of economic development as a first step in the federation of Europe.*”<sup>31</sup> According to the federalists, it shows that the main intention for forming the ECSC all the way back then was to create a federal Europe in the long run. Looking at the evolution of the ECSC to the EU and at the developments inside the EU, one way to express the development of the

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<sup>29</sup> Vasconcelos, The Idea Behind the EU Army is a Federal Europe, 20 March 2015, online <http://www.europeanfoundation.org/margarida-vasconcelos-the-idea-behind-an-eu-army-is-a-federal-europe/>; source visited on 20 April 2015

<sup>30</sup> Sparrow, Jean-Claude Juncker Calls for EU Army, The Guardian, 8 March 2015, online <http://www.theguardian.com/world/2015/mar/08/jean-claude-juncker-calls-for-eu-army-european-commission-military>; source visited on 20 April 2015

<sup>31</sup> The Schuman Declaration, 9 May 1950, online [http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index\\_en.htm](http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm); source visited on 20 April 2015

European Union is that the EU has a federalist drift by nature that comes from its past.

### **5. European Institutions: Completion or Competition?**

Since all the institutions are composed of real human beings, members of an institution can have different opinions on the roles of that institution, but there are also dominant groups inside. Therefore, the institutions develop their own collective logics that serve as an important determinant of their own actions and perceptions.

The institutions of the European Union have been formed to work together and constrain each other. In today's conditions, we cannot think of these institutions without the other ones being present. One of the best examples of this argument is the co-decision procedure amongst the European Parliament and the Council of the European Union. A procedure introduced by the Maastricht Treaty in 1992, it became the main legislative procedure of the EU with its name being Ordinary Legislative Procedure (OLP) when the Lisbon Treaty took effect in 2009.<sup>32</sup> With OLP in force, the EP is equals with the Council regarding legislation, except for fields described in the Lisbon Treaty. This means that, these two European institutions don't just work together, but also complete each other. At the same time, the example of OLP shows that, the same force that pushes the EP and the Council into cooperation also creates a constraining environment for these institutions, because they cannot perform their legislative actions without the other one's compromise.

The large number of constraining forces and situations within the institutional structure of the Union create competition among institutions, and this competition expands to another theoretical field. Besides the theoretical-wise institutional differences, stretching from intergovernmentalism all the way to federalism, in the understanding of the roles and the identity of the EU, each European institution perceive its own roles and identity against the other ones differently. In other words, they all try to be the principal against the other ones.

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<sup>32</sup> Treaty on the Functioning of the European Union, Lisbon Consolidated Version 26.10.2012 , C 326/173, Article 294

In the traditional way of description, when performing an act, a principal is the person who can assign powers to his/her agent to perform that relevant act in order to increase efficiency by reducing transaction costs. This is called the principal – agent approach.

When applied to the European Union, the principal – agent approach becomes one of the main debate subjects of the theoretical cleavage of “supranationalism vs. intergovernmentalism vs. federalism.” The supranational understanding of the Union positions its institutions as principals in relation with the member states, because the actions performed by the Union are binding for its members. In contrast, the intergovernmentalists see the European institutions as agents of the member states since the decision making is dominated and directed by the national governments. In this point of view, after having reached a consensus, member states as principals delegate power to the European institutions as agents in order to increase efficiency and reduce transaction costs. Therefore, the European institution which mostly promote the interests of the Member States position themselves as principals against the European institutions which mostly promote the interests of the Union, seeing them as their agents. The same perception also applies to the other side of the equation. This situation can be regarded as a strong motivation point for the historical developments of the European institutions. Therefore, the principal – agent approach is well worth mentioning in this research.

The European Council and the Council of the European Union, which are composed of the Heads of State or Government and the national ministers respectively, represent the Member States at the European level. Therefore, they mostly try to defend the national interests and favor intergovernmentalism. On the other side stand the European Parliament and the European Commission as supranationalist institutions. The EP is composed of Members of the European Parliament (MEPs), who are elected in union-wide direct elections by the Union’s citizens themselves. There are no national political groups in the EP, so the MEPs represent union-wide ideological groups dealing with union-wide issues. As for the Commission, it is composed of Commissioners who resign from their national offices in order to come into office at the European level, so

the Commissioners try to defend the supranational interests of the Union against the Member States. To better understand why these institutions constitute two different camps of the institutional power balance, their features are briefly explained in the coming sub-chapters. Since other institutions of the EU are less interested in political issues and mostly deal with technical ones, they are not given a place in this research.

Stressing out once more, as each European institution, in line with its collective logic, has a different understanding of the European Union regarding its role and identity, they try to direct the development of the Union towards their own perceptions (see Figure 2). Nevertheless, with the OLP example above in mind, the best way to describe the relationship amongst the European institutions is neither completion, nor competition, but both.

Figure 2: Quicklook on the European Institutions

<b>European Institution</b>	<b>Main Composition</b>	<b>Area of Interest</b>	<b>Collective Logic</b>
<b>The European Council</b>	Heads of State or Government	Mostly National Level	Intergovernmental
<b>The Council of the European Union</b>	National Ministers	Mostly National Level	Intergovernmental
<b>The European Parliament</b>	Members of the European Parliament	Mostly European Level	Supranational
<b>The European Commission</b>	Commissioners	Mostly European Level	Supranational

Source: Own Design

### **5.1. The European Council**

According to the Article 15(1) of the Lisbon Treaty on the European Union (TEU), “*the European Council shall provide the Union with the necessary impetus for its development and defining the general political directions and priorities thereof. But it shall not exercise legislative functions.*”<sup>33</sup> In short, the European Council sets the agenda and general political directions of the Union.

Besides its own president and the president of the European Commission, it is composed of Heads of State or Government of the Member States. This composition makes it by far the most intergovernmentalist institution of the Union. Obviously, it puts itself, and automatically the Member States, at a central position inside the EU structure and sees itself as the principal. Since it has no legislative functions, it empowers other institutions like the Commission to bring its decisions into life. Therefore, the collective logic of the European Council positions the other institutions as its agents. Since all EU organization is a supporting arena for state cooperation in this logic, the European Council defends an intergovernmentalist approach regarding the identity and the roles of the Union.

### **5.2. The Council of the European Union**

The Council of the European Union, or simply the Council, jointly with the European Parliament, shall exercise legislative and budgetary functions. Plus, it shall carry out policy-making and coordinating functions as laid down in the treaties.<sup>34</sup>

The Council is composed of national ministers of the Member States, but its formation is organized according to the issue at hand. Each time the Council needs to work on a specific area, the relevant ministers from each Member State come together under the roof of the Council. For example, if the work of the Council involves energy issues, then the energy ministers constitute the Council. If the work involves health issues, then it is up to the ministers of health to come

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<sup>33</sup> Treaty on the European Union, Lisbon Consolidated Version 26.10.2012 , C 326/23, Article 15 (1)

<sup>34</sup> Treaty on the European Union, Lisbon Consolidated Version 26.10.2012 , C 326/24, Article 16 (1)

together. This is the way how the Council works. Because of this intergovernmentalist formation, its collective logic is very close to the logic of the European Council. But except a small number of policy fields, the Council can only act following an initiative from the European Commission. Because of this legislation, federalists see the Council as a second chamber.<sup>35</sup>

### **5.3. The European Parliament**

The European Parliament is the sole directly elected institution of the EU, thus citizens of the Member States are directly represented here at the European level. Like mentioned before, jointly with the Council, it shall exercise legislative and budgetary functions, shall exercise functions of political control and consultation as laid down in the Treaties, and shall elect the President of the Commission.<sup>36</sup>

Being the sole directly elected institution of the EU makes the EP the center of the Union's institutional structure in the eyes of the supranationalists. Instead of national political groups, EP is composed of multinational political groups that differentiate from each other in terms of ideology. This feature, together with the direct election of MEPs, brings EP a supranationalist collective logic. It does not see itself as an agent of any other European institution. Moreover, by voting on European laws, EP positions itself as the parliamentary body of a federal entity.

### **5.4. The European Commission**

The European Commission is the executive body of the EU, which can initiate proposals in favor of the general interests of the Union. It is the guardian institution of the Treaties. Its main duties are ensuring the application of the Treaties, overseeing the application of Union law, executing the budget, managing programs, and coordinating executive and management functions within the EU. Also, with the exception of Common Foreign and Security Policy and other cases provided for in the Treaties, it shall ensure the Union's external representation.<sup>37</sup> These government-like duties in the European level empower the Commission with directly affecting the lives of the Union citizens and bring

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<sup>35</sup> Wolfgang Wessels, *The EU System: A Polity in the Making – The Evolution of the Union's Institutional Architecture*, Cologne 2013, p. 88

<sup>36</sup> Treaty on the European Union, Lisbon Consolidated Version 26.10.2012 , C 326/22, Article 14 (1)

<sup>37</sup> Treaty on the European Union, Lisbon Consolidated Version 26.10.2012 , C 326/25, Article 17 (1)



the Commission a federalist collective logic, thus positioning itself as the principal in relation to the other European institutions.

It is composed of one representative from each Member State, but the elected commissioners resign from their national offices and work for the interests of the Union. This formation of the Commission, together with its aforementioned duties and powers at the European level, brings the Commission a supranational identity rather than an intergovernmental one.

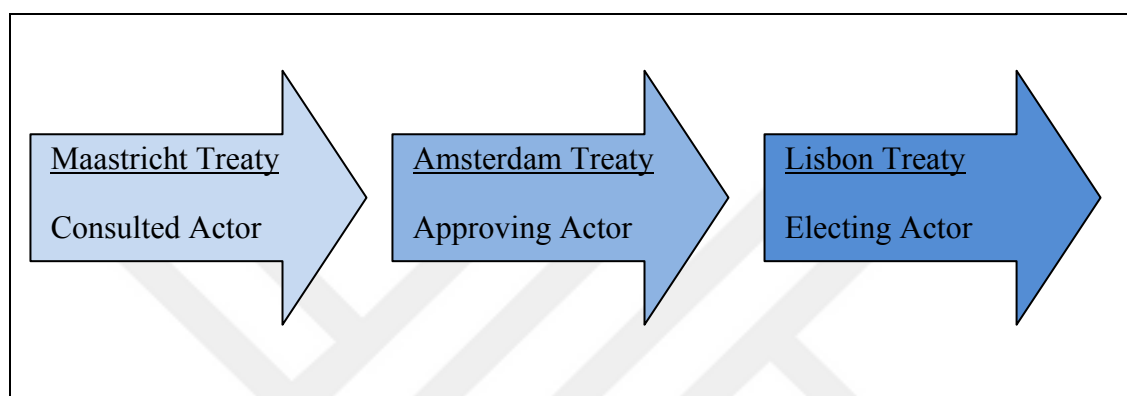
## **6. The Election Procedure of the President of the European Commission**

As discussed before, the federalist development of the European Union has its own critical junctures in the process, which open up and have the potential to open up further areas of federalist practices. Yet those critical junctures are not instances of momentary decisions or actions. They are results of historical situations, decisions and actions that have their own continuous development processes. This research positions the latest change in the election procedures of the President of the European Commission as the latest critical juncture in the federalist drift of the European Union. To better understand why, it is needed to be analyzed and described in detail. Therefore, the coming sub-chapters include the role and the importance of the President of the Commission in the formation of the Commission, the historical development of the election procedure of the President, and the emergence of presidential candidates in the EP elections of 2014, all in detail.

The constant increase of federalist practices was explained in detail in Chapter 4. As an addition to those practices, the evolution of the election procedure of the President of the European Commission can be regarded as another indication of the growing dominance of supranationalism against intergovernmentalism in the EU. As being the central point of analysis of this very research, the patterns of this procedure will be explained in the coming sub-chapters but in short, starting with the Treaty of Maastricht, the Heads of State or Government had an obligation of “consulting” the EP before making a nomination for the Commission presidency. With the Treaty of Amsterdam, consultation was changed with the “approval” of the Commission Presidency candidate by the EP.

Finally, with the Treaty of Lisbon, approval was changed with “electing” the President of the Commission<sup>38</sup> (see Figure 3). Moreover, with the Treaty of Lisbon, the European Council now has to take into account the elections to the European Parliament before proposing a candidate for the Commission presidency.<sup>39</sup>

Figure 3: The Changing Role of the European Parliament in Electing the Commission President



Source: Own Design

### **6.1. The President of the European Commission: The Building Block**

In the composition of the Commission, its president plays a vital role and acts as the building block. After being elected by the European Parliament, he or she accepts proposals of the national governments of the Member States regarding the commissioners. Here, each national government can propose one commissioner. During this stage, the president-elect can reject the proposed candidate, or can allocate the portfolios to the commissioners as he or she sees fit. Furthermore, the president-elect must agree with the appointment of the High Representative for Foreign Affairs and Security Policy.<sup>40</sup> This stage requires great capabilities of assessment for the president-elect, because in the last step the EP gives consent to the Commission as a single body with the principal of

<sup>38</sup> Nasshoven, *The Appointment of the President of the European Commission: Patterns in Choosing the Head of Europe’s Executive*, Nomos, Cologne 2010, p. 93

<sup>39</sup> Treaty on the European Union, Lisbon Consolidated Version 26.10.2012 , C 326/26, Article 17 (7)

<sup>40</sup> Treaty on the European Union, Lisbon Consolidated Version 26.10.2012 , C 326/26, Article 17 (7)

collegiality.<sup>41</sup> So, one unwanted commissioner candidate can lead to the withdrawal of all the Commission. Since the president of the Commission holds a great responsibility in the forming of the government-like body of the EU, he or she is one of the politically important actors of the Union.

Putting aside the formal procedures, because of the Commission President's critical role, every influential actor in the Union would naturally want to see a Commission President who shares similar ideas with him or her. As institutions are composed of individuals and as they have a collective logic, this situation is no difference in the European level. Accordingly, the intergovernmentalist institutions such as the European Council and the Council would want to see a president who will act as an agent of the Member States. On the hand, the EP would want a president who will promote the Union's interests, acting as an agent of the EP.

## **6.2. The Historical Development of the Election Procedure of the President of the European Commission**

With EU in transformation throughout its lifespan, the transformation of its institutions is unavoidable. As being one of the main institutions of the EU, the Commission is no different in this context.

The first predecessor institution of the modern day European Commission can be regarded as the High Authority of the European Coal and Steel Community. Being independent and having supranational duties, it was the executive branch of the ECSC. 8 out of 9 members of the High Authority were appointed unanimously by the Member States, and the remaining member was elected jointly by the Member States and the High Authority. Then the governments would select the President amongst these members.<sup>42</sup>

When the Rome Treaties established the EURATOM and the EEC, the forming patterns of the High Authority of the European Coal and Steel Community were

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<sup>41</sup> Treaty on the European Union, Lisbon Consolidated Version 26.10.2012 , C 326/26, Article 17 (8)

<sup>42</sup> Nasshoven, *The Appointment of the President of the European Commission: Patterns in Choosing the Head of Europe's Executive*, Nomos, Cologne 2010, p. 84

implemented into the forming patterns of the Commissions of the EURATOM and the EEC. In the case of the EEC, the procedure was almost the same, with the only exception of the appointment of the ninth member, which was also appointed by the national governments. As for the Commission of the EURATOM, the procedure was the same with the Commission of the EEC, with the number of its members being just 5. So, by the exclusive power given to the national governments to appoint the presidents of these Commissions, the Rome Treaties strengthened the intergovernmental control over the formation of the Commissions.<sup>43</sup>

As the Merger Treaty gathered the ECSC, the EEC and the EURATOM under one umbrella with the name of European Communities in 1967, it also merged the Commissions of these entities and created the Commission of the European Communities. The practice of appointing the Commissioners and the President of the Commission remained the same as it was in the Rome Treaties until the entry into force of the Maastricht Treaty in 1993. According to this practice, the Commissioners were appointed unanimously by the national governments, and the President was elected among the Commissioners by the national governments.<sup>44</sup>

The Maastricht Treaty came with substantial structural and institutional changes for the EU. One of the biggest winners of these changes was the European Parliament, which gained power against the intergovernmental side of the EU, especially in the decision making processes. As for the formation of the Commission, the whole process made a u-turn. Before the Maastricht Treaty, it was the Commissioners who were to be appointed in the first place by the national governments, and then the President was to be elected amongst them again by national governments. With the entry into force of the Maastricht Treaty, the first nomination by the national governments was done for the President of the Commission. Moreover, the governments had to take into consideration the opinion of the European Parliament before nominating a

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<sup>43</sup> *Ibid.*, pp. 84-85

<sup>44</sup> Nasshoven, *The Appointment of the President of the European Commission: Patterns in Choosing the Head of Europe's Executive*, Nomos, Cologne 2010, p. 85

candidate. After this has been done, the Heads of State or Government in consultation with the presidential nominee, nominated other Commissioners. About this process, the Maastricht Treaty says, “*The governments of the Member States shall nominate by common accord, after consulting the European Parliament, the person they intend to appoint as President of the Commission. [Then] 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*”<sup>45</sup> In the final step of the procedure, the European Parliament with the principle of collegiality needed to give consent to the Commission as a whole. It was only possible for the Heads of State and Government to unanimously put the Commission into office after EP’s consent.<sup>46</sup> The final step is described in the Maastricht Treaty as “*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.*”<sup>47</sup>

This process shows that the first area of power gain for the EP was its role regarding consultation on the nomination of the President of the Commission, but maybe a more important area was the approval role of the EP in the last step, because consultation did not have a binding effect. The need for collegial approval by the EP created pressure on the Heads of State or Government regarding the presidential nomination. The EP has a supranationalist collective logic, and the expected action has to be the approval of a nominee who defends the Union’s interests, and the rejection of a nominee who acts as a pure agent of the national governments. A similar pressure was applied to the nominee for the President of the Commission, first in the area of individual suitability, then in the area of assessment capabilities. With Maastricht Treaty, the nomination and the appointment phases were still at the hands of the national governments, but the consultancy and the approval roles were given to the EP. Since the EP is and also

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<sup>45</sup> Treaty on the European Union, Maastricht 29 July 1992 , C 191/32, Article 158 (2)

<sup>46</sup> Nasshoven, *The Appointment of the President of the European Commission: Patterns in Choosing the Head of Europe’s Executive*, Nomos, Cologne 2010, p. 86

<sup>47</sup> Treaty on the European Union, Maastricht 29 July 1992 , C 191/32, Article 158 (2)

was at that time elected directly by the citizens of the EU, the Maastricht Treaty has led to the power gain of the supranational side of the institutional power balance in the context of the election process of the President of the Commission.

The Treaty of Amsterdam reinforced the European Parliament within the procedure by strengthening its role with a veto power. The term “consultation” was changed to “approval.” According to this amendment, the presidential nominee had to be approved by the EP with simple majority.<sup>48</sup>

The main procedure was not changed much with the entry into force of the Treaty of Nice. Moreover, the approving role of the EP was not changed either. However, the Treaty of Nice brought a couple of supranational practices into the election process. Firstly, contrary to the governments of the Member States, the Council in the composition of Heads of State or Government would nominate the President of the Commission and then the remaining Commissioners jointly with the presidential nominee. Secondly, contrary to unanimity, the nominations were needed to be done by Qualified Majority Voting. The changes made in the Treaty of Nice in this context represent a shift from the intergovernmental practice, in which the national governments decided unanimously on the nominations, towards a supranational method, in which the nominations were done by qualified majority with an institutional context within the EU structure<sup>49</sup> (see Figure 4).

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<sup>48</sup> Nasshoven, *The Appointment of the President of the European Commission: Patterns in Choosing the Head of Europe’s Executive*, Nomos, Cologne 2010, p. 88

<sup>49</sup> Nasshoven, *The Appointment of the President of the European Commission: Patterns in Choosing the Head of Europe’s Executive*, Nomos, Cologne 2010, p. 89

Figure 4: Past Exercises of the European Commission Formation

<b>Predecessor Institution</b>	<b>Treaty in Force</b>	<b>Order of Selection</b>	<b>Authority of Selection</b>	<b>Method of Selection</b>
<b>High Authority of the ECSC</b>	Paris	First the commissioners, then the president	National governments and the High Authority	Unanimity
<b>The Commission of the EURATOM</b>	Rome	First the commissioners, then the president	National governments	Unanimity
<b>The Commission of the EEC</b>	Rome	First the commissioners, then the president	National governments	Unanimity
<b>The Commission of the European Communities</b>	Merger	First the commissioners, then the president	National governments	Unanimity
<b>The Commission of the European Communities</b>	Maastricht	First the president, then the commissioners in consultation with the presidential nominee	The Council in the composition of the Heads of State of Government	Unanimity after consulting the EP
<b>The Commission of the European Communities</b>	Amsterdam	First the president, then the commissioners in consultation with the presidential nominee	The Council in the composition of the Heads of State of Government	Unanimity after the approval of the EP by simple majority
<b>The Commission of the European Communities</b>	Nice	First the president, then the commissioners in consultation with the presidential nominee	The Council in the composition of the Heads of State of Government	QMV after the approval of the EP by simple majority

Source: Own Design

### **6.3. The Election Procedure of the President of the European Commission after the Ratification of the Lisbon Treaty**

The recent election procedure of the President of the Commission is laid out in the Treaty of Lisbon. Here, Article 17 says, *“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 or she 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. 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... The President, The High Representative of the Union for Foreign Affairs and Security Policy and the other members of the Commission shall be subject as a body to a vote of consent by the European Parliament. On the basis of the consent the Commission shall be appointed by the European Council, acting by a qualified majority.”*<sup>50</sup>

The alterations in the process and the technicality of these alterations are clearly described in Article 17, but the effects of the alterations in the context of a shift in the inter-institutional power balance and in the context of the federalist drift of the EU are needed to be analyzed in order to see the evolutionary features. First of these features is the norm that was brought for the choice of nomination to the Commission Presidency seat. Before the Lisbon Treaty, there were no formal requirements for individuals to be nominated. The Heads of State or Government used to put forward a candidate who they saw fit. With the Lisbon Treaty, the norm of taking into account the election results of the EP was introduced. It is true that this norm does not mean that the European Council shall definitely make a nomination according to the outcome of the EP elections, but it creates a great pressure point in terms of accountability to the Union citizens. The second

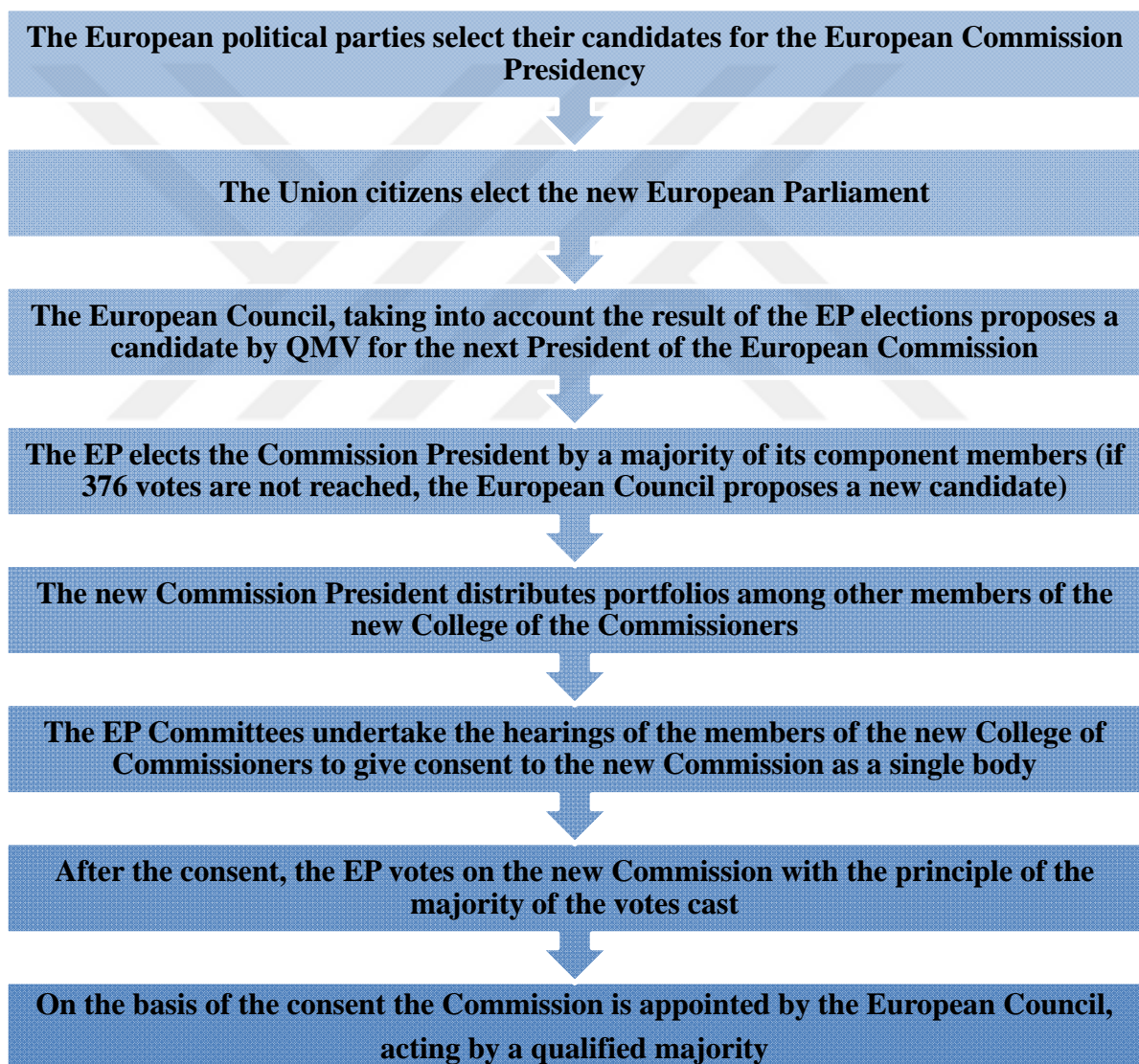
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<sup>50</sup> Treaty on the European Union, Lisbon Consolidated Version 26.10.2012 , C 326/26, Article 17 (7)



feature that increases the power of the EP in the inter-institutional balance is the formal description of consequences of a possible veto in the process. Nor the Treaty of Amsterdam neither the Treaty of Nice says anything about the consequences of a non-approval of the candidate by the EP. However in the Lisbon Treaty, the obligations of the European Council in an incident of a negative vote in the EP are made clear. Lastly, the EP is promoted to the role of an “electing” actor from a merely “approving” institution<sup>51</sup> (see Figure 5).

Figure 5: The Inauguration Procedure of the European Commission after the Ratification of the Lisbon Treaty



Source: Own Design

<sup>51</sup> Nasshoven, *The Appointment of the President of the European Commission: Patterns in Choosing the Head of Europe’s Executive*, Nomos, Cologne 2010, pp. 90-91

In the recent procedure for the elections of the President of the Commission, the first step of nominating a candidate for the Presidency and the last step of appointing the Commission as a whole is still at the hands of the European Council, which is the most intergovernmentalist institution of the Union. Yet the recurring empirical regularities in the historical development of the procedure show us that there is no turning back for the federalist drift of the EU in terms of losing the gains of previous treaties when a new treaty is signed in the context of past supranationalist contributions. Looking at the step-by-step increase of the role of the EP and the step-by-step replacement of unanimity with majority rules in the procedure starting from the Treaty of Maastricht up until now, it is clearly seen that the contextual features of the recent election procedure of the President of the Commission is inherited from the past with a path dependent nature. Moreover, this path dependent development of the procedure reshapes the European institutional power balance with the occurrence of each critical juncture in favor of federalism.

#### **6.4. The Path to the EU Government: The Emergence of *Spitzenkandidaten***

With the term “*Taking into account the elections to the European Parliament*” in the Lisbon Treaty, it became obvious for the European Council what to do before proposing a candidate for the Commission Presidency, but it was not clear how to do it until 12 March 2013. That day, the European Commission put an end to this ambiguity and published a press release, recommending that the political parties of the EP nominate their candidates for the Commission Presidency in the next EP elections, or make known which candidate for the Commission Presidency they support.<sup>52</sup> Subsequently, political party groups of the EP started one by one to declare their candidates. European People’s Party (EPP) declared Jean-Claude Juncker, former Prime Minister of Luxemburg, as its presidential candidate, whereas Party of European Socialists (PES) declared Martin Schulz, the President of the European Parliament. Alliance of Liberals and Democrats for Europe Party (ALDE) announced Guy Verhofstadt, former Prime Minister of Belgium, as its candidate. The candidate of European Left was Alexis Tsipras, recent Prime Minister of Greece, and the co-candidates of the Greens were Ska

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<sup>52</sup> European Commission Press Release, IP/13/215, online [http://europa.eu/rapid/press-release\\_IP-13-215\\_en.htm](http://europa.eu/rapid/press-release_IP-13-215_en.htm); source visited on 31 May 2015

Keller and José Bové. There were no other candidates in the electoral race as European Conservatives and Reformists (ECR), and Europe of Freedom and Direct Democracy (EFD) did not declare any candidacies as they were ideologically opposed to the federalist practices within the EU<sup>53</sup> (see Figure 6).

Figure 6: Presidential Candidates of the European Political Parties and their Affiliated Party Groups

<b>European Party</b>	<b>Presidential Candidate</b>
<b>European People’s Party</b>	Jean-Claude Juncker
<b>Party of European Socialists</b>	Martin Shculz
<b>Alliance of Liberals and Democrats for Europe Party</b>	Guy Verhofstadt
<b>European Left</b>	Alexis Tsipras
<b>The Greens</b>	Ska Keller and José Bové
<b>European Conservatives and Reformists</b>	None
<b>Europe of Freedom and Direct Democracy</b>	None

Source: Own Design

The EP elections of 2014 were first of its kind in many aforementioned aspects, and the inclusion of presidential candidates was one of them. Therefore, the elections created its own jargon in the newly introduced areas, like the term “*Spitzenkandidaten*.” It is the plural version of the German word “*Spitzenkandidat*” which is equivalent to “leading candidate” or “top candidate.” The word was already in use during national elections in Germany, and became

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<sup>53</sup> Schmitt, Hobolt, Popa, “*Spitzenkandidaten*” in the 2014 European Parliament Election: Does Campaign Personalization Increase the Propensity to Turn Out?, University of Glasgow, 3-6 September 2014

the widely used informal term for addressing the presidential candidates of the European political party groups during the course of the EP elections of 2014.

Looking at the historical evolution of the election procedure of the Commission President, it is seen that the emergence of *Spitzenkandidaten* is a consequence of both intended and unintended developments that back each other with a historically path dependent series of decisions and actions.

The historical development of the Commission is the first path leading to the emergence of *Spitzenkandidaten*. As the supranational and federalist practices constantly gained weight within the institutional structure of the Union throughout its lifespan, the Commission became more and more the government-like body of the EU. In the recent setup, the number of areas the Commission is affecting the lives of the EU citizens is higher than ever. That's why the need for a stronger direct tie between the EU citizens and the Commission is higher than ever too. José Manuel Barroso, the former President of the European Commission, addressed this issue in his speech of 8 May 2014 at the Humboldt University of Berlin, saying that "*There is a legitimacy gap [regarding the EU], because citizens perceive that decisions are taken at a level too distant from them.*"<sup>54</sup>

The second path leading to the emergence of the *Spitzenkandidaten* is the inclusion of relative articles of the Lisbon Treaty regarding the election procedure of the Commission President. These articles did not come out of the blue. The amendments in the Maastricht Treaty created a major branching point for the process, and the related amendments in the succeeding treaties followed that logic to formalize the process and make it more institutionalized.

To sum up, the increasing role of the Commission regarding the very lives of the Union citizens, the increasing need in the direct tie between the Union citizens and the Commission, combined with the increasing role of the EP in the election

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<sup>54</sup> Europa website, José Manuel Barroso speech at Humboldt University of Berlin with the title "Considerations on the Present and Future of the European Union", 8 May 2014, online [http://europa.eu/rapid/press-release\\_SPEECH-14-355\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-14-355_en.htm); source visited on 1 June 2015

procedure created the path to the conceptualization of the Commission President as the head of a government in the government-like body of the EU. As a result, like in every democratic system, this situation led to the emergence of presidential candidates in the European level with the name *Spitzenkandidaten*.

#### **6.4.1. Reactions to the Notion of *Spitzenkandidaten*: Reluctance towards Acceptance**

Because of the ambiguities in the articles of the Lisbon Treaty regarding the new election procedure of the Commission President, and because of the institutional and actor based power struggles within the EU structure, there were no unified reactions to the notion of *Spitzenkandidaten* when it first came onto the stage. Besides the lack of public awareness or interest in the notion, some of the influential actors had reluctance on the exercise of *Spitzenkandidaten*.

Herman van Rompuy, the former President of the European Council, stated in an interview after the EP elections that, “*Turnout in EP elections was low, because citizens knew that decisions were taken by national governments as well as MEPs. This difference between the Parliament and those who really decide is very clear to citizens.*”<sup>55</sup> He also said that he was doubtful on the gains of the inclusion of *Spitzenkandidaten* to the election process since the EP election results depended on national preferences and the decision on choosing the Commission President was at the hands of the European Council.<sup>56</sup>

Another opposing actor was the British Prime Minister David Cameron. Already known as being against further European integration, he consistently stood against the *Spitzenkandidaten* exercise right from the beginning and never changed his stance on the matter. On 13 June 2014, after the EP elections were made and EPP got the majority of the votes cast (see Figure 7), he published an article criticizing the new procedure in various newspapers including *Le Monde*,

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<sup>55</sup> Taylor, Van Rompuy Casts Doubt on Value of *Spitzenkandidaten*, Politico website, 2 June 2014, online <http://www.politico.eu/article/van-rompuy-casts-doubt-on-value-of-spitzenkandidaten/>; source visited on 1 June 2015

<sup>56</sup> *Ibid.*

*Süddeutsche Zeitung* and *Irish Times*<sup>57</sup>, saying that “...certain MEPs invented a new process whereby they are trying to both choose and elect the candidate. This concept was never agreed by the European Council. It was not negotiated by the European institutions, and it was never ratified by national parliaments... Most Europeans did not vote on the European Parliament elections. Turnout declined in the majority of Member States. Nowhere was Mr. Juncker on the ballot paper. Even in Germany, where the concept of *Spitzenkandidaten* got the most airtime, only 15% of the voters even knew he was a candidate. He did not visit some Member States. Those who voted did so to choose their MEPs, not the Commission President. Mr. Juncker did not stand anywhere and was not elected by anyone. To accept such a claim would be deeply damaging for Europe, and would undermine, rather than strengthen, the EU’s democratic legitimacy... It would shift power from national governments to the European Parliament without voters’ approval... It would restrict the pool of talent precisely when the EU needs to find the very best. It would politicize the European Commission... It would imperil the Commission’s credibility in the exercise of its regulatory and dispute resolution powers. And, most importantly, it would be a green light for those who want to breach the EU’s rules by the back door... We must focus on finding the best candidate for Commission President... Now it’s the time for Europe’s national leaders to have the courage of their convictions by standing up for their place in the EU and what is right for Europe’s future.”<sup>58</sup>

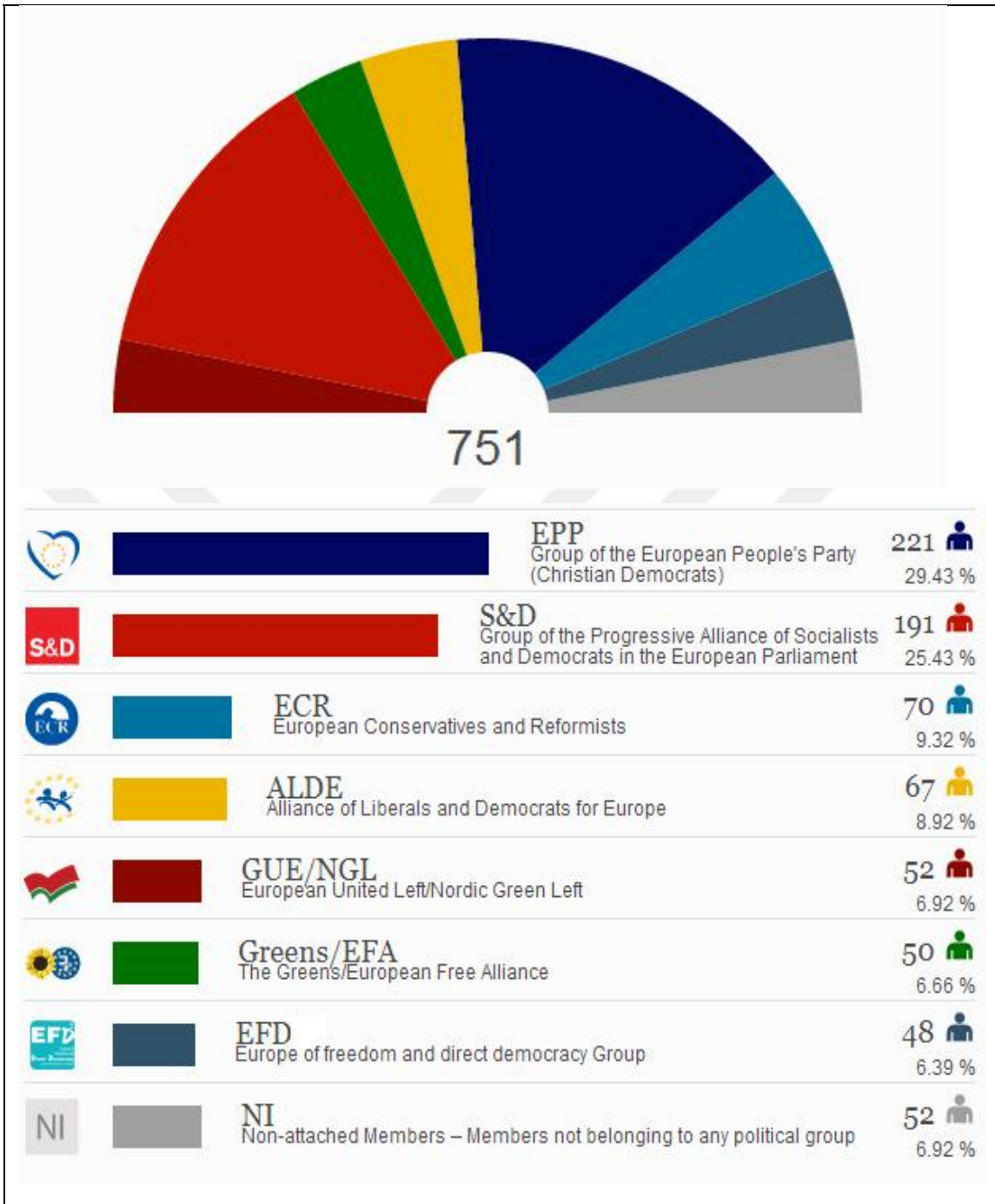
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<sup>57</sup> King, Cameron Hits Out at *Spitzenkandidaten* System, Politico website, 13 June 2014, online <http://www.politico.eu/article/cameron-hits-out-at-spitzenkandidaten-system/>; source visited on 1 June 2015

<sup>58</sup> Politico website, David Cameron’s publication, No One Voted for Mr. Juncker, 13 June 2014, online <http://www.politico.eu/other-voices/no-one-voted-for-mr-juncker/>; source visited on 1 June 2015



Figure 7: Outcome of the EP Elections of 2014



Source: European Parliament<sup>59</sup>

At the beginning of the debate, Cameron was not alone on the opposing side. Viktor Orban, the Hungarian Prime Minister, backed David Cameron firmly. Also, not being so firmly opposed as Cameron and Orban, other notable actors

<sup>59</sup> Stats were taken from the website of the European Parliament, online source <http://www.europarl.europa.eu/elections2014-results/en/election-results-2014.html>; visited on 25 June 2015

being against the idea of *Spitzenkandidaten* were the Dutch Prime Minister Mark Rutte, the Swedish Prime Minister of that time Fredrik Reinfeldt, Italian Prime Minister Matteo Renzi, French President François Hollande, and the German Chancellor Angela Merkel.

Among the leaders of the moderately opposing side, Angela Merkel's stance on the matter seems to have more influence over the stance of the other members since she is the head of one of the leading Member States of the EU, and personally she is one of the most experienced actors regarding European affairs. While the number of opponents of Juncker were high at the beginning and there was uncertainty on his possible candidacy for the Commission Presidency, the words of François Hollande describes very well the power of Angela Merkel on the outcome of the issue. According to the German magazine *Der Spiegel*, he told to people close to him that, "*A half sentence from her in Juncker's favor would have taken care of the issue.*"<sup>60</sup> Hollande was right. After a while of reluctance, Merkel eventually positioned herself in favor of Juncker, again reluctantly but by acting realistically, also directing the other moderately opposed leaders in favor of Juncker's presidency. The question needed to be asked here is why Angela Merkel changed her stance and accepted Juncker's presidency. This is a decisive question for this research, because it reveals the powerful impact of institutional path dependency, the importance of critical junctures, and the role of relational character of institutions altogether.

First of all, as there were national leaders within the EU who were opposed to the exercise of *Spitzenkandidaten*, there were also proponent leaders of the exercise right from the start. These leaders shared the same idea with Barroso in the context of legitimacy gap. One example was the Austrian Chancellor Werner Faymann. He stated that, "*It would be democratically devastating if we said before the election that the winning candidate would become Commission President and then we were to wholly reject that after the election. We are*

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<sup>60</sup> Blome *et al.*, The Democratic Deficit: Europeans Vote, Merkel Decides, *Der Spiegel* website, 2 June 2014, online <http://www.spiegel.de/international/germany/power-struggle-europts-between-european-parliament-and-eu-leaders-a-972870-2.html>; source visited on 1 June 2015



*gambling away our credibility among pro-European citizens and strengthening the enemies of Europe.”<sup>61</sup>*

Another pressure point for Angela Merkel found its source on the domestic grounds. This domestic pressure came from the German press, and from Merkel’s own party, the Christian Democrats (CDU). Both sides had their own motivations. For the German press, backing Juncker’s Commission Presidency was a necessity, again for the purpose of Barroso’s concerns. Matthias Döpfner, the publisher of the German newspaper *Bild* wrote that, “*This is much 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 former East Germany or in far right banana republics, but not in the EU. Otherwise it will abolish itself.*”<sup>62</sup> In another German newspaper *Der Spiegel*, an editorial was published opposing the thoughts of David Cameron on the exercise of *Spitzenkandidaten*. It goes as. “*The EU cannot allow itself to be blackmailed by the British for another three years and 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. If the EU doesn’t fulfill that promise, it will lose all credibility and acceptance... Britain is important to be sure. But the choice between a more democratic EU and Britain’s continued membership is clear. Europe must choose democracy.*”<sup>63</sup>

On the other hand Peter Tauber, the Secretary General of CDU declared CDU’s support for Juncker by stating that, “*Mr. Juncker is an outstanding European with whom we want to campaign together for a strong EPP in the European Parliament.*”<sup>64</sup> The motivation of CDU was different than the German press

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<sup>61</sup> Blome *et al.*, The Democratic Deficit: Europeans Vote, Merkel Decides, *Der Spiegel* website, 2 June 2014, online <http://www.spiegel.de/international/germany/power-struggle-europts-between-european-parliament-and-eu-leaders-a-972870-2.html>; source visited on 2 June 2015

<sup>62</sup> Charlemagne, The Battle for the European Commission: Has Merkel Lost Her Touch?, *The Economist* website, 3 June 2014, online <http://www.economist.com/blogs/charlemagne/2014/06/battle-european-commission>; source visited on 2 June 2015

<sup>63</sup> *Ibid.*

<sup>64</sup> Ralli, Merkel’s CDU Backs Juncker for New Commission President, *New Europe* website, 25 February 2014, online <http://www.neurope.eu/article/merkel%E2%80%99s-cdu-backs-juncker-new-commission-president/>; source visited on 2 June 2015

though. Ideologically CDU and EPP stand at the same side. That's why having a Commission President with a Christian Democrat tendency would be in favor of CDU and of course in favor of Angela Merkel.

Not all the actors deciding on the exercise of *Spitzenkandidaten* are mere leaders. As always, institutions matter. Therefore, the reaction of the European Parliament is needed to be discussed in terms of a source of another pressure point. Because of the increase in its power, the EP joyfully welcomed the publication of the press release of the Commission regarding the nomination of presidential candidates for the elections of 2014. The EP showed that it realized the critical juncture that came into existence with the publication of the press release of the Commission by using the motto "*This time it's different*"<sup>65</sup> for the elections of 2014.

This was the all-over institutional reaction of the EP to the exercise of *Spitzenkandidaten*, but there were also individual reactions of the MEPs strengthening the position of the EP. As the President of the European Parliament, Martin Schulz stepped up and got himself the first nominated candidate for the Commission Presidency.<sup>66</sup> This was an important sign for showing the internalization of the *Spitzenkandidaten* exercise by the EP. He acted in line with the relational character of the EP which influenced his self interest. Besides the candidacy of Martin Schulz, various MEPs made statements in favor of the *Spitzenkandidaten* exercise. For example Klaus Welle, the Secretary General of the European Parliament stated in his publication called Strategic Execution Framework for the European Parliament that, "We have to be more legitimized by the citizens if we are doing something at European Union level which immediately affects them. This was one of the main reasons why we have strongly been supporting the idea of lead candidates

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<sup>65</sup> European Parliament Press Release, The 2014 European Elections: This Time It's Different, 11 February 2014, online <http://www.elections2014.eu/en/news-room/content/20140210IPR35560/html/The-2014-European-elections-this-time-it-s-different>; source visited on 2 June 2015

<sup>66</sup> Mahony, The *Spitzenkandidaten* Coup, euobserver website, 4 January 2014, online <https://euobserver.com/review-2014/126456>; source visited on 2 June 2015

(*Spitzenkandidaten*).”<sup>67</sup> Hannes Swoboda, the leader of the Group of the Progressive Alliance of the Socialists and Democrats (S&D) slammed Van Rompuy’s criticism by defining it as scandalous and by adding that Van Rompuy did not understand the democratic process of the EP elections of 2014.<sup>68</sup> The Liberal European parliamentarian Andrew Duff also joined Swoboda by addressing the disrespect shown by Van Rompuy.<sup>69</sup> It is clearly seen that the EP realized the shift in the institutional power balance with the inclusion of *Spitzenkandidaten* into the 2014 elections, and acted early with all of its components. This was the first pressure point for every actor that was included in the procedure of electing the Commission President in the context of putting forward opponents to Martin Schulz or of backing a presidential candidate.

Another pressure created by the European Parliament comes from a past incident that does not seem to be related with the exercise of *Spitzenkandidaten* at first glance, but it is worth mentioning here because it shows the impact of path dependency created by former actions of institutions. Specifically, this incident shows that there is no turning back in the increasing power of the EP in the inter-institutional power balance of the EU, and also shows the determination of the EP on using its powers whenever possible.

During the first months of 1999 the European Commission under the Presidency of Jacques Santer, which came into office on 23 January 1995, was facing accusations of corruption. The accusations, specifically mismanagement of certain funds, fraud and favoritism,<sup>70</sup> were not gathered around every Commissioner but only around some of them. Nevertheless, because of the principle of collegiality, the pressure was on the Commission as a whole. Since the European Parliament has gained the role of an approving actor regarding the

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<sup>67</sup> Klaus Welle, Strategic Execution Framework for the European Parliament, 3 June 2014, online [http://www.europarl.europa.eu/the-secretary-general/en/secretary\\_general/strategic\\_thinking/strategic-2014/strategic-2014-june/strategic\\_thinking-2014-june-1.html](http://www.europarl.europa.eu/the-secretary-general/en/secretary_general/strategic_thinking/strategic-2014/strategic-2014-june/strategic_thinking-2014-june-1.html); source visited on 2 June 2015

<sup>68</sup> Taylor, Van Rompuy Casts Doubt on Value of *Spitzenkandidaten*, Politico website, 2 June 2014, online <http://www.politico.eu/article/van-rompuy-casts-doubt-on-value-of-spitzenkandidaten/>; source visited on 2 June 2015

<sup>69</sup> *Ibid.*

<sup>70</sup> Ringe, The Santer Commission Resignation Crisis: Government-Opposition Dynamics in Executive Legislative Relations of the EU, University of Pittsburg, February 2003

formation of the Commission with the entry into force of the Maastricht Treaty, the EP approved the Santer Commission in 1995 and did not forget this role in 1999 when the accusations began. Therefore, the Committee of Independent Experts was established within the EP with the task of investigating the accusations.<sup>71</sup> At the end of its work, the Committee of Independent Experts filed a report, stating about the Commission that, “*The studies carried out by the Committee have too often revealed a growing reluctance among the members of the hierarchy to acknowledge their responsibility. It is becoming difficult to find anyone who has even the slightest sense of responsibility.*”<sup>72</sup> Following the report, the EP increased the pressure on the Commission by an invitation to resignation on its own accord. Otherwise, the EP would force the Commission to resign with a motion of censure.<sup>73</sup> As a result, on 23 March 1999, the Commission resigned *en masse*. The reasons of the developments that led to the resignation of the Santer Commission are still debated in the context of intra-institutional struggles within the EP regarding party politics. Nevertheless, whatever the reasons may be, the final outcome clearly shows the importance of the relational character of the institutions which affect the actions of actors. Furthermore, with the resignation of the Santer Commission, the EP showed its determination on using the powers granted to it by the treaties, and cemented its position in the inter-institutional power balance for possible future challenges, like the acceptance of the exercise of *Spitzenkandidaten* in the EP elections of 2014 for the Presidency of the Commission.

Returning back on Cameron’s concerns over the exercise of *Spitzenkandidaten*, it would be fair to say that he had got a point in a way in what he says about the procedure. The inclusion of *Spitzenkandidaten* does not take place in the Lisbon Treaty, and thus it was not ratified by the national parliaments. The names of the candidates were not on the ballot paper. The exercise did not help boost turnout in the EP elections. According to the post EP elections survey conducted by Advanced Market Research GmbH Düsseldorf in 15 EU countries, 89.9% of the

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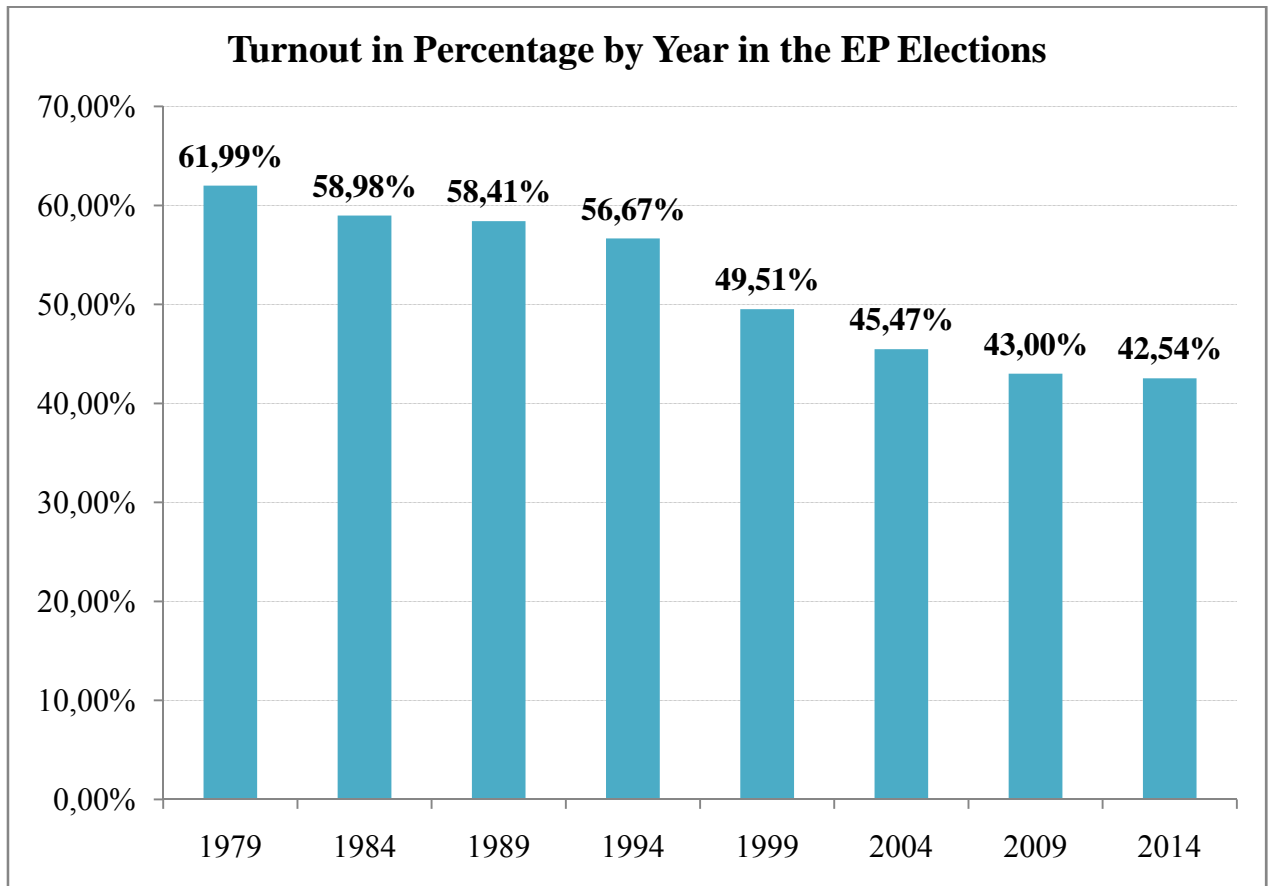
<sup>71</sup> Nasshoven, *The Appointment of the President of the European Commission: Patterns in Choosing the Head of Europe’s Executive*, Nomos, Cologne 2010, p. 189

<sup>72</sup> *Ibid.*

<sup>73</sup> Ringe, *The Santer Commission Resignation Crisis: Government-Opposition Dynamics in Executive Legislative Relations of the EU*, University of Pittsburg, February 2003

respondents said the Spitzenkandidaten exercise should not be the criteria for electing the Commission President.<sup>74</sup> Likewise, only 13.6% of the respondents could name at least one of the *Spitzenkandidaten*<sup>75</sup>. Historically, the turnout constantly decreases and it was at an all time low at 42.54% for the elections of 2014 (see Figure 8).

**Figure 8: Historical Data on the Turnout in the EP Elections**



Source: Euractiv<sup>76</sup>

Moreover, voters were unaware of the consequence of the elections regarding the Commission Presidency. Only 5% of the voters voted to influence the choice of the President of the Commission.<sup>77</sup> Maybe Cameron’s reasonable concerns were

<sup>74</sup> Post EU Election Polling Project, AMR GmbH Düsseldorf, 25 – 26 May 2014, online <http://www.aecr.eu/media/AECRAMR-European-election-poll.pdf>; source visited on 26 June 2015

<sup>75</sup> *Ibid.*

<sup>76</sup> Stats were taken from the website of Euractiv, online <http://www.euractiv.com/sections/eu-elections-2014/commission-presidential-race-only-interested-5-european-electorate-309685>; source visited on 4 June 2015

<sup>77</sup> Barbieri, Commission Presidential Race Only Interested 5% of European Electorate, 3 November 2014, Euractiv website, online <http://www.euractiv.com/sections/eu-elections->

among the reasons for some of the other leaders of the Member States to oppose the notion of *Spitzenkandidaten*, but in the end, the aforementioned developments and support for the exercise made Angela Merkel and other opponents change their side, and Jean-Claude Juncker was elected as the President of the Commission. The occurrence of critical junctures in the process like the press release of the Commission recommending the European political parties to nominate their presidential candidates, the actions of actors influenced by the relational character of institutions like the nomination of Martin Schulz, and the pressure faced regarding the democratic identity of the European Union eventually paved the road to the election of Juncker. Merkel's influence was high in the final decision and she was constrained by the path dependent nature of events and situations that stemmed from one another. As a result, the overall position of the European Council against Juncker's Commission Presidency was shifted from reluctance to acceptance.

## **7. European Institutions Revisited: The Situation of the Institutional Power Balance after the EP Elections of 2014**

The strengths and weaknesses of multiple parties in relation to each other in a given context constitute the power balance of these parties. With regard to the European institutions discussed in detail in this research, namely the European Council, the Council of the European Union, the European Parliament, and the European Commission, the power balance seems to be shifting in favor of the supranationalist ones. It would not be wrong to say that the shift has started with the ratification of the Maastricht Treaty, but recent situation was formulated within the Lisbon Treaty. Aforementioned findings of the research show that the recent constitutional framework of the EU has led to the existence of both intended and unintended consequences in the real world practices with a path dependent nature.

Before the Lisbon Treaty was in force, the European Council was not formally recognized as a European institution. As it now formalizes the European Council

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[2014/commission-presidential-race-only-interested-5-european-electorate-309685](https://www.eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:2014/commission-presidential-race-only-interested-5-european-electorate-309685); source visited on 4 June 2015

as a separate institution with its own president, it can be argued that the Lisbon Treaty empowered the Heads of State or Government, thus the intergovernmentalist side of the European institutional power balance. Yet it is also easy to defend the opposite. First of all, the formalization of the European Council means that the summits of national leaders are further institutionalized and integrated into the European level, instead of being mere international talks. Secondly, the intended and unintended consequences of the Lisbon Treaty created constraints for the European Council. The recent election procedure of the Commission President is the best example of this situation. As a relevant intended consequence, the European Council became tied to the European Parliament in the election process. Moreover, as an unintended consequence of the amendments in the Lisbon Treaty, the emergence of *Spitzenkandidaten* forced the European Council to accept the EP's dominance in the process.

The most significant areas in the Lisbon Treaty in terms of the increase in supranationalist practices regarding the Council of the European Union are the inclusion of Ordinary Legislative Procedure and the expansion of Qualified Majority Voting. OLP was existent before the Lisbon Treaty under the name of co-decision, but it became institutionalized and positioned the EP in an equal footing with the Council. Just like OLP, QMV was also existent before the Lisbon Treaty, but the Lisbon Treaty expanded its scope to almost every area of decision making in the Council, making the Council act more in a supranationalist manner.

The Commission includes both intergovernmental and supranational features. Nevertheless, the weight of supranational ones is getting heavier as the only influential intergovernmental features remaining today are the proposals of new Commissioners by the national governments and the appointment of the Commission by the Heads of State or Government, in the beginning and at the end of the inauguration process of a new Commission respectively. Even these remaining features include supranational practices within themselves. The proposals of new Commissioners are made in consultation with the new Commission President, and the decision of appointment is made in the European Council in an institutional framework, rather than being made by the national

governments. The Commission has already started drifting apart from its intergovernmentalist origin, but the recent election procedure of its President directly linking it to the EP elections marks the beginning of another federalist exercise within the Commission structure.

As a continuous case starting from the Maastricht Treaty, the powers of the European Parliament were considerably increased with the Lisbon Treaty. As mentioned before, it can press the European Council to take decisions in its favor, like the choice of the Commission President. Moreover, the institutionalization of OLP causes the EP to have a say over almost every policy field within the EU framework, except for Common Foreign and Security Policy.

The amendments and the new inclusions made in the Lisbon Treaty have led to the emergence of new critical junctures in the federalist drift of the European Union, and these critical junctures have led to the change in the European institutional power balance mostly in favor of the European Parliament. Another winner here is the Commission, which constantly tries to be more independent in a supranationalist manner. Even if sometimes they have different perceptions on similar policy fields, the Commission and the EP are natural allies against the intergovernmentalist side of the inter-institutional power balance, which is composed of the European Council and the Council of the European Union. Having lost the upper hand in terms of deciding on the aforementioned election processes and policy areas, the intergovernmentalist front surely seems to be on the declining side of the equation, at least on electing the Commission President.

## **8. Conclusion**

In the 20<sup>th</sup> century, Europe came very close to self destruction with long lasting and fierce wars fought between the biggest powers of the continent. To prevent the repetition of the same situation in the future, the European Coal and Steel Community was established in 1951 with the aim of achieving sustainable peace through economic cooperation between the major European states like France, Germany and Italy.



The creation of such an independent authority has in time led to step-by-step substantial institutional and structural changes in Europe with a historically path dependent fashion. Robert Schuman, one of the founding fathers of ECSC clearly indicated this dependency by defining the ECSC as the first step of the federation of Europe. From then on, change itself became the only thing that didn't change in Europe. Firstly, the Rome Treaties of 1957 established the European Atomic Energy Community and the European Economic Community. Then the Merger Treaty united these three communities with the name of European Communities. Every new treaty contributed to the evolution of the supranational entity of Europe, but major critical junctures in the federalist drift of the Union started to come into life with the Maastricht Treaty, and succeeding treaties followed the same path. The Maastricht Treaty legally established the European Union, and the Lisbon Treaty signed after other ones in between finally brought all the European Communities into the EU structure.

Clearly, the EU is not a federal entity yet, but there are recurring empirical regularities in the form of developing new supranational practices which show that the federalist drift of the EU is always going forward, not back. The creation of the Monetary Union and the institutionalization of the Ordinary Legislative Procedure by the Maastricht Treaty, the enhancement of the scope of the Qualified Majority Voting by every ratified treaty starting from the Single European Act, the creation of Banking Union as a response to the recent Eurocrisis, the serious discussion on creating an EU Army in the near future, and of course the recent election procedure of the President of the European Commission amended by the Lisbon Treaty are just some of the indicators of the increase in federalist practices within the EU.

The European institutions work together for the development of the EU but in line with the constant transformation of the Union, these institutions are also in a constant power struggle with each other, in which they try to hold on to their own strengths and try to direct the Union towards their own preferences in accordance with their collective logics. Whereas the European Council and the Council of the European Union represent the intergovernmentalist side of the power struggle, the European Parliament and the European Commission stand in

the supranationalist side as promoters of federalist finality. The empirical evidence in this research shows that, from the Maastricht Treaty onwards, there is a tendency in the shift of the power balance in favor of the supranationalist side, and the amendments in the Lisbon Treaty regarding the election procedure of the Commission President came as a big step towards this tendency. It is a big step because of the increasing importance of the Commission and its President. The Commission is becoming more and more the government-like body of the EU, and its President is getting more and more the role of a building block of this government-like body. Once dominated by Member States and the Heads of State or Government, the procedure now is very much tied to the outcome of the EP elections as the European Council now has to take into consideration the result of the elections before nominating a candidate. Moreover, the EP became a veto player in the process with its role of electing the Commission President.

Every change leads to unintended consequences along with the intended ones, and the new election procedure led to the emergence of *Spitzenkandidaten* as its unintended consequence. Again, every change comes with negative and positive reactions, especially if it has a potential to reshuffle the cards in a power struggle. That's why there were influential actors in the EU opposed to the exercise of *Spitzenkandidaten*, some firmly, some moderately. The firm opponents didn't change their minds at the end, but the moderate ones could not cope with the pressure created by contextual situations and the historically dependent path of the developments. As a result, the power gain of the EP against the European Council in the election procedure of the Commission President, which hailed the reshaping of the European institutional power balance in favor of the supranationalist ones, was accepted by the European institutions.

With this new situation in the European institutional power balance, the President of the Commission got the chance of being less of an agent of the European Council, because his/her election procedure became formalized with the Treaty of Lisbon and was tied to the EP elections. This leaves less space for closed door negotiations in the European Council regarding the election of the Commission President. Moreover, the *Spitzenkandidaten* exercise led the

European Council act as an agent of the European Parliament in electing the Commission President, which can be regarded as the power gain of EP in the inter-institutional power balance and as another addition to the federalist practices within the European Union.

Once more the institutions mattered, and once more the European Union has witnessed another critical juncture in its federalist drift, which is the emergence of *Spitzenkandidaten* in the recent election procedure of the President of the European Commission that ultimately came into life within the relational character of the European institutions.



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