



***Experiments in
Supranational Institutionbuilding
The European Commission as a laboratory***

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Abstract

International governmental organisations are governed by ministers who have their primary institutional affiliation at the *national* level. The European Commission represents a notable organisational innovation in the way that executive politicians at the top, i.e. the commissioners, have their primary affiliation to the *international* level. Thus, the Commission constitutes a laboratory for experiments in supranational institutionbuilding: What is the relative importance of nationality and organisational position as regards explaining actual behaviour? Concerning Commission officials, nationality seems to play a minor role. Nationality matters somewhat more regarding commissioners' behaviour, but makes up only one of several components of their highly compound role.

Key Words

European Commission - organisation structure - nationality - behaviour - supra-nationality

The legacy of the intergovernmental order

French social philosopher Saint-Simon (1760-1825) was a disappointed observer of the Vienna Congress in 1814. According to him, the congress, which was convened subsequent to the Napoleonic wars in order to re-establish peace among European powers, showed no sign as regards overcoming the intergovernmental logic of action: 'None of the members of the congress will have the function of considering questions from a general point of view' (Saint-Simon and Thierry 1964: 34). Delegates of kings and heads of government 'will come prepared to present the particular policy of the power which he represents' (p. 34). In this way, he not only pointed succinctly to a key feature of international cooperation at his time, but also of the numerous international governmental organisations (IGOs) that were to follow from the second half of the 19th century and until present: they have in common that those constituting the political leadership (usually ministers in council) have a *national* government as their *primary* organisational affiliation. Thus, while the organisation of national governments in this sense matches the territorial level they are supposed to govern (i.e. the national level), this is not the case pertaining to IGOs, which are led by executive politicians for whom the IGO only represents a *secondary* connection. If nation-states were to be governed through a structure that parallels the structure of the IGO, this would have meant that a state was to be headed by delegates from its constituent regions, convening in the capital some times a year, served by a permanent secretariat. Arguably, then, given that there are collective problems to be solved at the international level as well, IGOs might be seen as relatively 'primitive' governance arrangements. This might have been Saint-Simon's diagnosis too when he argued that in order to link together 'several different peoples', the 'common government' must certainly be *independent of the national governments* (p. 38). 'The members of the common government should be obliged by their position to have a common point of view, and consider exclusively the common interest' (p. 38). In other words, the members of the 'common government' should have the 'common government' as their *primary* affiliation. The underlying idea was that institutions mould people: European (supranational) institutions, if established, would endow policy-makers with a European perspective just as national institutions so convincingly shape national frames of reference. This review paper deals with *how decision behaviour within the European Commission can be explained*. But first, shortly, how did the Commission come about?

The birth of a supranational organisation

It took 138 years before a supranational organisation set up along the lines outlined by Saint-Simon materialised in the form of the European Coal and Steel Community's (ECSC) High Authority, the European Commission's predecessor. The High Authority was indeed a 'notable innovation' (Featherstone 1994: 158), with its initiating and executive functions organised separately from the Council of Ministers, and with its own leadership entirely committed (in formal terms) to the organisation and European interests. A simple functionalist explanation would point to a *need* 'out there' for such an organisation. But why wasn't such a need, if real, met before, e.g. after the Great War? Studies have shown that new institutions do not automatically arise even if needs may be identified: for example, an executive branch of government with real action capacity was not in place in Washington before a hundred years after the federation of American states was declared. Additional administrative resources at the new political centre had to be extorted from existing institutional structures, i.e. the constituent states (Skowronek 1982). Such power struggle between centralising and decentralising forces is well known from federal states and from the history of European integration as well. However, even highly *entrenched power structures* might become subject to profound change. Historical institutionalism has taught us that *shocks* and critical events might place institutional developments on radically new trajectories (Thelen 2003; Olsen 2007). Shocks provide windows of opportunity that entrepreneurs may exploit in convincing actors to accept things they would not accept under normal circumstances. In this respect, the two world wars might have cleared the way for qualitatively new ways of organising the international community. The Council of Europe, established in 1949 and initially embraced by enthusiasts for European integration, did not, however, depart significantly from the traditional IGO as regards governance structure (Dinan 2004). Thus, in order to account for the advent of the High Authority, one also has to look for the availability of innovative *ideas* and *entrepreneurs* within the circle of key decision makers. Jean Monnet, adviser of French foreign minister Schuman, became the institutional architect: he had for a very long time worked on ideas about a European-level executive body that would be able to act independently of national governments (Duchene 1994; Dinan 2004). Monnet believed strongly in the utility of institutions to cope with international problems. He saw institutions as accumulating collective experience and contended that decision-makers will not see their own nature change but their behaviour gradually transformed (Featherstone 1994: 159). In order to insert some democratic accountability into the new polity he added a parliamentary assembly, and also a court of justice (Featherstone 1994). During negotiations on the Schuman plan he was forced to accept the inclusion of a council of

ministers. Monnet was highly sceptical to such a body which he considered belonging to 'the old order' in the new (Duchene 1994: 211, 241). Although his ECSC strategy was to proceed in a sectoral and piecemeal fashion, thereby not provoking anti-federal forces (Featherstone 1994: 159), he did not seem to hide his ultimate goal, namely a federated Europe: for example, he presented the High Authority as 'Europe's first government' (Duchene 1994: 235). Unsurprisingly, such an organisation almost inevitably had to face existential challenges since it, at least in the long run, might embody a competing location of significant executive power in Europe; competing to the existing national governments. For example, President de Gaulle stated in 1960 that the Rome Treaty should be revised to subordinate the Commission, the High Authority's successor, to the Council of Ministers (Duchene 1994: 319).

Nationality, organisational position and actual behaviour

As we have seen, a key characteristic of a supranational organisation is that decision makers therein act on behalf of that particular organisation and thus primarily emphasise supranational concerns rather than simply 'uploading' the interests of their country of origin. Considering the Commission, there are several formal organisational and procedural features present that, from an organisational theory perspective, might be highly conducive to ensuring that supranational concerns are those most emphasised most of the time (Egeberg 1996). Only a couple of these features will be highlighted here: First, decision makers at all levels, administrators as well as commissioners, have the Commission as their *primary* organisational connection. This is clearly different from IGOs in which the political leadership, i.e. usually ministers in council, have their primary affiliation to national-level institutions. Second, the main principles of organisational specialisation within the Commission are *sectoral and functional* rather than territorial. This means *inter alia* that each commissioner (except for the president) is in charge of a particular sectoral or functional portfolio, not a territorial one. Organisations structured according to sector or function are expected to routinely endow policy-makers with sectoral and functional perspectives on the world, thus making them in general less attentive to particular territorial interests (Gulick 1937). In IGOs, on the other hand, ministers in council basically represent member states ('territorial specialisation'). If the council happens to be sectorally specialised as well, as the EU Council, the fact that there will sit in similar sectoral ministers from all member states expresses clearly that the *basic* principle of specialisation remains territorial.

The Commission constitutes a unique laboratory for studying the extent to which key organisational characteristics of a supranational institution are

translated into actual decision behaviour. In practice this will be done here by investigating what the literature tells us about the relative importance of decision makers' organisational position (e.g. affiliation to a particular Commission directorate general (DG)) and nationality as regards explaining attitudes and behaviour. We start this literature review by focusing on officials in the Commission administration ('the services') before we move on to the formally political level; *cabinets* and commissioners.

Commission Administration

Through qualitative interviews Michelmann (1978) showed that officials occasionally are approached by their compatriots and used as 'access points' to the inner circles of the services. However, nationality does not seem to be an important predictor of networks within the administration. Michelmann (1978), in a study based on a survey originally administered by the Commission among its personnel, analysed the flows of information across hierarchical levels within DGs. He found no statistically significant effects of nationality on these flows. Contact patterns reflected rather neatly the formal hierarchy of posts. In her study of 82 officials three decades later, combining quantitative and qualitative data, Suvarierol (2008) provided support for Michelmann's conclusions. She focused on 'task-related informal networks' (for information and advice) and found that nationality is not a significant factor in shaping such networks, which are, per definition, not hierarchically predefined. Other officials are contacted for information and advice primarily because of their file (*dossier*) and field of expertise, not because of their nationality. A new, huge survey study (N=2021) has documented that although nationality is not without importance as a basis for networking, it is far from being the most important determinant. Moreover, the effect of nationality is particularly modest at the level of top officials (Kassim *et al.* 2012).

An interview and questionnaire study of Commission senior officials conducted by Hooghe (2001) reported that officials' preferences as regards supranationalism vs. intergovernmentalism and regulated capitalism vs. market liberalism were related to their experiences *before* they entered the Commission and that their stay at the Commission had no significant impact on these attitudes. For example, those originating from federal states are more in favour of supranationalism than those from unitary states. But this conclusion does not hold for all Commission officials. The effect of Commission socialisation is considerably stronger for the officials who joined the institution before their thirtieth birthday. 'The relative weight of international and national socialization is reversed' (Hooghe 2005: 876). A new study, which partly follows up the same questions, confirms that nationality

has a significant impact on whether officials hold supra-nationalist or state-centrist views: those originating from countries characterised by multi-level governance tend to be relatively more supra-nationalist in their orientation. Those who have experience from national administration before entering the Commission are more inclined to hold state-centrist views (Kassim *et al.* 2012). However, the role of nationality as predictor of such attitudes seems contested: Another study, using an original data set from nearly 200 interviewees, shows that top Commission officials favour deeper European integration regardless of their national background (Ellinas and Suleiman 2011). The different result may be related to the construction of the independent variable: while Kassim *et al.* (2012) distinguish between those coming from nation-states marked by multi-level governance or not, Ellinas and Suleiman (2011) group respondents according to whether they originate from the EU6 or from the EU21.

The dependent variables of the above-mentioned studies tap attitudes at a very general level; the questions focused on could in fact have been answered by people outside the Commission as well. The underlying rationale seems to be, however, that also such broad attitudes may serve to frame decision situations and thus make some choices more likely than others. Interestingly, though, when officials are asked to specify more concretely *which* policies they want to become more supranational, nationality is replaced by DG affiliation as the best predictor (Kassim *et al.* 2012). In this new study (Kassim *et al.* 2012), DG affiliation has also replaced nationality as the best predictor of economic ideology (cf. Hooghe 2001). Egeberg (1996) used 35 Commission trainees with at least two years of experience from national administration as informants on decision making within fifteen different DGs. Only in a clear minority of offices ('units') was nationality seen to matter for officials' policy choices, and the concerns of the respective DGs constituted the dominating frame of reference for decision making. The prevalent role of officials' DG attachment as an explanation of their behaviour is later confirmed by Trondal *et al.* (2010) in a study based on 74 interviews with Commission officials.

The new study by Kassim *et al.* (2012) reveals that 86 per cent of the officials entered the Commission at a junior level. Senior managers had, on an average, served 21 years in the institution, and a significant proportion had worked their way through the ranks. As regards organisational loyalty, the about 900 national experts who are seconded by national administrations to the Commission for a maximum of four years represent an interesting category (although a small minority) since they work full-time within the Commission's administrative hierarchy, while at the same time are paid by their home government with a return to former positions in domestic ministries or agencies usually foreseen. However, even under these conditions their Commission affiliation seems to be most important. A survey study of 71

national experts showed that they overwhelmingly identify with their respective DGs/Units or an independent expert role rather than with their respective national governments. Accordingly, in their daily work they pay strong attention to signals from their directors in the Commission and very little attention to signals from their home governments (Trondal 2006). These findings were partly underpinned in a later study using an extended data set (N=169, plus 50 qualitative interviews). However, the extended analysis also showed that although loyalty to the respective Commission units ranks first, they may simultaneously keep considerable allegiance to their home governments, thus illustrating quite well the ambiguous expectations that might be seen as part of their role (Trondal *et al.* 2008).

A possible weakness of all the studies covered so far is that they all build on Commission officials' self-assessment. For example, could it be that Commission civil servants find it to be in their own interest, or highly appropriate, to portray themselves as more independent of national governments than they really are? Would we get the same impression if we asked e.g. *national* officials to give a portrayal from outside? In this case there seems, however, to be considerable agreement among various sources: a questionnaire study of 218 national officials from fourteen member states unveiled that an overwhelming majority considered the Commission's representatives in Commission expert committees, Council working parties and comitology committees as mainly independent of particular national interests (Egeberg *et al.* 2003). In addition, several more case-oriented studies build on a richer arsenal of data sources, allowing extensive document analysis to complement in-depth interview data. Many of these studies seem to describe policy-making at the Commission very much as politics between various DGs (Coombes 1970: 203; Cram 1994; Christiansen 1997; Cini 2000; Hooghe 2000, Mörth 2000; Daviter 2011). Had the Commission been structured according to territory so that each member state had been served by a particular DG, and if these DGs had in addition been staffed by people from their respective 'client countries', we would expect the various national interests to be at the forefront of Commission decision making. However, in a sectorally and functionally specialised Commission which is also multi-nationally staffed, even at the unit level and along chains of command, it is hard to imagine how various DG interests can be systematically linked to the socialisation of officials at the national level.

Although the overall impression from the literature thus seems to be that Commission officials' nationality has a relatively modest impact on their actual behaviour, this does not mean that governments have been uninterested in recruitment and promotion of staff. On the contrary; the practice of attaching national flags to particular posts in the services, or at least efforts in

this direction, has been widely described in the literature (e.g. Coombes 1970; Page 1997; Dimier 2006; Hartlapp and Lorenz 2011). However, a growing 'internalisation' (into the services) of recruitment and appointment processes seems to have been taking place over time (Wille 2007; Georgakakis 2009). A detailed study of appointments of senior officials over time documents that nationality as a decisive recruitment criterion has virtually come to an end, and that the role of governments in such processes has been significantly reduced (Fusacchia 2009). Consistent with this, Balint *et al.* (2008) show that the Commission administration, as regards the degree of politicisation of the higher management, has moved away from its Continental origin and instead moved closer to a British or Scandinavian model (cf. also Bauer and Ege 2011). Other areas of administrative policy-making have also been shown to be relatively insulated from government involvement: an extensive investigation of the so-called Kinnock reforms concluded that the process, although initially triggered by external events, was entirely run by the Commission itself (Schön-Quinlivan 2011).

Commission College and Cabinets

Arguably, the weak point of the Commission's organisational design as regards ensuring supra-nationality resides in the political leadership. Although commissioners in organisational terms have the Commission as their primary affiliation, the fact that they are nominated by member states could make them more susceptible to national concerns than their colleagues in the DGs, and particularly so if they intend to enter public service after leaving office at the Commission. However, changes in commissioners' institutional environment may have contributed to diluting the relationship back to home governments: Most noticeable, the European Parliament (EP) has got more to say as regards appointment of commissioners, and the outcome of the elections to the EP has to be taken into consideration for the selection of the Commission president. EU-level political parties may come to play a key role in launching candidates for the post. The Amsterdam Treaty assigned somewhat more leeway to the Commission President-elect as regards the selection of commissioners. The president also acquired the final say in how portfolios are to be allocated and even the right to reshuffle the team during the five-year term of office by redistributing dossiers, thus making it difficult for governments to attach particular national flags to particular portfolios. Also, the president is authorised to dismiss individual commissioners. Noteworthy, a majority (11 out of 15) of the outgoing commissioners of the first Barroso Commission took up a position in the *private* sector within half a year after they left their Brussels office (Wille 2011). EU enlargement and, as a consequence, a larger college, may also limit the scope for national influence via the respective commissioners. With an

increased size of the college there seems to be a stronger tendency towards non-interference in each other's business (Kurpas *et al.* 2008). Thus, to the extent that national interests are pursued, this will mainly take place within the respective commissioners' own portfolio. One can easily imagine that in a college of 27, bilateral relations between the president and the particularly affected commissioner(s) might come to partly replace collective decision making. The role of the president has also become more pivotal through a strengthening of the Secretariat General (Kassim 2006).

Finally, the *cabinets* may no longer be the important link they used to be between national capitals and the apex of the Commission. Referred to as for example the 'French or the German *cabinet*', these 'private offices' of commissioners have been previously portrayed as national enclaves (Michelmann 1978), and as being apparently sensitive to national interests (Cini 1996: 111-15). However, things may have changed: there must now be three nationalities in any *cabinet*, gender balance and three posts reserved for Commission officials rather than outsiders brought in by the commissioners or foreign ministries. 'The resulting changes produced *cabinet* constellations which would be unrecognisable to old Commission hands' (Spence 2006: 72). A study of *cabinet* composition over time unveiled that in 2004 57 per cent of *cabinet* members were in fact non-compatriots of their respective commissioners, a considerably larger proportion than formally required (29 per cent) (Egeberg and Heskestad 2010). We have no data on possible behavioural consequences of such a profound demographic change, but it is reason to believe that considerable multi-nationality makes a difference. Concurrently, it has recently been documented that nationality means very little for *cabinet* members' network formation; even less here than among directors general (Kassim *et al.* 2012).

So what then do we know about the behaviour of commissioners themselves? Döring (2007) and in particular Wonka (2007) hint that the careful selection process at the national level of candidates for a commissioner post results in a close relationship between a commissioner and his or her home government, but they do not present any data substantiating such a conclusion. By examining 70 controversial legislative proposals from the Commission, Thomson (2008) tried to establish the level of agreement between a Commission proposal and the position of the home government of the commissioner in charge of the relevant portfolio. On a 100-point scale the average distance between the Commission's position and the position of the responsible commissioner's home government was 35.92 scale points under qualified majority voting (QMV) in the Council. The distance for countries not having the prime commissioner was on average 41.17 scale points. The difference (5.25 scale points) falls short of statistical significance. For issues

requiring unanimity in the Council the difference is in the opposite direction: those member states nominating the lead commissioner are further away from the Commission's position than the other member states, although this difference is not statistically significant either.

Literature emphasising the importance of extra-institutional socialisation and incentives might underestimate the role of decision makers' primary organisational affiliation; i.e. the structure within which they are embedded on a daily basis. Egeberg (2006) tried to map commissioners' role behaviour in college meetings by using those top officials sitting in as informants. The study showed that the role most frequently evoked is the 'portfolio role'; i.e. the role in which commissioners represent their respective sectoral or functional areas of responsibility, in practice the relevant DG. They may also, although less frequently, act on behalf of the Commission as such (the 'Commission role'), their country of origin (the 'country role') or their political party ('party role'), thus not that much different from national ministers adhering to the concerns of their respective departments, local constituencies, parties and the cabinet as such, although the mix may be different (cf. also Joana and Smith 2004). Based on two case studies, Wonka (2008) draws the conclusion that national and sectoral patterns are observable in commissioners' behaviour, but finds no support for partisan traits. The latter is surprising since commissioners over time have increasingly been political heavyweights, such as former ministers (MacMullen 2000; Döring 2007; Wille 2011). However, a questionnaire study among EP staff (N=118) showed that 34 per cent of political group advisers make the weight they assign to the arguments of the Commission dependent on the party political leaning of the respective commissioners (Egeberg *et al.* 2013).

A changing institutional balance?

Arguably, the less powerful a supranational institution is, the easier it is to sustain its supra-nationality: if it is not doing important things, few will bother and it will be allowed to act independently of national governments. Although Kassim *et al.* (2012) ascertain that the Commission has *not* lost formal competencies in any significant respects, Commission officials nevertheless consider their institution to have been in decline over the years (Kassim *et al.* 2012). Several scholars seem to share this assessment, drawing attention to factors such as the enhanced role of the EP and the European Council, the advent of the High Representative for Foreign Affairs (HR) and EU-level agencies, and the Open Method of Coordination (OMC) (e.g. Kassim and Menon 2010; Dinan 2011; Kassim *et al.* 2012). However, even if it turns out to be true that the Commission has to be placed 'at the bottom of the

Commission-Council-EP triangle' (Dinan 2011: 118), most observers would probably agree that it is still powerful enough to deserve attention regarding its degree of supra-nationality. Moreover, many of the assumptions pertaining to the 'declining Commission thesis' may also be questioned: For example, the enhanced role of the EP regarding formal legislative and budgetary power, as well as appointment of the Commission, could be interpreted as primarily challenging the *Council*, which previously enjoyed a monopoly in these areas. A recent questionnaire study among EP staff (N=118) reported that secretariat officials as well as political group advisers emphasise the arguments from the Commission more than the arguments from any other institution, including the Council (Egeberg *et al.* 2013). Concurrently, interest groups tend to approach the Commission to a greater extent than any other institution (Eising and Lehringer 2010). Concerning the European Council, it is probably too early to assess the impact of the non-rotating presidency. The extraordinary activism of the body in conjunction with the Euro crisis deals mainly with measures of economic governance that are so far *not* 'communitised'. Therefore, this engagement does not necessarily challenge the Commission. As regards the actual role of the HR, the jury is still out. What can be said is that after the Lisbon Treaty, sensitive executive functions that 'pillarisation' had vested in the Council Secretariat, i.e. in the areas of justice and home affairs and foreign and security policy, have been moved *out* of the Council. Contrary to the former area, the latter was not transferred all the way to the Commission. However, since the head of the service is no longer the secretary general of the Council but a vice-president (VP) of the Commission (with responsibility for the consistency of the Union's external action), the organisation might, arguably, be seen as coming closer to the Commission. And, while the former HR was a civil servant mandated by the Council, the present HR/VP, also partly mandated by the Council, is an EU executive politician who also *presides over* the Foreign Affairs Council.

There is little support in the literature for the conception that EU-level agencies are tools in the hands of national governments. Although management boards are numerically dominated by government representatives, boards are in general not very effective in controlling agency behaviour (Busuioac and Groenleer 2012). A survey study (N=54) among senior managers in EU-level agencies showed that the Commission is their closest interlocutor and the most influential actor in their task environment. When issues become politicised and contested, national ministries and the Council tend to strengthen their grip, however, not to the detriment of the Commission which keeps its leading position (Egeberg and Trondal 2011). Concerning OMC, studies indicate that this approach may have a better chance achieving stated goals when the Commission takes an active role (Gornitzka 2007).

Conclusion

A supranational organisation is here understood as a political organisation at the international level that is able to act relatively independently of national governments. It has been assumed that there are two basic prerequisites that have to be reflected in the (formal) organisational design: most importantly, decision makers, and particularly political leaders, must have the organisation as their primary affiliation. Secondly, a non-territorial principle of specialisation is supposed to underpin a non-national orientation among policy makers. The Commission, quite uniquely, came to embody these design characteristics. It can therefore be considered a laboratory for experiments in supranational institution-building: what is the relative importance of decision makers' nationality and organisational position when it comes to accounting for their actual behaviour? Concerning the Commission administration, the impression from the literature is that, although nationality is not without importance in all respects, nationality clearly plays a minor role. Findings are more mixed as regards the commissioners: nationality probably explains more of their behaviour, however, nationality is only one of several parts of their compound role, and not necessarily the part most frequently evoked. If one compares commissioners' behaviour with that of executive politicians with a secondary affiliation to a purely territorially arranged structure, such as the European Council, the difference is striking: in the European Council, politics among nation-states seems to be unrivalled (Tallberg and Johansson 2008). One might expect that the more pivotal the EP becomes in the process of appointing commissioners, the less pronounced will we see their national role component.

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