

PART II

REGIONAL GROUPS

12 A new era for Europe: the Lisbon Treaty* – from Constitution to Lisbon Treaty

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*L'expérience de chaque homme se recommence. Seules les institutions deviennent plus sages
... les hommes soumis aux mêmes règles verront non pas leur nature changer, mais leur
comportement graduellement se transformer.*

Henri-Frédéric Amiel¹

1 INTRODUCTION

Once again, the European Council reached an agreement on the reforms to be made to the Constitution just before 23 June 2007. Its desire to create a 'Constitution for Europe'² was thwarted by two of the founding members of the European Community, France and the Netherlands, who voted no. With the Constitution stopped dead in its tracks, the Commission adopted a pragmatic strategy made up of concrete projects and achievements, such as its energy and environment initiative. Meanwhile, everyone was taking the time to think things over until Chancellor Angela Merkel took over the presidency of the European Council (first half-year of 2007). She openly stated that her ambition was to save the core of institutional reforms in the Treaty establishing a Constitution for Europe which was solemnly signed in Rome on 29 October 2004. From then on, while respecting the signature of all the members and the 18 ratifications, the idea was to work around the problems raised by the French and Dutch referendums and by the announcement that the Constitution would be rejected if a referendum were to be organised in the United Kingdom. The combination of three key figures, Angela Merkel, Nicolas Sarkozy and José Manuel Barroso, helped, after many symbolic sacrifices and a great deal of pruning, to save the essential elements for a more efficient and democratic European Union. The Constitution gave birth to a mini-treaty, proposed by President Sarkozy, and gave new impetus to the integration process.

The European Council in Brussels highlighted the traditional rifts and diversity that characterise the 27-member Union. Since the Congress in The Hague³ in 1948, the United Kingdom, faithful to its traditional policy, has been the leader of a group of countries which values the intergovernmental or cooperation method, as opposed to the Franco-German group including the countries of the eurozone which prefers the community or federal method. This division, which varies according to sectoral interests, is part of the numerous disagreements as to whether priority should be given to enhancement or enlargement and whether Europe should be political or market oriented. The main lesson learned from the debates and confrontations that took place during the long days in Brussels at the European Council meeting is that despite the increasing lack of community spirit and the twin brothers' indecent assertion of Poland's interests, and

despite Prime Minister Tony Blair's stubbornness, the troika managed to save the essential progress made in the Constitution for Europe.

This achievement reminds us how important the political figures, the European Council made up of heads of state and government and the President of the European Commission really are. The European Council with its dynamic core has now taken its place as the highest political authority within the European Union.

In 2001, Europe felt a new surge of hope when the European Council met in Laeken, Belgium, on 14 and 15 December, to convene a European Convention on the future of Europe. On 13 June and 10 July 2003, the Convention adopted the draft Treaty establishing a Constitution for Europe by consensus. In April 2003, during the many meetings I had with President Valéry Giscard d'Estaing, I drafted some proposals of my own addressed to the members of the Praesidium as well as to the Portuguese prime minister of the time, José Manuel Barroso. Here is an excerpt from this document:

The first observation I would like to make is to state the obvious: the text is long and complicated despite all the efforts made by the drafters.⁴ In this sense, it does not meet our requirements in terms of legibility and transparency. Alongside short straightforward articles you find endless technical articles on the Court of Justice or the internal market and common policies.⁵ This results in an imbalance which makes the draft difficult to read when it was supposed to be short and clear, readily understandable by the Europeans. Apart from the principles governing the distribution of competences and the procedures, the more detailed definitions and norms on common policies that vary depending on political majorities would be annexed to the core Constitution document as Basic Law. The same would apply to the CFSP [common foreign and security policy] and the Charter of Fundamental Rights. Without modifying the balance of powers, this is the price to be paid for a more legible text where the key elements of the Constitution have a greater impact on the citizens. While avoiding any fundamental changes to the current draft of the Constitution for Europe, these rearrangements would result in a more structured constitutional part of the document which is concise, simple and legible. The second part of the text would include annexes on Basic Law, protocols and the Charter of Fundamental Rights.⁶

This chapter is structured as follows. To briefly present the outcome of the European Council under the German presidency and what was left of the European Constitution, I suggest we take a look at the major developments included in the European Constitution and the concessions made (Sections 2–9), while bearing in mind the future European Federation (Section 10–12), Section 13 and 14 offer a temporary assessment and a brief conclusion, respectively.

2 A NEW TREATY

The new Treaty is composed of the 'Treaty on the European Union' and the 'Treaty on the Functioning of the European Union'. Its final version was drafted at the Intergovernmental Conference (IGC), under the Portuguese presidency, and, according to a provisional calendar, it should have been ratified before the European elections in June 2009. Its mission is to reinforce the efficiency and democratic legitimacy of the enlarged Union of 27 and to improve the coherence of its foreign policies. The Treaty of Lisbon replaced that of the Constitution.

The use of the term 'Constitution' has been banned from official terminology to stave

off the sword of Damocles that hangs over referendums. We are sacrificing this word because it may bring to mind the ghost of a European Super-State. I reject this interpretation and will strive to find a new European federalism free from all 'state prejudices', an entirely new Federation in which states play a major role alongside regions, cities, public institutions and socio-economic players with shared sovereignty. The Constitution has disappeared and along with it the mention of many symbols such as the European flag and anthem which are in fact part of tradition. The same goes for the principle of the primacy of community law over national law even though it has been laid down in the case law of the Court of Justice.

However, an important step has been taken: the Union is still a unique legal personality. It is true that the Charter of Fundamental Rights is no longer part of the simplified Treaty but the Union recognises the rights, freedoms and principles stated in the Charter of 7 December 2000 decided upon at the 2004 IGC and gives it the same legal value as the Treaties. To make sure that the protocol annexed to the Treaties – according to which the Charter is legally binding – is adopted by consensus, the European Council has accepted that it is only applicable in the United Kingdom when it covers rights included in its own legislation. Moreover, as a compromise, the control mechanism of subsidiarity has been reinforced and the participation of national parliaments enhanced. Note that subsidiarity works both ways, either in favour of the extension of certain common areas (energy, environment), or in favour of restriction.⁷

3 NEW VOTING PROCEDURES

The double qualified majority is made up of at least 55 per cent of the members of the Council, representing 65 per cent of the population of the Union. This rule is innovative in that it takes into account the qualified majority of the states and population, in reference to the federal principle of double representation. It is applied when the Council rules on proposals put forward by the Commission. However, when the Commission or the European Minister for Foreign Affairs, renamed 'High Representative' following a request made by the United Kingdom, does not submit a proposal reflecting common interests, the majority required is 72 per cent of members representing 65 per cent of the population. The objective of this procedural innovation is to create a balance between the large member states and the increasing number of small and medium members by introducing the population criterion. What is more, this rule underscores the importance of the Commission's proposal, as is the case in all the Community Treaties. In the same spirit, it gives equal weight to proposals made by the High Representative. From this point of view, the next step forward would be to eliminate the remaining obstacles of unanimity and, thus, generalise the majority rule. The new system will come into force on 1 November 2014 instead of 2009, a concession made to Poland. This extended time-frame has been completed with a transition period until 31 March 2017.

Poland's demands seem to stem from its desire to assert its role and an unfortunate interpretation of community solidarity. Yet in practice, the Council rarely uses votes and generally tries to reach a consensus. During this process, the qualified majority system helps avoid deadlocks and makes it easier to move quickly towards a consensus. In any case, the influence of member states does not solely depend on the number of votes, if at

all. It depends mainly on their political weight and on the competencies of their representatives. Luxembourg is a recurring example of this situation.

In general, and without having changed its substance, the Lisbon Treaty preserves the institutional system while adapting to various needs. The European Parliament, with its new make-up, is the greatest winner. The European Council has not only been confirmed as an institution of the Union and given a permanent president, but its voting system has also been changed and in some cases the six-month presidency modified. And finally the composition of the European Commission will be changed and its president will play a more important role.

4 THE EUROPEAN PARLIAMENT

The European Parliament has been reinforced by the Convention, giving a more democratic dimension to the Union. Its legislative power of co-decision with the Council acting by qualified majority has been extended to some 50 new cases. In the area of internal affairs and justice for example, it will permit and promote new development as adoptions of European criminal and civil codes. Consequently, its legislative powers are comparable to those of the Council. This also applies to budgetary issues, for which it has the same decision-making powers as the Council. The European Parliament will have consolidated political control over the Commission and the President of the European College. It will elect the President of the Commission by absolute majority of its members, enhancing its democratic legitimacy. It will also approve the Commission as a whole, underscoring its collegial character, its independence and its powers. It is thus strengthening its authority. Moreover, it has the faculty to exercise a power of initiative through the Commission, receives petitions, appoints the European Ombudsman and has the power to set up a commission of inquiry. This wide range of instruments which bring it closer to the citizens of Europe will remain incomplete if the Parliament does not have the power to organise public hearings with representatives of associations, interest groups, the business sector and trade unions and really have its finger on the pulse of European society.

5 THE PRESIDENT OF THE EUROPEAN COUNCIL

The greatest innovation is the President of the European Council, elected by qualified majority. The current president, Herman van Rompuy, was designated by consensus. The president chairs and moderates the work of the European Council and is in charge of the preparation and follow-up of its work in cooperation with the President of the Commission, based on the preliminary papers of the General Affairs Council. The president's task is to facilitate cohesion and consensus within the European Council. The president represents the Union in its relations with foreign heads of state or government on the CFSP, without undermining the role of the High Representative of the Union or, I might add, 'that of the President of the Commission'. The many meetings that have been added to the international representation of the Union actually require the presence of two presidents as well as of the High Representative, especially since foreign policy

has a strong economic dimension and security goes well beyond the limited concept of military security and tends to include activities which can be economic, social and cultural as well as scientific and technological. Although the European Council prefers to reach a consensus, it does not completely reject the qualified majority voting system that is used to elect its president. This opens up a loophole. On the other hand, the Treaty stipulates that a simple majority vote is used to adopt procedural rules. The cooperative process should gradually be able to build the trust that the European Council needs to extend and spread the qualified majority system in the future. These measures and the work of its president all contribute to giving the European Council greater cohesion and a stronger role within the Union.

6 THE EUROPEAN COUNCIL AND A DOUBLE PRESIDENCY

In the case of the double presidency, exercising governmental power of the Union relies on two institutional pillars: the European Council and its right-hand people – the Council of Ministers – on the one hand and the European Executive represented by the European Commission on the other. In addition to its role as a customised presidency, the European Council has full responsibility for the general orientations and strategies defined in the fundamental text. And it is important to note that this will also be the case for drafts and proposals put forward by the Commission, in cooperation with the President of the European Council and with the High Representative, whether they concern economic and monetary policies, external relations, or security and defence issues. Therefore, in these highly political areas, the decision would, in the more or less long term, be in the hands of the European Council, following the proposals of the Commission. Or I hope it will, as this would provide the greatest level of coherence based on the general interest of Europeans.

As for the execution of these decisions, they will be jointly enforced by the Foreign Affairs Council chaired by the High Representative, and the Commission. To a certain extent, this is an overarching application of the community method which guarantees efficiency while ensuring that the European Parliament has democratic control over the Commission and its vice president.

7 THE CFSP AND ESDP

Fundamental decision making under the CFSP and European security and defence (ESDP), which follows specific procedures, should, from a federating perspective, be carried out by the European Council, on the basis of proposals made by the High Representative together with the Commission, as much as possible. A coherent and efficient foreign policy relies greatly on the joint proposals which should be drafted by the Commission and the High Representative in close cooperation with the Council of Foreign Affairs Ministers which he/she chairs. This way, in contrast to the intergovernmental method, the debates would focus on proposals in which a common vision is expressed. In addition, in this configuration, parliamentary control could be exercised by the European Parliament, to which the Commission is accountable.

The distribution of roles in the European Union meets the requirements in terms of political power and democratic control – the more politically important the issues are, the more the European Council is involved, but I would hope that its work would be based in the near future on the proposals of the Commission, which is the only institution that is independent and accountable to the European Parliament. It is clear that without the European Council there can be no real foreign policy and that without the President of the European Council or the Commission's contribution, and the authority of its president and vice-president, there can be no common voice within the Union and no joint action subject to the scrutiny of the European Parliament. In my vision of things, the individual initiatives and measures taken by any member or group of members, regardless of their political weight, would be channelled through the proposals made by the Commission and the decisions made by the European Council. These requirements are absolutely essential for an effective and more democratic common foreign and security policy. In this respect, what is paradoxical is that the governments of most of the new member states do not appear to have understood that their interests are best guarded through the community method and the power of initiative of the Commission. The Community spirit is frequently replaced by a traditional approach to intergovernmental relations. This step will be a significant contribution to the process of democratisation of the European Union. This is all the more evident since, despite its 'governmental powers', the Council of Ministers is not subject to the democratic scrutiny of the European Parliament.

8 THE ESSENTIAL ROLE OF THE HIGH REPRESENTATIVE

Following the proposal made by France and Germany, 'The European Minister for Foreign Affairs', now called the 'High Representative' again, will rely on the European diplomatic service, based on both the Commission's and Council's General Directorates for External Relations, and foreign affairs units from member states. This set-up merges the former position of High Representative with that of the Commissioner for External Relations. Moreover, it heralds the emergence of a European diplomacy in charge of implementing the Union's common foreign and security policy. This European service for foreign relations, consisting of equal numbers of national diplomats and Council and Commission officials, will be accountable to the President of the Foreign Ministers' Council.⁸

The main point of contention which is disabling the Union is the separation, or even chasm, between community affairs on one side and security, defence and foreign affairs on the other. In these sensitive areas of high politics, the intervention of the Commission is limited. It takes place through the High Representative who has the power to table proposals. Article 22 stipulates that the High Representative for the area of common foreign and security policy and the Commission for other external action may submit joint proposals to the Council. It is true that in this way more responsibility would be involved with regard to the European Parliament. And yet unanimity is still necessary when dealing with such sensitive issues. This requirement could be alleviated by applying the rule of constructive abstention. The President of the European Council and the President of the Council for Foreign Affairs are in charge of facilitating this consensus.

In this sense, one could assume that they will help to limit deliberations to the institutional framework and rules thus avoiding bypasses by some member states using external options. An instance of this is the letter of the Eight at the time of the United States' decision to invade Iraq, or the individual recognition of Kosovo by 22 member states and not by the European Union as a whole.

If you admit that the only instance that can elaborate a strategy and truly implement a common foreign policy is the European Council, along with the President of the Commission and the High Representative, you should also admit that the Commission helps to limit the dominating role of the leading countries which could be potentially inclined to make frequent use of extra-community measures. However, the community forum, applying a more community based method, allows small and medium member states to make their opinions heard and influence decision making. In this context, it would make sense for them to unite their efforts to enhance the role of the Commission during preparation and follow-up in matters of foreign relations. Our long experience shows that the Commission is the best guarantor of common interests and democratic equity within the Union. With regard to the unanimity or consensus procedure, and thus the threat it represents for the proper functioning of the Union, a flexibility clause could allow for readjustments which will be necessary in the future. In fact, while the European Council and Council act unanimously in general, the Treaty envisages the abstention of any member qualified by the Council which gives it the right not to apply the decision. In addition, the Council shall act by qualified majority in specific cases: when adopting an action or position on the basis of a decision by the European Council; when adopting the same decision regarding a proposal which the High Representative has presented following a specific request from the European Council; when adopting any decision implementing a decision defining a Union action or position.⁹

In any case, we have noticed that the division is not as some may imagine between the large states on the one hand and the other member states on the other. In fact, coalitions are created and dismembered on a case-by-case basis and depend on the specific interests and relations at any given time. The war in Iraq led to divisions among the large states as well as the medium and small member states. The dividing cleavage was between eight members following the UK and seven members gathered around France and Germany. Previously, during the civil war in Yugoslavia, more threatening conflictual positions opposed France to Germany, splitting the dynamic core. Finally, because the Commission is the only institution that is accountable to the European Parliament, its role in decision making is an essential component of the Union's democratic system. This gives us an idea of just how crucial its composition and power will be for the functioning of the enlarged Union.

However, there is some ambiguity as to the double loyalty of the High Representative who, while remaining the Vice-President of the Commission, has reduced responsibility to the College. Currently Lady Catherine Ashton has kept her office in the Commission on the 12th floor of the Berlaymont building. When asked, she asserted her loyalty to Europe and to the Union, and, I would imagine, more to the Commission for which she has already served as member responsible for the commercial policy of the Union. Her European socialisation is stronger than the socialisation process of the members of the Coreper who represent national interests, while Lady Ashton is in charge of ensuring the common European interest and assumes two different roles, as Vice-President of

the Commission and President of the Council of Foreign Ministers. Her position seems less ambiguous. It is true that she must resign collectively as member of the College of Commissioners, but will remain in office as the President of the Council of Ministers of Foreign Affairs. This should no longer be the case if we adopt the community method in this area as well: the logical consequence would be the collective or individual responsibility of all the Commission members. If you apply the logic of the community method, the decision-making procedure of the European Council should evolve towards an increasingly frequent use of the qualified majority system and the application of constructive abstention provided for in the Amsterdam Treaty.

Likewise, the proposal once made by the Spinelli and Tindemans projects to create a distinction between issues of high politics that affect all the member states and issues of a more limited scope, could prove to be useful in the future. Major issues require joint decisions and, possibly, joint action. Moreover, the European Council, following a proposal made by the High Representative and/or Commission, should have the ability to grant powers to a state or group of member states and to the special Representatives for various missions such as the discussions with Iran or the efforts to contribute towards the creation of durable peace between Israel and Palestine. By increasing its decision-making and executive powers, the European Union will become a major player and international hub in a multipolar world alongside the United States and Russia, as well as emerging powers such as China, India, Japan and Brazil. Under the pressure of external factors, such as the financial crisis and G20 policy, or climate change as well as the evolution of geopolitical conditions, the European Union has no other choice than to speak with one voice in the international arena. This is the requirement for its leadership in order to promote the implementation of soft rather than hard power.

9 THE COUNCIL: CONFUSION OR SEPARATION OF POWERS?

The Council along with the Commission plays a key role in the decision-making process of the European Union. It is in fact the final stage in the legislative process of the European Community for it acts on proposals made by the Commission and increasingly in cooperation with the European Parliament. Its twofold role in adopting legislative acts of the common policies put forward by the Commission as well as its governmental powers – which it often, but not always, shares with the Commission – reinforce its position within the community system. Just like Janus, it has two faces: legislative power and governmental power.

By extending the noble fields of the European Union, the Council – alongside the European Council – has become the main beneficiary of the new powers attributed to the Union for the CFSP. This means that it is at the heart of the debate on the intergovernmental or community nature of the European Union. It has always been ambiguous and this has much to do with the fact that it is not subject to the control of the European Parliament as a community legislator, which is logical, but also when it makes governmental decisions, which is not quite so logical. The lack of separation of its powers leads to a paradoxical situation in which the Commission – which makes proposals – is submitted to the democratic control of the European Parliament whereas the Council

– which makes the decisions – avoids all forms of parliamentary control when exercising its governmental power. Don't we often say that Montesquieu has not made it to Brussels yet?

In the legislative process of the European Union, the Commission drafts proposals while trying to respect both the coherence and the balance of community norms. As such, the Commission has one means to defend the integrity of its proposals: the requirement of Council unanimity to amend its proposals, which only the Commission can table. Gradually, *legislative co-decision* has spread and strengthened the powers of the European Parliament simultaneously with the operational capacities of the Council thanks to the extension of the qualified majority procedure. Despite the limited progress made in Nice, the general trend is towards more democracy, more efficiency and more transparency. And towards a *bicameral legislative system*. The double participation of the member states and the elected representatives of the Union show that the European Community is moving towards an unprecedented federal system. This explains the proposal in the Convention for the establishment of a Legislative Council. As is often the case, this outline of the separation of the Council's powers took us back to square one when it was being shaped at the IGC. Admittedly, the difference between both functions of the Council was subtly preserved; the 'legislative' Council has to be entirely transparent in exercising its legislative functions. The minimum common solution was adopted: when acting as co-legislator, the meetings of the Council are open to the media. However, the ambivalence of the Council was not only maintained, but also increased because now, in addition to its legislative functions, it has more governmental functions since the Union has extended its powers in security, defence and foreign affairs. The confusion of powers still seems to be the chronic disease of the Council.

At the same time, the powers of the European Parliament have taken on different forms which resemble those of its national counterparts: democratic control, budgetary power, power of approval and investiture, assent procedure, power to organise investigations and hearings as well as initiatives and promotions. These procedures bring to light the activities of the European Union for the European Parliament is the *only entirely transparent institution* whose community function contributes to opening the Union up to European citizens and the people in general.

10 A COUNCIL OF STATES IN THE MAKING?

The German government has made proposals based on the ideas of Karl Lamers and Wolfgang Schäuble:¹⁰ the Commission would become the European government whereas the Council would be transformed into a House of States alongside the European Parliament. This transformation was also put forward in the European Youth Convention in Brussels on 12 July 2002. This system does have the advantage of being very simple but it would mean breaking away from the institutional experience of the Union to enter a federal vision of double participation – that of member states and European citizens.

President Johannes Rau believes: 'We already have the stones we need to build a European Federation of Nation-States. All we have to do is to shape them, assemble them and structure them'.¹¹ The Federation of Nation-States was a concept first

expressed by Jacques Delors. To my mind the title of Federation of European States and Peoples seems to better fit the reality of Europe where some states are not nations, like Belgium, and where some nations are not states. This new structure finds its legitimacy in the double representation of the citizens within the European Parliament and of member states within a House of States. According to Joschka Fischer, 'we will have to choose between a Senate model where the Senators from the Members States would be elected by direct suffrage and a House of States much like our Bundesrat'.¹² Unlike the American Senate or the Cantons at the Council of States in Switzerland, where the member states are equally represented, the distribution of seats at the Bundesrat takes into account the variable dimensions of the *Länder* (four *Länder* have six seats each, one has five seats, seven *Länder* have four seats and four *Länder* have three, the total being 69 seats). This example is often given when referring to the weighting of votes in the Council of the European Union and would be used as a model for distributing seats within the Council of States. Admittedly, this prospect can only be envisaged in a distant future.

11 THE DRIVING FORCE OF THE UNION: THE EUROPEAN COMMISSION

The Commission, an original and autonomous institution, has the right of initiative and proposal as well as powers of supervision and administration. It is the only institution with active powers that is responsible for voicing the general interest of the Europeans based on an overarching objective vision and for promoting common policies and lines of action in a community perspective. Yet in the EC Treaty the Commission, which plays a pivotal role in the first pillar of the Community, is given a limited role in the CFSP and in the Rapid Reaction Force subsystem as well as, to a lesser extent, in internal affairs and justice. The juxtaposition of various subsystems leads to malfunctioning, imbalance and waste. Which is why the Constitutional Treaty, and the Lisbon Treaty thereafter made deliberate efforts using the community method to join these three pillars as much as possible. However, the CFSP and the ESDP have clearly remained separate, and are largely governed by the intergovernmental method, despite the recognition of a High Representative, who is both Vice-President of the Commission and President of the Council of Ministers of Foreign Affairs. It is probable that the balance between the intergovernmental and community method will depend on the action of the High Representative, on the role of both the President of the Commission and the President of the European Council. This complex equation could nevertheless tilt in favour of the community method.

As the driving force for integration, the European Commission is meant to take charge of governance within the Union. It is clearly the only institution made up of full-time members who have enough autonomy to counterbalance the national interests represented by the Councils. It is the main guarantor of global cohesion within the Union. To preserve this role after enlargement, it makes sure its collegiality and efficiency are reinforced by limiting, in particular as of 2014, the number of its members and by making its small administration more effective.¹³ Over the long history of the European Community, despite some ups and downs, the Commission has fulfilled its duty as an institution by promoting initiatives and making proposals. On the whole, it has had more of a political

than simply a legal or administrative mandate. By doing this, the Commission has taken on the role of a pendulum which ensures balance and understands the modalities of shared sovereignty while avoiding permanent coalitions.

By basing its work on consultations with experts and the main representatives of interest groups, the Commission seeks to find balanced solutions which are as objective as possible and reflect the interests of the medium and small member states while taking into account those of the larger states. This explains why they feel so strongly about preserving the independent role of the Commission. The Commission has very often been defended by the small and medium member states including during IGCs. These states maintain that they find it more difficult to assert their views in intergovernmental structures which are mainly dominated by the larger member states. However, in a community system, the Commission seeks to promote common European interests in the negotiation process through its proposals and its role, while preserving a balance between all the members. That is why it is so important to reinforce the authority of the Commission as well as its political weight in the enlarged Union. It is in this spirit that the Lisbon Treaty has kept the series of articles from the Constitution that reinforce the authority of its President and the Commission's collegiality. The rule from the Rome Treaty was preserved, aiming to protect the content of its proposals by requiring Council unanimity for unilateral amendments. Paradoxically, in such cases, and in exceptional circumstances, unanimity can be in favour of the Community. Likewise, the Treaty has preserved the special clause that provides for unforeseen cases, namely the use of the new powers adopted to unforeseeable circumstances.

The key role of the Commission can be seen in the link between its authority and the qualified majority system. By favouring the general interests of the Europeans and by finding a balance between the interests of the countries and sectors of activity in its proposals, the Commission promotes the extension of the qualified majority rule. Yet to exercise its responsibilities efficiently and meet the expectations of the member states, regions and populations, the Commission now has acquired a more direct legitimacy and has developed its governance capacities. This increased democratic legitimacy comes from the European Parliament's and European political groups' involvement in choosing the President of the Commission, in appointing him or her and in hearing and testing all the members of the Commission. At the final stage, the president, the High Representative 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 this consent, the Commission shall be appointed by the European Council acting by qualified majority.¹⁴

The Commission seeks, aside from its managerial functions, to devote its time to political leadership which requires reflection, a capacity for analysis and a spirit of innovation and impulse. The ability to promote, stimulate and guide according to medium- and long-term objectives which have been carefully thought through, then, if necessary, the ability to supervise and coordinate is what the Commission needs for European-scale governance as is the case on a national, regional or local level. Quick, diverse and horizontal communications and networks require a great capacity for analysis, vision and strategy. This is the price to pay if we want to focus on the essential role of governance. This overhaul, which must be accompanied by the reform of the Commission, is even more important in that the College will have to increase its role in the CFSP. To fulfil its responsibility as an active community institution, the Commission will have to create

conditions which will enable it to focus less on administration and more on governance and the sustainable interests of the European citizens.

The Lisbon Treaty seeks to consolidate and extend the role of the president whose twofold legitimacy comes from his/her appointment by the European Council by qualified majority and his/her election by the European Parliament. The European Council unanimously appointed José Manuel Barroso for a second term of office. By applying this same logic, the European Council takes into consideration the results of the European Parliament elections then organises 'appropriate consultations' before nominating a candidate and submitting its choice to the European Parliament. The Parliament then elects the President of the Commission by a majority of its members. On 16 September 2009, the European Parliament which was established after the European elections of 7 June 2009, elected Barroso by the majority set out in the Lisbon Treaty, namely 382 votes.

On this point, Jacques Delors proposes that each of the two major political groups or a coalition of other political groups choose a candidate. The objective of this proposal is to make the link between the citizens' vote and the election of the President of the Commission more tangible and therefore to encourage a higher turnout in European elections. Voters must, however, be clearly aware of this link, which gives them more power over the choice of the President of the Commission. They must also be aware of the fact that other groups than just the Group of the European People's Party (PPE) are also in a position to designate a candidate. However, Barroso was the only candidate designated by the European Council.

The appointment of the members of Barroso's Commission (see Appendix Table 12A.1) brought to light the fact that the Commissioner from a given country is not only put forward but in fact is also appointed by the national government following negotiations with the President of the Commission. At the time of the formation of his first Commission, Rocco Buttiglione was only replaced by France Frattini owing to the pressure exerted by the European Parliament and to the negotiations led by President Barroso with Prime Minister Silvio Berlusconi. Would it not be wiser to allow the elected President to choose the members of the Commission by consulting the governments or reaching an agreement with them? This is the idea put forward by President Sarkozy. Once the President's team has been composed, the European Parliament would give its approval after hearings by Parliamentary Committees as was the case for the Barroso Commission I. Through this innovation, the president's leadership would be enhanced from the start which would therefore strengthen the spirit of collegiality. This is what Barroso tried to do when establishing the Barroso Commission II.

The president decides on the internal organisation of the Commission to ensure the coherence, efficiency and collegiality of its work. He also has the power to appoint vice-presidents, except for the High Representative of the Union who is appointed by qualified majority of the European Council with the agreement of the President of the Commission. Moreover, the president has the right to ask for the resignation of a member of the Commission. More importantly, the president defines the orientations and the framework in which the Commission will carry out its mandate.

The make-up of the Commission for 2014 as planned in the constitutional Treaty and preserved word for word in the Lisbon Treaty raises serious issues. In my opinion, the 'egalitarian rotation' of members is far from satisfactory. The system enshrined in the European Constitution creates a core of 15 decision makers and 12 other members

who do not have the right to vote. The Lisbon Treaty opted for a reduction of the number of commissioners by one-third. It provides for a rotation that guarantees the successive and egalitarian participation of all members. The question is whether egalitarian distribution of commissioners will weaken the Commission and consequently the community method. In this system the members from smaller member states will play a decision-making role as often as those from Germany despite the great disparity between their human resources. What is more, the egalitarian rotation system actively applies the implication that commissioners are 'representatives' of their countries. Yet this image relayed in the media is contradictory to the independence of the Commission whose members do not receive instructions from the outside. These observations may lead us to consider the possibility of letting the elected president choose the members of his/her team. His/her choice could be based on a list of two or three candidates per country. Another innovation deserves to be pointed out: the reduction to two-thirds of the members planned in the Treaty can be modified by a unanimous vote by the European Council. So a mini-reform becomes possible, which could then constitute a precedent. With regard to the composition of the Barroso Commission II, the European Council decided to preserve the rule of one commissioner per member state until 2014.

President Romani Prodi's solution was to keep the system with one member per country¹⁵ but to compensate for the complexity of a 25-member Commission by setting up a sort of ministerial cabinet made up of seven members, each of which would chair a group covering a series of subgroups.¹⁶ Even though this system may curb the concept of equality, it would give the president a say in the choice of the seven vice-presidents who chair the subgroups and would enable him/her to distribute the work based on their competencies. Thus, while including a commissioner from each member state, and therefore keeping in close contact with all the member states, the Commission should be able to work efficiently, reinforce its political authority and take on the role of a future European government. Several other solutions have been examined: the rotation system used for the advocates general at the Court of Justice or commissioners and deputy commissioners from certain countries and groups of countries. In the end, a rotation system based on the principle of equality between the members of a scaled-down Commission was adopted, and will be implemented as of 2014.

12 THE FUTURE ROLE OF A DYNAMIC CORE

After analysing about 30 cases of integration and disintegration, Karl W. Deutsch came to the conclusion that each time a process for uniting states led to a lasting Union, like in the case of the United States of America or Switzerland, the Union was built around a dynamic federal core.¹⁷ The need to reinforce the dynamic core of the European Union was clearly stated in the 'Reflections on European Policy' drafted by the CDU/CSU parliamentary group in 1994.¹⁸

Already by 1994, faced with the risk of an eroded cohesion within the European Union caused by increasing diversity and even divergences since enlargement¹⁹ as well as a rise in nationalism and a re-emergence of regional identities, the authors of this paper give priority to

the institutional development of the Union, the implementation of the subsidiarity principle (without removing the transfer of competences to the infra-national levels) and the establishment of a European government; the strengthening of the Union's 'hard core' [I prefer less restrictive terms such as dynamic core or unifying core] and the enhancement of quality relations between France and Germany; the reinforcement of the Union's capacities abroad in terms of foreign and security policy; the enlargement of the Union to Central and Eastern Europe.

The authors believe that strengthening is a precondition for enlargement especially since without internal consolidation the Union will not be able to face the immense workload that awaits it. They stress that there is a risk of instability that could transform or even dissolve the Union into a loosely woven group of states or an 'improved' free trade area. By basing this work on the experience of building a federal state and the principle of subsidiarity applied to different levels of government authority as well as between public and private actors, the objective would be to increase the Union's capacity for action and to adapt its basic principles as well as its democratic and federal processes. With this aim in mind, the use of the concept of differentiation proposed by Jacques Delors and a unifying core would become increasingly important in a Union of 27 members in which diversity might be stronger than unity.

Important progress has been made in terms of flexibility and differentiation, as for instance with the euro and Schengen. In the same spirit, enhanced cooperation is the principle according to which, following the approval of the other members, and on condition that they leave the door open to them, a group of countries may decide to move forward alone, to be in the vanguard, or to be part of a pioneering core. Thus this dynamic core could press forward first, with the aim of pulling in its wake those who initially lacked either the will or the means to follow. However, although the flexibility clause was taken up in the Lisbon Treaty, its overall scope was reduced in that it cannot be used as a basis to achieve an objective under the CFSP. In addition, a more accessible form of enhanced cooperation could possibly allow an open 'federating core' to be created with some scope for flexibility. This approach is promising for the future. Nevertheless, it is difficult to define the present dimension of the core area: the Franco-German couple in the context of six founding states, the eurozone and its 16 members, or different subsets corresponding to various circles and functions? For example, the eurozone does not correspond to the Schengen space. In both these cases, the UK and some other member states are absent. Nevertheless, it is impossible to conceive a CFSP or an ESDP without the active participation of the UK.

13 TEMPORARY ASSESSMENT

Developments that are crucial to improve the functioning of the European Union have been preserved. The most striking examples include some steps forward and some steps back. On the other hand, the distinction between legislative, delegated and implementing acts has been maintained. The definition of the European Union's acts has brought us back to square one: 'law' and 'framework law' are being replaced by the traditional definitions of regulations, directives and decisions. Many provisions are simply being re-used, such as the distribution of competences between the Union and member states;

some have been made more complete, as for instance the article on energy, with a reference to the spirit of solidarity and a new point on promoting the interconnection of energy networks. Likewise, the article on the environment will emphasise the specific need to combat climate change though measures taken on an international scale. Under the terms of the creative proposal put forward by the Commission, bearing the mark of President Barroso, energy and climate will be bundled together. This addition conveys the will of the Union to preserve its pioneering role. Moreover, several innovations have been left unchanged, albeit in more amenable wording; this represents an important step forward.

The last obstacle to the Lisbon Treaty entering into force was Ireland's ratification. On 12 June 2008, for the second time, Ireland rejected the Lisbon Treaty, as it did the Nice Treaty, in a referendum with 53.40 per cent votes against and 46.60 per cent in favour. It should, however, be mentioned that voter turnout for the referendum held in this country, which represents less than 1 per cent of the population of the European Union, or 3.05 million voters, was 53 per cent, or 1.614 million.²⁰ I recognise the importance of the entry into force of the Treaty, but cannot conceal my dismay at seeing the disproportionate power that Ireland has acquired by voting no and all the concessions that it was granted.²¹ The second referendum, on 23 October 2009, kept the promises made. However, one would hope that this strategy, which poses a threat to community trust, will not in turn be used by other member states.

One general remark at this juncture: there appears to be a contradiction between the procedure for the approval and ratification of European Treaties, and the community spirit of the Union, with its federal and pioneering aspirations. The procedure requires unanimity at two stages: for the adoption of the draft treaty, and then for its ratification by member states. This requirement even exceeds the rules for the entry into force of international intergovernmental organisations, for which a two-thirds majority of signatory states suffices. National referendums are an additional burden on top of the requirement of unanimity, and represent, in the form of a veto, serious obstacles to the continuance of the institutional process, as in the case of a repeated rejection. The No votes of Denmark or Ireland and also of France and the Netherlands *distort democratic standards* at the level of the Union as a whole. A minority of citizens voting against the Constitution in both countries has very clearly had a greater weight than millions of votes cast directly or through their parliamentary majorities in favour of the Constitution. A minority of votes at the European scale, but a majority of rejections in two member states, has delayed and interrupted the development of the Union.

How can this situation, which is the result of a democratic vote at the national level, but has distorted the democratic process at the general level of the European Union and prevented the other members from pressing forward with the integration process, be remedied? Recognising that it is impossible to hold a new vote in France or the Netherlands on the text that they rejected by referendum, the European Council approved a new amended version, entitled the Lisbon Treaty. The Lisbon Treaty is essentially based on the European Constitution, and contains its main innovations. Considering the experience acquired during the long and occasionally trying ratification procedure, the next revision should address this problem in order to avoid facing the same obstructions and ensuing concessions. The objective is admittedly to reach a general consensus, but without exposing the adoption and ratification to the veto of a minority of member

states. Let us recall that the principle of enhanced cooperation is accepted, on condition that the doors are left open to all members. Following this principle and international custom, the two-thirds ratification vote should allow European treaties to come into force. All things considered, the best approach would be, in the case of the adoption of a new constitutional treaty, to organise a *European referendum*, a concept first proposed by the General Charles de Gaulle in 1949, in order to give the European Union a broad measure of popular legitimacy. This would undoubtedly be the optimal solution from the standpoint of democratic legitimacy, and also with an eye to a European federation.

14 BRIEF CONCLUSION LOOKING TO THE FUTURE

Clearly, the future role of the European Union, which is undergoing a complete transformation, will depend on its ability to act efficiently at the international level, which will in turn depend on its internal and external cohesion and on the use of the 'community method'.²² The experience of federal states, as also the ongoing experience of the Union, has shown that the federal or community method is the only one which is likely to provide both autonomy, preserving the individual identity of states, regions, towns and local authorities, and the unity that provides the necessary ability to act as a whole. Applying the principles of subsidiarity and participatory democracy completes the full set of options that are available.

Needless to say, no single federal model exists and can be readily used. This explains the ongoing quest for the most appropriate form of governance based on federal principles. The manifold advanced methods of governance and the new instruments of communication will in turn make it possible to manage increasing levels of complexity, to promote common objectives and guidelines and to involve citizens in the construction of a European federation, grounded in European culture, a common yet diverse heritage.

At present, the Lisbon Treaty already provides a new framework and new instruments which, if used to their full potential, give much cause for hope, and contain the trappings of great European ambition. More cohesion and efficiency will facilitate the enlargement process and increase the global influence of the Union in the new geopolitical setting. It is obvious that the European Union has to adapt itself to the changes in the distribution of powers. The Lisbon Treaty affords the possibility to develop a common strategy in external relations, based on the economic weight and on the common value of the Union.

The lesson learned from Copenhagen is an invitation to spread even more widely the network of associations and partnerships beyond the close relations with the United States. At the Conference on climate change, the leadership of the European Union was weakened in the face of the 'objective alliance' between the United States and China. This experience strengthens my conviction that the European Union should create a sort of dual Community between the European Union and Russia, based on their de facto solidarity and interdependence in the fields of energy, investments and commerce, technology and development. By increasing the unity and the capacity of the European Union, the Lisbon Treaty opens up new opportunities for the development of cooperative policy and the extended use of soft power.²³ This trend inspired by the European experience is one of the best roads to peace and development in a multipolar world.

The financial and economic crisis revealed the role that the European Union and its members can assume in the reform of the global financial system within the framework of the G20. In substance, their main contributions consisted of coherent proposals of new norms for global financial governance, as was already the case in the World Trade Organization. For a long time, the European Union has been successful as an economic union, despite its political origins and vocation. By reinforcing its institutional capacity and providing the instruments of economic and political integration in bridging the gap between intergovernmental, political cooperation and community economic integration, the Lisbon Treaty offers a new start in keeping with the vision of the Founding Fathers. That is a most valuable contribution that Europe, by its example, can provide to the troubled world.

SUMMARY

The Lisbon Treaty represents a turning point in the European integration process. It benefited from the institutional innovations contained in the European Constitution: a permanent President of the European Council and a High Representative for Foreign Affairs and Security who is, at the same time, Vice-President of the Barroso Commission II. The President of the Commission as well as the whole body will be strengthened. By speaking with one voice, the Union can become a major global actor and promote new international rules. A qualified majority will be extended to some 50 cases. Legislative acts based on the Commission's proposal will require the co-decision of the European Parliament, thereby improving transparency and democratic legitimacy.

Keywords

European Constitution, Lisbon Treaty, federalism, Community method, qualified majority, Common Foreign and Security Policy, European Council, Barroso Commission II, President of the European Council, High Representative.

JEL classification

F15, F55.

NOTES

* See Dušan Sidjanski, *The Federal Future of Europe*, Ann Arbor, MI: University of Michigan Press, 2000.

** This chapter is the sole responsibility of the author.

1. Quoted by Jean Monnet in *Les Etats-Unis d'Europe ont commencé*, Paris: Robert Laffont, 1955, p. 45.

2. The Convention headed by the President Valéry Giscard d'Estaing and two vice-presidents (Giuliano Amato and Jean-Luc Dehaene) was convened by the Laeken Declaration on 15 December 2001. Unlike the previous intergovernmental conferences, and more similar to a Constitutional Assembly, the Convention was innovative due to its large spectrum of participants:

- 15 representatives of heads of state or government from the member states;
 - 13 representatives of heads of state and government from the 13 candidate countries;
 - 30 representatives of national parliaments in member states;
 - 26 representatives of national parliaments in candidate countries;
 - 16 members representing the European Parliament; and
 - two members of the European Commission (Michel Barnier and Antonio Vitorino).
3. Contrary to vested ideas, the origins of the European Community were not governmental initiatives but the proposals contained in the European Manifesto issued by The Hague Congress (1948). With about a thousand participants, the Congress was representative of different European movements, social, political and economic actors, as well as of many leading personalities. The Schuman Declaration (1950) conceived by Jean Monnet benefited from the impetus provided by the Congress, the European Movement and representatives of the European civic society. The creative and constructive drive was initiated bottom up.
 4. My impression is that disseminating this text during the ratification process and, more importantly, just before the referendums, could have complicated the debates on Europe or even provoked negative reactions. Denmark's experience proves that this remark is not purely hypothetical.
 5. The Court of Justice takes up a disproportionate number of pages compared with the other institutions of the Union. By changing this, around 30 articles and more than 10 pages could be transferred to an annex, in the form of a protocol.
 6. Translated into German, this text was published in Dušan Sidjanski, *Europa auf dem Weg zu einem neuen Föderalismus*, Berne: Haupt, 2004, pp. 147–8.
 7. *Subsidiarity* is one of the fundamental principles of federalism according to which what can be done at a lower level should not be transferred and realised at a higher level. Under this principle, 'the Union will only assume tasks that may be accomplished together more effectively than by each state separately or tasks whose solutions require a contribution by the Union' (European Parliamentary Resolution, 6 July 1982). This concept was reproduced in article 5, par. 3 of the Treaty on European Union and has been in force since 1 December 2009: 'Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level'.
 8. The European External Action Service (EEAS) will be composed on an equal basis of officials from relevant departments of the Council, the Commission and national diplomatic services. It will work in cooperation with the national diplomatic services. The Commission delegates will become Union delegations under the authority of the High Representative and be part of the EEAS structure. The EU delegations will assume the role performed by the rotating presidency in terms of local coordination of member states' embassies and representation of the Union.
 9. See article 31 of the Treaty on European Union.
 10. CDU/CSU – Fraktion des Deutschen Bundestages, Bonn, 1 September 1994.
 11. 'Une Constitution fédérale pour l'Europe', *Le Monde*, Paris, 4 November 1999. Meanwhile, J. Fischer appears to have given in to the temptation of a status quo!
 12. 'L'Europe Unie selon Joschka Fischer', *Le Monde*, Paris, 14–15 May 2000, the official title of the speech is 'From the Confederation to the Federation, thoughts on the purpose of European integration'. The past experience of the European Parliament has led to the elimination of its double mandate.
 13. The scale of the Commission's administration is rather small compared to national, or even regional and metropolitan administrations.
 14. See article 17, para. 7.3 of the Treaty on European Union.
 15. The former President of the Commission, Jacques Delors, at the time also opted for a Commission with 25 members.
 16. It is interesting to note that the number 7 corresponds to the number of members in the Swiss Federal Council. A number of proposals have been made due to the heavy workload, including one to increase the number of federal counselors. As the proposal was rejected, positions of secretaries of state were institutionalised and the number of staff was increased.
 17. Karl W. Deutsch, Richard W. Van Wagenen et al., *Political Community and North Atlantic Area*, Princeton, NJ, Princeton University Press, 1957.
 18. CDU/CSU – Fraktion des Deutschen Bundestages, Bonn, 1 September 1994. The authors of this proposal are Karl Larners and Wolfgang Schäuble.
 19. The European Community, now the European Union, was founded by six states, and then enlarged to 15, and later 27 member states. Further enlargements, in particular to the Balkan states, are in the pipeline.
 20. Interestingly, the main reason given by those who abstained was their lack of knowledge about the issues raised by the referendum (52 per cent) and the lack of information about the ensuing consequences (45

per cent). Also, according to an overwhelming majority of voters (2/3), the No campaign made a greater impact and was more convincing. Favourable votes were motivated mainly by the many advantages that Ireland has benefited as a member of the European Union. In contrast, those who voted against raised a number of arguments such as the lack of knowledge about the treaty, the threat to identity and neutrality, to the tax system, demands for an Irish commissioner, the rejection of European legislation on abortion and homosexual marriage and so on. All these issues are addressed in the concessions and exceptions granted to Ireland by the European Council of 11 and 12 December 2008, in the hope and on the condition that the second referendum allows the Lisbon Treaty to enter into force. Moreover, Ireland was given assurances that its constitution would be affected neither by the legal status of the Charter of Fundamental Rights, nor by the provisions of the Lisbon Treaty relating to matters of justice and home affairs.

21. Brussels European Council, 11 and 12 December 2008, Presidency Conclusion I, 4.
22. José Manuel Barroso, the then time prime minister of Portugal, gave a speech at the University of Geneva in 2003, in which he stressed the vital importance of the 'Community method': 'There is a real temptation to adopt a purely intergovernmental power system. If it were to ultimately prevail, this would certainly spell the end of the Union, at least this Union which has served us and serves the Members of the European Union so well. . . . The community method is a fundamental element of the European plan. The balance between the Union's different institutions is at stake as well as the due respect of the different interests involved, whether it be the general interest of the Union, which depends above all on the actions of a strong and independent Commission, or the interests of the Member States, which are defended within the Council, or the interests of the people, which are primarily expressed through the European Parliament. I would like to stress the importance of a strong and independent Commission'.
23. Regarding regional conflicts or wars, the 'soft power' needs to be supported by strong coercive means and, in the final instance, by the use of 'hard power'.

Table 12.A.1 President, vice-president and members of the Barroso Commission II

Name	Title	Country	Political affiliation	Function/services	Highest position held
José Manuel Barroso	President	Portugal	PSD/EPP	President of the Commission	President of the Commission; Prime Minister
Catherine Ashton	Vice-President	Great Britain	Labour/S&D	High Representative of the Union for Foreign Affairs and Security Policy	Member of Barroso Commission I; Leader of the House of Lords and Lord President of the Council
Viviane Reding	Vice-President	Luxembourg	CSV/EPP	Justice, Fundamental Rights and Citizenship	Member of Barroso Commission I and the Prodi Commission; Vice-President of the Christian-Social Party
Joaquin Almunia	Vice-President	Spain	PSOE/S&D	Competition	Member of Barroso Commission I; Leader of the PSOE
Siim Kallas	Vice-President	Estonia	RE/ALDE	Transport	Member of Barroso Commission I; Prime Minister
Neelie Kroes	Vice-President	Netherlands	VVD/ALDE	Digital Agenda	Member of Barroso Commission I
Antonio Tajani	Vice-President	Italy	PDL/EPP	Industry and Entrepreneurship	Member of Barroso Commission I
Maros Sefcovic	Vice-President	Slovakia	SMER-SD/S&D ?	Inter-Institutional Relations and Administration	Member of Barroso Commission I; Director General of European Affairs; Permanent Representative of the Slovak Republic to the EU
Janez Potocnik	Commissioner	Slovenia	LDS/ALDE	Environment	Member of Barroso Commission I; Commissioner for Science and Research
Olli Rehn	Commissioner	Finland	Kesk/ALDE	Economic and Monetary Affairs	Member of Barroso Commission I
Andris Piebalgs	Commissioner	Latvia	Latvijas Cels 'La voie lettone'/EPP	Development	Member of Barroso Commission I

Michel Barnier	Commissioner	France	UMP/EPP	Internal Market and Services	Member of Barroso Commission I; Minister of Agriculture and Fisheries; Minister of Foreign Affairs
Androulla Vassiliou	Commissioner	Cyprus	Libéral/ALDE	Education, Culture, Multilingualism and Youth	Member of Barroso Commission I; Vice-President of ELDR
Algirdas Semeta	Commissioner	Lithuania	TS-LKD/EPP	Taxation and Customs Union, Audit and Anti-Fraud	Member of Barroso Commission I; Minister of Finance
Karel De Gucht	Commissioner	Belgium	VLD/ALDE	Trade	Member of Barroso Commission I; Vice Prime Minister; Minister for Foreign Affairs, European Affairs and International Trade of Belgium
John Dalli	Commissioner	Malta	National Party/EPP	Health and Consumer Policy	Minister for Social Policy
Maire Geoghegan-Quinn	Commissioner	Ireland	Fianna Fáil/ALDE	Research, Innovation and Science	Member of the European Court of Auditors
Janusz Lewandowski	Commissioner	Poland	PO/EPP	Budget and Financial Programming	Member of the European Parliament; Vice-Chairman of the Committee on Budgets of the European Parliament
Maria Damanaki	Commissioner	Greece	PASOK/S&D	Maritime Affairs and Fisheries	Vice-President of the Greek Parliament
GüntherOettinger	Commissioner	Germany	CDU/EPP	Energy	Minister-President of the <i>Land</i> of Baden-Württemberg
Johannes Hahn	Commissioner	Austria	OVP/EPP	Regional Policy	Federal Minister for Science and Research
Connie Hedegaard	Commissioner	Denmark	Conservatrice/EPP	Climate Action	Minister of Climate and Energy

Table 12A.1 (continued)

Name	Title	Country	Political affiliation	Function/services	Highest position held
Stefan Füle	Commissioner	Czech Rep.	CSSD/S&D ?	Enlargement and European Neighbourhood Policy	Minister of European Affairs of the Czech Republic
Laszlo Andor	Commissioner	Hungary	(MSzP)/S&D ?	Employment, Social Affairs and Inclusion	Member of the Board of Directors of the European Bank for Reconstruction and Development (EBRD)
Cecilia Malmström	Commissioner	Sweden	Liberal Party/ALDE	Home Affairs	Minister for EU Affairs
Rumiana Jeleva	Commissioner	Bulgaria	GERB/EPP	International Cooperation, Humanitarian Aid and Crisis Response	Minister of Foreign Affairs of the Republic of Bulgaria
Dacian Ciolos	Commissioner	Romania	PD-L/Independent	Agriculture and Rural Development	Agriculture and Rural Development Minister

Note: This list includes two former prime ministers, and one former vice prime minister, nine former ministers and nine female commissioners. EPP: 12; S&D: 6, ALDE: 8.

Sources: Website for EUROPA and WIKIPEDIA.