

The European Parliament and European Commission after the May Elections: An Indispensable Partnership?

In November 2013 the Party of the European Socialists designated Martin Schulz, currently serving as President of the European Parliament (EP), as its lead candidate in the May 2014 European elections, and thus as its natural claimant to the post of European Commission president should it come out of the election as the dominant force. This sparked off a similar process of selecting top candidates by other political families. Just five months later, Jean-Claude Juncker, from the European People's Party, Guy Verhofstadt from the Alliance of Liberals and Democrats for Europe Party, Ska Keller and José Bové from the European Green Party, and Alexis Tsipras from the Party of the European Left were lined up as the *Spitzenkandidaten* (top candidates) heading their party families' electoral campaigns.

But it has also sparked vigorous discussions among commentators across the EU about the advisability of such a move.¹ The nomination of top candidates by almost all of the mainstream political forces in the EP cuts down the room for manoeuvre for member governments to choose the next Commission head, and ostensibly brings the Commission into the next Parliament's ambit. Whilst its advocates perceive the idea of *Spitzenkandidaten* as a chance to boost political competition and thus increase voters' interest in these "second-order" elections,² opponents often

¹ The designation of Martin Schulz has provoked a heavy discussion on the pages of Financial Times between H. Grabbe, A. Duff and J. Priestley about the sensibility of this step, see: H. Grabbe, "How Not to Fix the European Union's Democratic Deficit," *Financial Times*, 4 November 2013, and A. Duff, "Barroso's Successor Will Enjoy Dual Endorsement," *Financial Times*, 5 November 2013.

² To justify this argument the Eurobarometer findings can be quoted. 55% of the respondents confirmed that they would be more inclined to vote if political families put forward a candidate for the European Commission post. See European Parliament Eurobarometer (EB79.5) "One Year to Go until the 2014 European Elections" Institutional Part, Analytical Overview, 21 August 2013, www.europarl.europa.eu/pdf/eurobarometre/2013/election/synth_finale_en.pdf.

focus on unintended implications for governmental discretion, and fear that such a step would constitute a leash on the Commission, compromising its neutrality.

This article will clarify the debate on this *personalisation* of the elections.³ By placing the relationship between the European Parliament and Commission in a longer-term context, this article debunks the notion that personalisation marks a revolution in inter-institutional relations leading to the sudden politicisation of the Commission. Rather, it is just one in a long line of moves by the EP towards reinforcing its scrutiny of the Commission's actions. Moreover, this article argues that it is the undermining of the community method in the EU since the crisis broke out, coupled with the apparent shift of power and discretion towards national governments, that is pushing the European Commission into the arms of the EP. This is particularly clear in the EU economic and financial agenda, where the European Council has grown to take the predominant role in agenda-setting, traditionally the Commission's domain. Finally, this article presents some prospects for cooperation between the Commission and the Parliament.

After the European elections, the nature of the special relationship between Commission and Parliament is likely to be determined by the mode of governance preferred in the next legislative period. Should Member States continue to resort to differentiated integration platforms and test the principle of loyal cooperation, the more probable it is that that relationship will thicken. Furthermore, past experience suggests that the EP is likely to use the process of drafting the incoming Commission's five-year programme as a new means to assert its priorities in economic governance. Similar moves can be expected from the Member States. A Commission facing pressure from both sides might try to pivot away from the European Council and the EP (two traditional sources of its legitimacy), and upgrade its political dialogue with national parliaments.

One Article... Many Interpretations

In 2009, the Treaty of Lisbon (article 17.7 of the Treaty on the European Union) introduced the obligation for Member States to take into account the results of the European elections while nominating their candidate for

³ This term has already been used, see i.a.: R. Formuszewicz, M. Stormowska, "European Parliament Elections 2014: Will 'Union Citizens' Reject the Union?," *PISM Bulletin*, no. 79 (532), 25 July 2013, www.pism.pl.

the post of Commission president.⁴ Under these rules, which will be applied for the first time this year, a presidential candidate is to be nominated by the European Council by qualified-majority voting and proposed to the Parliament. The successful candidate will then be elected (no longer merely *approved*) by the European Parliament, echoing wording long used by the EP in its Rules of Procedure. Finally, Member States are obliged by the treaty, and by Declaration 11 to the Final Act of Intergovernmental Conference which adopted the Treaty of Lisbon, to enter into wider consultations with MEPs on the nomination process.⁵

Parliament has, however, sought to further reduce the European Council's room for manoeuvre by encouraging its party families to name their preferred choice for Commission president well ahead of the elections and the deliberations between governments. The EP now argues that member governments must first consider the *Spitzenkandidat* of the political family that gains most seats in the forthcoming elections, if they want their candidate to be successfully elected.⁶ According to both the Parliament and the Commission, this personalisation would give the next Commission president more of a democratic mandate and would effectively narrow the gap between national and European politics, giving citizens a reason to vote. After all, a vote for a political family with a top candidate would help define the makeup of both the incoming EP and the Commission College and should thus carry real meaning.

Most importantly though, the supporters of personalisation believe that nominating joint candidates in the elections would strengthen the European Commission and its legislative initiative.⁷ By bringing greater transparency to the process of nominating a candidate for Commission president, this

⁴ Treaty on the European Union, O.J. EU C 326/13, 26 October 2012.

⁵ Both article 17.7 of the TEU and Declaration 11 to the Final Act of the Intergovernmental Conference refer to appropriate consultations that the European Council should initiate with the European Parliament. Lack of clarity around how these consultations should be organised and when they should start might constitute one of the sources of inter-institutional tensions soon after the elections.

⁶ European Parliament resolution of 4 July 2013 on improving the practical arrangements for the holding of the European elections in 2014 (2013/2102(INI)).

⁷ G. Bonvicini, G.L. Tosato, R. Matarazzo, "Should European Parties Propose a Candidate for European Commission President?," in: G. Bonvicini (ed.), *Democracy in the EU and the Role of the European Parliament, A Study and a Call*, Istituto Affari Internazionali, Rome, March 2009, p. 65.

would defuse horse-trading and backdoor deals among Member States, and lead to greater democratic legitimacy of the European Commission.

This reading is naturally contested by European capitals, where personalisation is perceived as yet another power-grab by the EP. Germany's chancellor, Angela Merkel, has already stated that she sees no automatic link between top candidates and the appointment of the future Commission president.⁸ As for smaller Member States, they look upon the Commission as a neutral arbiter and counterbalance to the big states. They will be skeptical about the EP's current manoeuvring, afraid that it will undermine the Commission's neutrality and provoke larger members into countermoves. Moreover, the Commission's ability to ensure application of EU law could be hampered too. A party-nominated president would no longer act as referee, which is an indispensable function for the execution of the Commission's competences in budgetary surveillance or in reviewing conditions related to financial assistance packages for stricken eurozone members.⁹

The Appointment of the Commission President: A Last Bastion of National Discretion?

Before the Maastricht treaty came into force in 1993, the rules placed the appointment of the Commission and its president solely into the hands of Member States. However, the European Parliament has always had at its disposal the right to censure Commission activities by dismissing the College.¹⁰ And, with the gradual extension of Parliament's legislative powers, this instrument appears to have changed from a political bogey into a practical means of increasing parliamentary scrutiny.¹¹ A similar tendency could be observed in the procedure for appointing the Commission. The more powers that the European Parliament acquired, the more it wanted

⁸ T. Vogel, "Merkel Speaks Out on Appointment of Commission President," *European Voice*, 31 October 2013.

⁹ One of the most categorical stances in this debate has been taken by H. Grabbe and S. Lehne. See: H. Grabbe, S. Lehne, *The 2014 European Elections: Why a Partisan Commission President Would Be Bad for the EU*, Centre for European Reform, October 2013, p. 2.

¹⁰ See: R. Corbett, F. Jacobs, M. Shackleton, *The European Parliament*, 8th ed., John Harper Publishing, London, 2011, p. 292.

¹¹ In practice, a motion for censure has never received the necessary parliamentary backing of two-thirds of MEPs, although its possible application has affected the Commission's actions in the past. A threat to adhere to this instrument also resulted in the resignation of the European Commission in 1999.

to influence the appointment of the Commission College.¹² The first Commission confirmation hearings were thus organised already in the 1980s.¹³ The Maastricht treaty thus formalised many existing innovations when it prolonged the Commission's term of office to bring it into line with that of the Parliament and rubber-stamped the existing practice of obtaining the Parliament's vote of approval for the entire Commission, contributing thus to the wider practice of public hearings with the Commissioners-to-be.

The EP has also proved adept at innovating new practices, rubber-stamping any concessions it obtained from the Commission by means of subsequent inter-institutional agreements, the most recent example of which being the Framework Agreement of 2010.¹⁴ The Parliament has displayed an impressive ability to leverage budgetary and legislative prerogatives afforded through changes to the treaties in order to exert its influence on the Commission and more generally on the EU decision-making process.¹⁵ Even before a formal agreement on the right of Commission' approval was in place, for instance, the European Commission felt under obligation to present its annual work programme to MEPs.¹⁶

As it stands today, therefore, the innovation of personalisation is just one more step in a long history of strengthening ties between the Commission and the European Parliament. Yet, it is a heavily contested history. The European

¹² In fact, the first confirmation hearing of the Commission was organised in 1981, while Member States confirmed this practice in 1983, in the Stuttgart Declaration. See: P. Magnette, "Appointing and Censuring the European Commission: The Adaptation of Parliamentary Institutions to the Community Context," *European Law Journal*, vol. 7, no. 3, September 2001.

¹³ R. Corbett, F. Jacobs, M. Shackleton, *op. cit.*, pp. 292–297.

¹⁴ A Framework Agreement on relations between the European Parliament and the European Commission refers to a "special partnership between both institutions," O. J.EU L 304/47, 20 November 2010.

¹⁵ This trade-off was particularly visible in the area of comitology. The EP kept using its budgetary, and legislative prerogatives to increase its influence on EC implementing powers. It expressed, for example, its dissatisfaction with the secret manner of proceeding within the comitology system by taking advantage of budgetary powers and freezing funds for the committees in 1983. D. Kietz, A. Maurer, *The European Parliament in Treaty Reform: Predefining IGSs through Inter-institutional Agreements*, Working Paper FG1, 2006/02, SWP, Berlin, January 2006, p. 10.

¹⁶ See: A. Maurer, *Framework Agreements between the EP and the Commission: The "Legislative Contract" and Tool-kit for Parliamentarising the Treaty's Grey Areas*, www.euce.org/eusa/2011/papers/7k_maurer.pdf, p. 9. This practice has not so far made the European Commission achieve the programme of one or another EU political family and even if personalisation could strengthen the political pressure to include the Parliament's priorities in the Commission legislative programme it is unlikely to make the Commission beholden to one political family priorities.

Union is a hybrid political system. It is not a straightforward parliamentary system where the executive arises from a parliamentary majority.¹⁷ Any attempt to make the Commission more accountable to Parliament, has implications for the balance of power and the constitutional character of the Union. This also includes the hybrid character of the Commission itself, which draws its legitimacy not only from the Parliament to which it is responsible, but also from the Member States that gather in the format of the European Council to nominate a candidate for Commission president.¹⁸

Yet, Member States have unwittingly played their role in pushing the Commission into the Parliament's arms. Deliberations at the Convention on the Future of Europe, 2001–2003, seemed to reveal a growing recognition from the European Commission that, in light of the expected institutionalisation of the European Council (which finally came about under the Lisbon treaty), the Commission risked being relegated to the role of Member States' secretariat.¹⁹ At this point the idea of personalisation, first elaborated in the 1990s by Jacques Delors, began to be considered seriously by Commission and Parliament.²⁰

¹⁷ P. Magnette, *op. cit.*, p. 294.

¹⁸ These are still Member States that have a predominant role in designating candidates for Commissioners. It is also the European Council that nominates candidate for the Commission president. However, in carrying out responsibilities, the Commission represents the interests of the EU and is responsible to the European Parliament. Thanks to this structure, the Commission has managed to maintain its sensitivity to the positions of both the Council and European Parliament in the course of the legislative process, and promote the community method. See: J. Peterson, M. Shackleton (eds.), *The Institutions of the European Union*, 3rd ed., Oxford University Press, Oxford, 2012, p. 116.

¹⁹ This is also reflected in the Commission's contribution that aimed to boost its political credibility without causing a significant shift of institutional balance in favour of either the Parliament or the European Council. In their contribution to the Convention works, M. Barnier and A. Vitorino suggested inverting the process of selecting the Commission president. According to Commission officials, the Commission president should be elected by the European Parliament by a two-thirds majority, and only confirmed by the European Council. Both institutions should have a right to censure Commission activities. See: Communication from the Commission, forwarded by M. Barnier and A. Vitorino, members of the Convention: "For the European Union Peace, Freedom, Solidarity—Communication from the Commission on the Institutional Architecture," CONV 448/02, Brussels, 5 December 2002, speech of R. Prodi, presenting the Commission Communication to the European Convention, Brussels, 5 December 2002.

²⁰ At that time the idea of introducing a legal link between the composition of the future Parliament and nominating candidates for Commission president appeared to be the only possible compromise acceptable to all parties involved in the Convention deliberations. Elaborated in Estoril and tabled by the European People's Party, personalisation aimed to boost competition on EU affairs among the political families and ensure greater democratic legitimacy of the European Commission. See: "A Constitution for Strong Europe," document adopted by the EPP Congress of 18 October 2002 in Estoril, Portugal, http://arc.eppgroup.eu/press/peve02/eve30/congressdoc_en.asp.

EU Economic Governance: Common Ground for the European Commission and European Parliament?

The sovereign debt crisis has only added to concerns about the decline of the community method in EU decision-making.²¹ The growing role of the European Council and Euro-Summit gatherings has made it more difficult for the Commission to keep a hold on the legislative agenda. The 2010 decision to establish a task force on economic governance under the leadership of Herman Van Rompuy, president of the European Council, signalled a more permanent shift in crisis-management authority, from the Commission to the European Council. Furthermore, it only accelerated the process of “less Delors and more de Gaulle.”²² The European Council has also intervened in later stages of the legislative process, despite its powers being limited to defining general directions for EU actions. It raised eyebrows by deleting articles from the draft regulation implementing enhanced cooperation in the area of the creation of unitary patent protection, supposed to be concluded by the Parliament and the Council alone.²³

The Commission seems to have realised that it cannot regain its former stature without first reasserting the community method, and this in turn requires it to join ranks with MEPs. The lesson has been hard won. In the recent past, the Member States had granted the Commission stronger prerogatives to apply the rules of economic governance despite deviating sometimes from the community method. The Commission gained new powers to assert budgetary discipline (for example, the competence to review the national budget drafts of the euro area members, and to impose semi-automatic sanctions on them for clearly breaching Stability and Growth Pact provisions). It has, however, struggled to execute them due to Member State

²¹ In an interesting article looking at relations between the European Council and the European Commission, the authors test the applications of the principal-agent theory in relations between both institutions and propose an alternative, a joint agenda setting approach. However, that does not exclude tensions between the institutions and proves that the crisis mode of governance strengthens the role of the principal (European Council). P. Bocquillon, M. Dobbles, “An Elephant on the 13th Floor of the Berlaymont? European Council and Commission Relations in Legislative Agenda Setting,” *Journal of European Public Policy*, vol. 21, no. 3, 2014.

²² This is an adaptation of Polish foreign minister Radosław Sikorski’s phrase: “... Surprising for some, we in Poland favour more ‘community method’ and less intergovernmentalism. More Delors, less De Gaulle ...,” R. Sikorski, “The Visegrad Group—Building a Brand,” speech at the Hungarian Academy of Science, 5 July 2012.

²³ See: European Council Conclusions as of 29 June 2012 (EUCO 76/12).

resistance.²⁴ In this context, the results of the Commission's in-depth review of Germany's account surplus, announced on 6 March, and Germany's response, are a litmus test for the Commission's credibility in this sensitive policy area.²⁵ The outcome of dialogue with Germany, and with other Member States in the scope of new, country-specific recommendations, might also leave a mark on the Commission's partnership with the Parliament. After all, if it is once again given the cold shoulder, the Commission might feel more tempted to use the Parliament as a platform from which to preach to Member States. The European Parliament would gladly pick up the gauntlet.

International law agreements have been in increased use in building up a "genuine" EMU. The result is a growing frustration from Parliament and now Commission at being sidelined.²⁶ The most recent negotiations on the Single Resolution Mechanism (SRM) seem to confirm their concerns. On 18 December 2013, Member States decided to split up the European Commission's proposal on the SRM, and treat part of it in the framework of the intergovernmental negotiation on the Single Resolution Fund (SRF).²⁷ The decision to exempt the SRF from the ordinary legislative procedure has encountered opposition from both the European Central Bank and the European Commission, and the latter openly expressed its worries about possible delays in creating a Single European Resolution Fund.²⁸ As such, the Member States' decision, driven mostly by German concerns, not only exacerbates inter-institutional tensions, but also provides the Parliament with additional means to sway the Commission to its side just as the new

²⁴ A. Gostyńska, M. Stormowska, "The European Commission in EU Economic Governance: In Search of Political Capital," *PISM Bulletin*, no. 78 (531), 23 July 2013, www.pism.pl.

²⁵ European Commission, *Macroeconomic Imbalances—Germany, European Economy*, Occasional Papers 174/ March 2014, http://ec.europa.eu/economy_finance/publications/occasional_paper/2014/pdf/ocp174_en.pdf.

²⁶ Presenting a Blueprint for a Deep and Genuine Economic and Monetary Union by the European Commission on 28 November 2012, in parallel to works within the European Council, was perceived in many capitals as an attempt by the Commission to regain the political initiative in economic governance.

²⁷ On 18 December 2013 the EU Council, in its General Approach, decided to take certain aspects of the Commission's proposal and complete them in the form of international agreement. IGA will define the transfer of financial contributions to the Single Resolution Fund and their allocation in the transitional period to the national compartments of the SRF. See: Press Release of the Economic and Monetary Affairs, EU Council, PRESSE 596 PR CO 73, 18 December 2013.

²⁸ N. Hirst, "Finance Ministers Warned against Undermining Bank Resolution Fund," *European Voice*, 19 December 2014.

legislative term approaches.²⁹ In this context, and based on an assessment of the current dialogue between the institutions, it cannot be excluded that this dossier, strategic for the Greek presidency of the Council, will be delayed by MEPs with the intention of using it in the process of obtaining new institutional concessions after the European elections.³⁰

Post-May 2014: What Kind of Partnership Is Ahead for the European Commission and European Parliament?

In light of the above, a “special partnership” between the European Parliament and the European Commission, as referred to in their Framework Agreement of 2010, is set to gain pace after the European elections in May. As this article argues, this should not be understood as a direct consequence of the personalisation of the forthcoming elections, but rather as a result of a long-term process given a recent new twist by a mode of crisis governance that has been pushing the Commission in the Parliament’s arms.

Similar reflections can be drawn on the basis of the report adopted on 17 February 2014, by the European Parliament Committee on Constitutional Affairs.³¹ Paulo Rangel MEP, in his explanatory statement, pointed explicitly to the “erosion of the Commission’s power” which should be counteracted by a process of strengthening its democratic legitimacy and hence its ties with the Parliament. Yet, this is probably not the MEP’s only motivation. The European Commission has been granted new prerogatives in the Treaty on Stability, Coordination and Governance in the EMU, and in the Treaty establishing Stability Mechanism. Both agreements are governed by international law, and therefore not subject to any democratic scrutiny by

²⁹ In its letter to the Greek presidency of the EU Council, a delegation of the European Parliament to the intergovernmental conference on SRF defended the original Commission proposal. Since then, MEPs have often repeated that adherence to the intergovernmental negotiations on the SRF does violate the rule of loyal cooperation and, as such, might impair completing negotiations on the entire dossier. See: Letter of Sharon Bowles, a Chairman of Committee of Economic and Monetary Affairs in the European Parliament to the Greek Presidency, 15 January 2014, www.europarl.europa.eu/document/activities/cont/201401/20140116ATT77594/20140116ATT77594EN.pdf.

³⁰ This contribution was finalised before the gathering of EU finance ministers planned for 12 March. During that meeting a new EP compromise proposal was to be laid down. See: N. Hirst, “MEPs Prepare ‘Best Offer’ on Single Bank Resolution Authority,” *European Voice*, 6 March 2014, www.europeanvoice.com/article/imported/meps-prepare-best-offer-on-single-bank-resolution-authority-/79917.aspx.

³¹ P. Rangel, *Report on the Implementation of the Treaty of Lisbon with Respect to the European Parliament*, European Parliament, 2014, www.europarl.europa.eu.

the EP. The European Commission is thus perceived by the Parliament as its natural gateway into cooperation platforms which are still beyond its reach.

The new European Parliament will surely attempt to have its say in the coordination of economic policies, particularly if the Party of European Socialists comes out on top in the forthcoming elections. To forge its priorities in these dossiers, the Parliament is likely to explore further the framework for mutual cooperation in the scope of the Commission's annual and multi-annual programming. The Lisbon Treaty only indicates that Commission programming shall be initiated with a view to achieving inter-institutional relations.³² However, in the Interinstitutional Agreement concluded by the Commission and the Parliament in 2010, parties developed their respective cooperation. The Framework Agreement does not only envisage a timeframe for the Parliament's political dialogue with the Commission on its legislative programming, but also commits the Commission to take into account priorities expressed by the Parliament.³³ Traditionally, MEPs have tied the presentation of priorities by the Commission to the public hearings with the Commissioners-to-be. This time will be no different, and MEPs are likely to present their own wish-list for legislative programming ahead of the College-approval procedure. Indeed, if MEPs take good advantage of the Parliament's newly-formed unit providing independent advice on policy choices, this wish-list could one day become the Parliament's "five-year government programme."³⁴

As it stands, provisions concerning the legislative planning as envisaged in the 2010 Framework Agreement already limit the Commission's neutrality, and seem to tip the balance in the Parliament's favour.³⁵ Naturally, this comes at the expense of the EU Council, which, by withdrawing from negotiations on the 2010 Framework Agreement, reduced its leverage in the

³² Article 17.1 TEU: "... It [Commission—author] shall initiate the Union's annual and multiannual programming with a view to achieving inter-institutional agreements ...," Treaty on the European Union, O.J. EU C 326/13, 26 October 2012.

³³ Framework Agreement on relations between the European Parliament and the European Commission, O. J.EU L 304/47, 20 November 2010.

³⁴ This was indicated in the document of the European Parliament's Secretary General entitled "Preparing for Complexity, The European Parliament in 2025," March 2013, p. 192, www.europarl.europa.eu/the-secretary-general/resource/static/files/2013/preparing-for-complexity---the-european-parliament-in-2025--draft-.pdf.

³⁵ See also: G.J. Brandsma, "Bending the Rules: Arrangements for Sharing Technical and Political Information between the EU Institutions," in: R. Servent, A. Busby (eds.): *Agency and Influence inside the EU Institutions*, European Integration online Papers, Special Issue 1, vol. 17, article 8, http://eiop.or.at/eiop/index.php/eiop/article/view/2013_008a/253.

process of Commission programming. As if this were not enough, Rangel's report hints that the possibility of revising the current Framework Agreement should be further explored, with Rangel seemingly limiting the scope for these negotiations to the Parliament and Commission. Therefore, and as it can be assumed from the previous inter-institutional negotiations, the Parliament might feel tempted to use these talks to expand its influence over the EU agenda, particularly on the economic governance. After targeting the Commission's implementing powers and international agreements, this area of cooperation looms as its next natural target.³⁶

Yet, in the post-May 2014 era this could well end up politicising the Commission.³⁷ In the Berlaymont building this might be considered risky, particularly if first polls pointing to a stronger degree of polarisation in the European Parliament as a result of the rise of Eurosceptic forces are confirmed.³⁸ Thus, the new Commission is likely to pull back somewhat. Even though the Commission increasingly needs Parliament in the crusade to regain its authority in forging the EU agenda, it will avoid steering too confrontational a line vis-à-vis the Member States. The Commission is thus unlikely to follow rather bold recommendation of the Parliament's president with regard to the Single Resolution Fund to "... use all the tools and powers it has at its disposal to stand against the decision of the Council [on the Single Resolution Fund—aut.] whose legality is more than doubtful"³⁹

Quite the reverse in fact: by launching the REFIT Programme (Regulatory Fitness and Performance), which aims to review EU legislation and detect its deficiencies in the scope of regulatory burdens or simply by acknowledging

³⁶ See: A. Gostyńska, R. Parkes, "Europe and Its Institutions: Towards a Renewed Polish Approach to the EU," *PISM Strategic File*, no. 2 (38), February 2014, p. 6, www.pism.pl.

³⁷ In the report on the implementation of the Lisbon Treaty, Paulo Rangel envisages the future enhancement of the Parliament's scrutiny powers regarding the European Commission, pointing to decreasing the necessary majority of votes required for a Commission censure motion to be effective (currently such a motion requires a two-third majority in the Parliament). In Rangel's reading, this would not lead to "excessive parliamentarisation" but would strengthen the Commission's political accountability. See: P. Rangel, Explanatory Statement to the Report on the Implementation of the Treaty of Lisbon with Respect to the European Parliament, European Parliament, www.europarl.europa.eu.

³⁸ According to the polls conducted and published by PollWatch on 19 February, 29% of the seats would go to parties critical of or opposed to the EU. In this group, PollWatch placed the European Conservatives and Reformists (ECR), Europe of Freedom and Democracy (EFD), the radical left EUL/NGL, and the non-attached members. See: www.pollwatch2014.eu/pollwatch_blog.

³⁹ Letter of M. Schulz, President of the European Parliament, to J.M. Barroso, dated 20 January 2014, www.theparliament.com/fileadmin/theParliament/pdfs/SRMLetter.pdf.

that “... subsidiarity is not a luxury but an obligation ...”⁴⁰ the European Commission might actually be signalling a willingness to respond to growing concerns from Member States, about the delimitation of powers between the EU and national level. Having recently garnered heavy criticism for its “creeping competences,” a new legislative cycle could serve as a means for the Commission to leave behind a dubious reputation. This appears in turn to be a good opportunity for some Member States to draw the Commission’s attention more fully to better EU regulation and the subsidiarity rule. Proposals have already popped up at a national level, not only to hold deliberations in the Council about how to influence the Commission’s multiannual programming, but also to target this process more specifically at the subsidiarity rule.⁴¹ However, even though a new Commission College might be more responsive to Member States’ calls in areas such as reducing regulatory burdens in the EU and forging a more business-friendly agenda, it is likely to tailor the scope of this political dialogue carefully, in order to avoid setting precedents which would effectively tie its hands when it comes to actually implementing its programme.

The new legislative cycle in the EU will be marked by continuous efforts to complete work on all the building blocks of a “genuine EMU.” The new College will thus face a similar dilemma to that of its predecessor: how to execute its mandate efficiently in the integrated financial, budgetary and economic framework, while keeping both the Parliament and Member States at arm’s length. However, bending excessively towards either one is not a solution, as this could put its traditional role as neutral arbiter and guardian of the common interest to the test. Therefore, the Commission may attempt to diffuse power away from both the European Council and the Parliament in the decision-making process. Upgrading dialogue with national parliaments might be a step in this direction.⁴² The stage is already

⁴⁰ J.M. Barroso, “From 1946 until Today—a European Success Story: Why Leadership Matters,” speech delivered at the Special Churchill Lecture Zurich, 8 November 2013, http://europa.eu/rapid/press-release_SPEECH-13-900_en.htm.

⁴¹ This is one of the recommendations arising from the report of the Clingendael Netherlands Institute of International Relations and Centre for European Policy Studies. See: S. Blockmans, J. Hoevenaars, A. Schout, J.M. Wiersma, *From Subsidiarity to Better EU Governance: A Practical Reform Agenda for the EU*, 28 February 2014, www.clingendael.nl.

⁴² See M. Šefčovič, “The Future of Europe: Towards a Genuine Economic and Monetary Union,” speech at the COSAC Chairpersons Meeting, Dublin, 28 January 2013; and M. Šefčovič, “National Parliaments and the Future of Economic and Monetary Union,” speech at the COSAC Chairpersons’ meeting, Vilnius, Lithuania, 11 July 2013.

set. The European Commission has already intensified its contacts with national parliamentarians in the scope of the European Semester.⁴³ By 2012 it had already suggested more regular dialogue, which would follow the publication of the Annual Growth Survey and subsequent presentation of 'Country Specific Recommendations' (CSRs).⁴⁴ Reaching out to MPs by means of joint debates, at which Commission recommendations would be explained, could obviously facilitate coordination of economic policies at the EU level, but it could also boost the Commission's democratic legitimacy, indispensable for leading the EU out of the crisis.

⁴³ The practice of holding joint debates with the Commissioners has already been established in the Polish Sejm. In June 2013 it held a joint debate devoted to the Country Specific Recommendations, with Commissioner Lewandowski and three parliamentary committees (EU Affairs, Public Finances, and Economy Committee). A similar public debate is planned for 2014.

⁴⁴ Reply of the European Commission to the contribution of the XLVII COSAC, Copenhagen, 22–24 April 2012.