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The 2014 Round of Appointments in the EU Institutions

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Introduction

After the European Parliament elections in May 2014 the EU must fill several key roles:

- President of the European Commission;
- President of the European Council;
- High Representative / Vice President for Foreign Affairs & Security Policy;
- 27 other members of the Commission;
- finally, a new President of the Parliament must be elected.

This substantial round of senior appointments will clearly affect the direction of the EU over the next five years.

This paper looks at the procedures for filling these vacancies, the timescale involved and offers some pointers as to the basis on which some of the key appointments are likely to be made. It does not cover the European Parliament elections in May 2014.

Background

The Council of Ministers has agreed to bring forward the date of the European Parliament election in 2014 from June because the previously intended date comes at the end of the Pentecost holidays in several Member States. Now to be held from 22-25 May 2014, the elections are important because they trigger the start of the process for selecting the Commission and will affect the process. 2014 is also when the terms of office of the current President of the European Council (Hermann van Rompuy) and High Representative for Foreign & Security Policy (Catherine Ashton) come to an end; Mr van Rompuy cannot stay in office beyond that date and Baroness Ashton has said that she does not wish to do so.

The Commission

The term of office of the current Commission expires on 31 October 2014. Although the Treaty of Lisbon provided for the Commission to be reduced in size from 1 November 2014 to two-thirds the number of Member States, the European Council agreed in 2008, in the context of the Irish referendums in which the loss of the national commissioner had been a major issue, to use its power under the Treaties to keep the Commission's membership at one per Member State.

Following the European Parliament elections the European Council nominates a candidate for the Presidency of the Commission (voting by qualified majority vote if necessary) and the European Parliament votes on that candidate. The current Commission publicly called (March 2013) for the political groups in the European Parliament to nominate their candidates for the Presidency of the Commission before the elections. This happened with the EPP group before the 2009 Parliament elections. It remains to be seen whether all the other political groups will follow this lead but the Party of European Socialists will join the EPP in doing so. If the Parliament does not elect the European Council's nominee, the latter is required to nominate a new candidate, again acting by qualified majority, and the Parliament again decides on the nomination by an absolute majority of its members.

Once the Commission President has been elected by the Parliament and formally appointed by the European Council, he or she nominates the remaining members of the Commission (with the exception of the High Representative - see below) drawn from the names given to the President by Member States. The allocation of portfolios to individual nominees is the prerogative of the President but is customarily a subject of strong lobbying by the Member States.

The Parliament has to accept or reject the Commission as a whole but in practice if an individual Commissioner candidate does very poorly in Parliament's scrutiny hearings, or there is some other cause of concern about their suitability, the Parliament has considerable influence. In 2004 three members of the team initially nominated by Mr Barroso were changed: one was withdrawn by the nominating government, one resigned and a third was reshuffled to a different role by Mr Barroso. Only after these changes had been made did the Parliament approve the Commission as a whole.

The President of the European Council

Article 15 of the Treaty on European Union provides for the European Council to elect its President by qualified majority for a term of two-and-a-half years, renewable once. There are no Treaty-based criteria for this office, except that the President cannot simultaneously hold national office. The new post holder will take office on 1 December 2014.

The present incumbent is a former Prime Minister and it was considered essential in 2009, when van Rompuy was chosen, that the person chairing the European Council had to be of the same status as the other members (*i.e.* a head of state or government). This limits the available pool of candidates considerably. There is no treaty role for the Parliament in the appointment of the President of the European Council but the nationality and political party of the person nominated for this post will influence the debate about the candidates for the other posts.

The High Representative

The High Representative for Foreign & Security Policy also holds office as Vice President of the Commission. The High Representative is appointed by the European Council, acting by qualified majority, and with the agreement of the President of the Commission. The High Representative is subject to a hearing by the Parliament but only in their capacity as Vice President external relations of the Commission and not as High Representative.

The 2014 Appointments

If the procedure by which they will be appointed is clear, who will take these posts is hard to judge as so many factors are at play.

The first factor is the outcome of the European Parliament elections; will the centre-right retain its majority or will the Party of European Socialists triumph? Which political Group has the most seats will be crucial to determining the political background of the Presidency of the Commission; the treaties do not require a member of the largest party group in the Parliament to be Commission President but they appear to encourage it. But the overall balance within the Parliament will also be important given the requirement for an absolute majority of MEPs to elect the candidate.

The second factor will be the availability of qualified candidates who command support across the party groupings and more widely. Not all former prime ministers will want to be considered for the European Council post; several that do will be firmly rejected by their former colleagues. The job of President of the European Central Bank is not decided at this time but the nationality of the current holder is likely to limit Italian aspirations.

Thirdly, a complicating factor is the inter-relationship between these appointments and other international postings. The post of NATO Secretary-General also falls vacant in 2014 and has invariably been held by a European. The question of who should succeed Ban Ki-moon as UN Secretary-General in 2016 could be a factor too.

Finally, there are the questions of geography and participation; it is important that there is a reasonable geographical spread amongst the three main EU post holders (*i.e.* not all from northern Europe or Western Europe) and some Member States will be strongly of the view that the main post holders must come from Member States who are participants in all aspects of the EU, that is, they are in the eurozone, the banking union and the Schengen area. As the UK is in none of these, it is highly unlikely to be nominated for one of the three main posts but it will be important for the UK to seek one of the major Commission economic portfolios.

As the European Council and the Parliament have until 1 November 2014 to get the new Commission in place there is a room for considerable debate about the various posts that need to be filled and, no doubt, for some unexpected twists and turns in the appointment process.

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Senior European Experts

The Senior European Experts Group is an independent body consisting of former high-ranking British diplomats and civil servants, including several former UK ambassadors to the EU, and former officials of the institutions of the EU.

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