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# Senior Appointments to EU Institutions in 2019



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## Introduction

Every five years, after elections to the European Parliament, the EU appoints (or re-appoints) its senior leaders. The presidencies of the Commission, the European Council and the Parliament all come up for appointment in 2019, along with the post of High Representative for the Common Foreign & Security Policy and other members of the Commission. In addition, although not part of the same appointments cycle, the post of President of the European Central Bank will be part of the 2019 cycle as the incumbent's, Mario Draghi's, term of office expires on 31 October.

In or out of the EU, the UK will be greatly influenced by its policies and direction. Those who hold the key appointments will in turn be of importance to the UK. Those appointed in 2019 will be of particular importance over the next few years because of the negotiations on the future relationship between the UK and the EU. Since the appointment process is going to be underway while Brexit is still unresolved, it seemed useful to set out the parameters of the process and take an early look at the candidates.

## The appointment processes

### Legal requirements

The President of the European Commission is proposed by the European Council under the qualified majority procedure "taking into account the elections to the European Parliament".<sup>1</sup> The candidate proposed by the European Council is then voted on by the European Parliament; a simple majority is required for its agreement. The Treaties make provision for a second candidate to be proposed if the first is not endorsed by the Parliament.

The President of the European Council is appointed by the members of that body by qualified-majority for a term of two and a half years, renewable once. The Parliament is not involved in this appointment.<sup>2</sup>

The post of President of the European Parliament is under the EU treaties a matter for MEPs to decide themselves but the presidency commonly becomes part of the discussion about who should fill the most senior posts in the EU.<sup>3</sup>

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<sup>1</sup> *Consolidated Version of the Treaty on European Union*, 2012 OJ C 326/13, Article 17(7); currently Jean-Claude Juncker.

<sup>2</sup> *Ibid.*, Article 15(5); currently Donald Tusk, who was re-appointed after 2.5 years.

<sup>3</sup> *Ibid.*, Article 14(4)

The High Representative for the CFSP is appointed by the European Council by qualified majority. The post holder also serves as Vice President of the Commission for External Affairs.<sup>4</sup>

The President-elect of the Commission works with the European Council and the Member States to choose the remaining members of the Commission. The proposed new Commissioners, including the President and the High Representative for the CFSP, are then subject to a vote of consent by the European Parliament. If the Parliament is content with the names put forward by the Member States, they are then formally appointed by the European Council acting by qualified majority.<sup>5</sup>

The President of the European Central Bank is appointed by the European Council by a qualified majority for a term of eight years. This post is different in that the Treaties require that the person has a particular skillset, namely that there are chosen “from among persons of recognised standing and professional experience in monetary or banking matters”.<sup>6</sup> The nomination comes from the Council of Ministers, who must consult the European Parliament and the Governing Council of the European Central Bank, before making their recommendation.

### The political process

The process of filling these key appointments is inevitably a highly political one. In the case of the President of the Commission, this has been taken to mean that the President of the Commission should be supported by the largest group in the Parliament, although the Treaties do not require this.

In 2014 several groups (ALDE, EPP, Greens, Socialists & Democrats) in the Parliament each chose to nominate a candidate for President of the Commission prior to the elections.<sup>7</sup> This so-called *Spitzenkandidat* (from the German for “lead candidate”) process is explained below. The European Council tacitly accepted this in 2014 when they appointed the candidate of the largest group in the Parliament (the EPP), Jean-Claude Juncker, as President of the Commission, albeit against the objections of Hungary and the UK.

While the EP elections are important, many other factors influence the appointments. For example, the need to ensure a reasonable geographical balance, between north and south and east and west within the EU and, to an increasing extent, the gender balance too. The experience of the candidates, including whether they have held senior political office in their own countries, has proved important in the past. Other EU posts may also be put in the mix, such as the Eurogroup Presidency (due to change in June 2020).

The possibilities of senior figures from EU Member States gaining other international posts is sometimes part of the discussion. A good example in 2019 would be the post of International Monetary Fund managing director, currently held by Christine Lagarde from France, whose term of office expires in July 2021.<sup>8</sup>

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<sup>4</sup> *Ibid.*, Article 18(1) and (4)

<sup>5</sup> *Ibid.*, Article 17(7)

<sup>6</sup> *Consolidated Version of the Treaty on the Functioning of the European Union*, 2012 OJ C 326/47, Article 283(2)

<sup>7</sup> ALDE is the Liberal group; the European People’s Party (EPP) is centre-right.

<sup>8</sup> Some relevant posts were listed in ‘Weidman Comeback Could Yet Jolt ECB Race for Draghi Succession’, Craig Stirling, *Bloomberg*, 5 February 2019

A particular factor that may surface in 2019 is that no woman has ever been President of the Commission or of the European Council and there have only been two women Presidents of the European Parliament since it first met in 1958.

### Timetable

The posts of Presidents of the European Commission and of the European Central Bank fall vacant in October 2019 and that of the President of the European Council the following month. The usual practice is for the European Council to nominate its candidate for President of the Commission at or soon after its June meeting. The parliament is due to elect its new President in July 2019. The remaining posts would be filled at the October European Council, if not agreed prior to that.

### **The *Spitzenkandidat* process & the European Parliament elections**

The 2009 Treaty of Lisbon altered the wording of the Treaties on the appointment of the Commission President to require the European Council to take account of the European Parliament elections when nominating a candidate. Some Members of the European Parliament believe that there should be a more explicit link between the EP elections and the appointment of the Commission President in order to give the post greater democratic legitimacy.

In 2013, the then President of the European Parliament, Martin Schultz, argued that each of the groups in the EP should nominate its preferred candidate ahead of the 2014 EP elections with the aim of ensuring that the candidate of the largest party would become President of the Commission afterwards. As described above, the European Council did appoint the candidate nominated by the EPP but not without considerable misgivings. Some critics saw the *Spitzenkandidat* process as “the result of a sneaky manoeuvre on the part of the European Parliament”.<sup>9</sup> Others dispute the democratic legitimacy claimed by supporters of the process because the candidates are selected by their own party groups.

Since then a majority of members of the European Council have voiced opposition to the *Spitzenkandidat* process, including President Macron of France, whose *La République en Marche* party currently has no MEPs (it was established after the 2014 EP elections), the Prime Minister of the Netherlands, Mark Rutte, and leaders from Czech Republic, Hungary, Lithuania, Poland, Portugal and Slovakia.<sup>10</sup> That does not mean that the *Spitzenkandidat* process will necessarily be dropped. The new leader of the Christian Democrats in Germany, Annegret Kamp-Karrenbauer, has defended it, saying it would be a “step backwards” to drop it.<sup>11</sup>

The possibility of an increase in the representation of populist parties in the EP, whether from left or right, may make the *Spitzenkandidat* process less compelling, particularly if none of the larger mainstream groups emerge dominant after the EP elections.

<sup>9</sup> Marco Incerti, *Never mind the Spitzenkandidaten: It's all about politics*, Centre for European Policy Studies, 6 June 2014

<sup>10</sup> ‘Commission’s Spitzenkandidat process at risk’, David M. Herszenhorn & Maïa de la Baume, *Politico*, 2 February 2018

<sup>11</sup> ‘German CDU chief: Europe must adapt to survive’, Florian Eder, Andrew Gray & Stephen Brown, *Politico*, 8 February 2019

**The candidates in 2019**

It is too soon to draw up a list of candidates for each of the offices because of the informal nature of the appointment process. In the past, there have been unexpected choices as the leaders of the Member States try to balance the conflicting demands of party, geography, gender, skills and character. That last factor can be crucial – do the heads of state and government favour candidates who will be assertive Presidents of either the Council or the Commission that could challenge them, or more consensual figures who will build bridges between them?

President of the Commission

The following parties have chosen their candidates for the post of Commission President in advance of the 2019 EPP elections:

<b>Party</b>	<b>Candidate</b>
EPP	Manfred Weber MEP, from the German party, the Christian Social Union (Unlike Jean-Claude Juncker, Weber has never held national office)
S & D	Frans Timmermans, First Vice President of the current Commission and former Minister for Foreign Affairs in his native Netherlands
Greens	Ska Keller & Bas Eickhout have been jointly selected; Ms Keller is German and Eickhout Dutch
ALDE	It has chosen not to adopt a single <i>Spitzenkandidat</i> for this election but may name several leading figures before the poll takes place
ECR	Jan Zahradil MEP, a member of the Civic Democratic Party in Czechia.

Given the doubts about the *Spitzenkandidat* process amongst some Member State governments, and because of hesitancy about Manfred Weber within the EPP, the candidate of the largest party (polls predict it will be the EPP once again) may not be chosen. Other candidates could well be considered. The names most frequently mentioned are:

<b>Candidate</b>	<b>Position</b>
Michel Barnier	Currently the EU's lead Brexit negotiator and a former European Commissioner and Foreign Minister of France (EPP) <sup>12</sup>
Christine Lagarde	Currently Managing Director of the International Monetary Fund, Lagarde is a former French Finance Minister
Margrethe Vestager	Currently EU Competition Commissioner and a former Deputy Prime Minister of Denmark, Vestager was the leader of the Danish Social Liberal Party (ALDE)

<sup>12</sup> 'Michel Barnier back pushing his vision for EU's future', Lili Bayer, *Politico*, 5 January 2019

### President of the European Council

Candidates tend not to declare themselves for this post but are chosen by the European Council when they decide on the Commission President. Possible candidates who have been mentioned by commentators include the Lithuanian President, Dalia Grybauskaitė, who is a former EU Budget Commissioner and associated with the EPP although she was elected President of her country as an independent, and the Dutch Prime Minister, Mark Rutte, whose party belongs to the ALDE group.<sup>13</sup>

### President of the European Parliament

The appointment of President of the Parliament depends on which is the largest group after the May elections. In the past the post has often been split with the candidate of each of the leading parties serving for two and a half years. The parliament elects its president in July, after the European Council has held its important June meeting, when it will be likely to decide on its candidate for President of the Commission.

### High Representative

There has been little discussion so far of who might fill this role. The current post holder, Federica Mogherini, was only briefly Foreign Minister of Italy before her unexpected appointment as High Representative in 2014. The fact that she comes from the Party of European Socialists when the other three posts had been filled by members of the EPP, undoubtedly assisted her candidature. All three holders of this post, since it was created in 1999, have come from parties in the Socialists & Democrats group in the EP.

### President of the European Central Bank

Prior to the selection of Manfred Weber as the *Spitzenkandidat* of the EPP, it had been thought that Germany would like its candidate, Jens Weidmann, currently the President of the Bundesbank, to succeed Mario Draghi at the ECB. If Weber was to become President of the Commission, it is unlikely that a second German would obtain another of the half dozen senior posts in the EU.

As the current ECB President is from southern Europe, it has been suggested that the post will rotate to be held by a candidate from a northern European country. Names that have been suggested include two former central bank governors of Finland and of France.<sup>14</sup>

**March 2019**

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<sup>13</sup> See, for example, Vote Watch Europe, 'Survey results: who will lead the EU after 2019?', 12 April 2018

<sup>14</sup> *Supra* n. 8



## 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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