

Choosing Chameleons: National Interests and the Logic of Coalition Building in the Commission of the European Union

Gerald Schneider
Institute of Political Science
University of Stuttgart
Keplerstraße 17
D-70174 Stuttgart
Tel: + 49 711 121 3433
Fax: + 49 711 121 3755
Email: gerald.schneider@po.pol.uni-stuttgart.de

To the dismay of their own governments, newly appointed members of the Commission often change colour and become more integrationist than initially expected. Sociological integration theories assume that the experience in Brussels induces EU commissioners to adopt a pro-European policy in the long run. In this article, I reexamine this claim by systematically analyzing the appointment process and the politics of coalition building within the European Commission. A portfolio allocation model shows the conditions under which commissioners opt for more integration in order to increase their internal influence despite conflicting interests of their member states.

The Members of the Commission shall, in the general interest of the Community, be completely independent in the performance of their duties...

Article 157, Paragraph 2, of the Treaty on the European Union

1. Introduction¹

One consistent theme in the history of the European Union (EU) is the tendency of newly appointed Commissioners to go native in Brussels and to transmute into seemingly fervent supranationalists. A particularly pertinent example is Lord Cockfield, the British Vice-President of the Commission from 1985 to 1988. According to Geoffrey Howe (1994), Prime Minister Thatcher originally considered Cockfield to be "one of us." However, this perception quickly changed and the former Trade Secretary became a *bête noire* of the Conservative Party. As Lord Cockfield (1994:59) writes in retrospect, "Much as I regret having to say so, what emerged over the years was that the most powerful support I enjoyed in the Community was the Prime Minister's hostility."

One explanation for the puzzling preference divergence are socialisation processes. As at least some envious colleagues back home complain, Commissioners unexpectedly start to love French fries and the European flag as soon as they set foot in Brussels. In this paper, I explain the frequent conversion to supranationalist orientations in a different fashion. Relying on the spatial portfolio allocation model of Laver and Shepsle (1990a, b, 1995, 1997), I argue that the Commissioners' occasional disrespect for the wishes of their home governments has as much to do with coalition politics in the European Commission as with preference changes.

The model presented in this paper is based on the assumption that nation states strive to influence the nomination and appointment processes that characterize the infancy of a new Commission. More particularly, governments suggest to the incoming President of the European Commission that they would prefer seeing their candidate to obtain an influential portfolio. Since candidates in return prefer being pragmatic power-brokers rather than marginalized nationalists, they have an incentive to procure any kind of important position regardless of the wishes of their home government. More or less acting like a government *formateur* in a parliamentary democracy, the designated President of the Commission can finally

¹ This is the first and partially incomplete draft of the paper and should be treated as such. I would like to thank Tamas Golya and Ismet Yigit for their research assistance.

influence a Commissioner's future power through her proposal of how the portfolios should be allocated. Obviously, a rational President tries to build a cabinet in which the distribution of jurisdictions serves her interests as much as possible.

The paper analyzes this strategic interaction and shows the conditions under which a commissioner might live up to an explicit or implicit mandate from her home government. The general result is that the possibilities to follow such a course are rather rare, given the low likelihood of finding stable portfolio allocations. Commissioners do usually not obtain the positions that their governments would like them to obtain. Commissioners have instead to take the interests of their fellow colleagues into consideration. Policy divergence between Commissioners and their home governments is thus largely a consequence of the need to place oneself in a political position that guarantees a place in a stable policy-making coalition.

The paper is structured as follows: In the next section I discuss the analytic literature on the European Commission, derive the main features of the initial coalition building processes within this institution and compare them with government formation in parliamentary democracies. These results are used for the development of the formal framework which is presented in section 3. I subsequently illustrate the main implications of the model and conclude with some speculative remarks over the way in which the eventual deliberations of the intergovernmental conference might affect the formation of the European Commission.

2. Forming coalitions in a supranationalist agency

Coalition formation inside the European Commission is still largely a mystery. This is not surprising, given the dearth of theoretically informed examinations on this institution. At the moment, the bulk of the studies on this central institution is still largely descriptive (Lequesne 1996:389).² Recent studies have, however, at least offered some evidence that the institution's cohesion affects the effectiveness of its decision making procedures and that the European Commission can hardly be modeled as the unitary actor in which media usually portray it. As Cockfield (1994)

² Introductory textbooks on the European Commission include Cini (1996) and Edwards and Spence (1994). Middlemas (1995) and Ross (1995) present supplementary anecdotal evidence on the most important decision making patterns of this supranationalist agency. Recent empirical studies are Cram (1993, 1994), Drake () and Page and Wouters (1994); Moser (1997), Steunenberg (1994) as well as Steunenberg, Kobolt and Schmidtchen (1997) are among those who evaluate the Commission's formal power in a systematic fashion; Kaiser (1996) corroborates some of their hypotheses empirically. Hix and Lord (1996), finally, offer a detailed analysis of the confirmation of Jacques Santer in the European Parliament.

reports, a difficult process of portfolio distribution often influences the future success of the Commission. Ross similarly (1995) shows that both formal and informal agenda setting by a cunning administrator like Jacques Delors can make a large difference. Other studies point out how single decisions have been made or reveal decision making patterns in some important policy domain. The problem with the increasing evidence is, however, that it does not easily lend itself to generalizations and a systematic evaluation of the European Commission.

One important exception to the descriptive trend in the literature on the European Commission is Crombez (1997) who examines in a complete information setting how different decision making procedures affect the member states possibilities to influence Commission policy making. His analysis clearly shows that member states have lost power through the legislative emancipation of the European Parliament. As Hug (1997) points out, an exclusive focus on the formal rules can, however, not solve the puzzle of why member states appoint integration-promiscuous Commissioners despite the governments' proclaimed wish for a more timid course of action.

The discrepancy between the preferences of the member states and their Commissioners is the main topic of this paper. A first reaction to this peculiar aspect of EU decision making could culminate in the claim that such disagreements are rare and that the ideal points of the member state governments and the Commission are usually converging. The recent Renault affair indeed suggests that the European Commission occasionally comes to the rescue of the member states. When the Belgian government condemned the decision of the French automaker to close a plant north of Brussels in March 1997, both Jacques Santer, the acting President, and the Belgian competition commissioner Karel Van Miert supported the public outcry of Prime Minister Jean-Luc Dehaene.

Vaubel (1994) has analyzed such incidents systematically and goes as far as suspecting the Commission and the governments of the member states of jointly engaging into some sort of policy collusion. This elitist collaboration works, in his view, to the detriment of EU citizens and explains some of the more recent resistance towards the integration project. In a similar vein, Moravcsik (1994) maintains that the strengthening of state actors by way of European integration explains the governments' seemingly paradoxical willingness to trade away sovereignty. It is certainly conceivable that governments engage into some kind of

"cheap talk" to hide their true interests. However, to base the Commission's integrationist's attitudes on collusive behavior by governments and supranationalist civil servants requires that the European public still behaves foolishly with regard to the integration project.

A similar, but somehow milder explanation of why governments appoint integrationist Commissioners could be nurtured by the suspicion that member states repeatedly commit mistakes and appoint "closet supranationalists." Yet, this line of reasoning requires the acceptance of the rather unrealistic assumption that candidates' true preferences are not publically known and, even more surprisingly, that they are able to successfully hide their true interests during the domestic nomination process.

A related and more convincing interpretation would be that member states nominate politicians who are more supranationalist than they are themselves. This behavior would parallel the at least theoretically valid option that governments have an interest in appointing a conservative central banker whose preferences deviate from those of a more inflation-acceptant public (Rogoff 1985). In other words, the Commission's policy bias could be attributed to a systematic selection effect at the national level.

Another valid option to account for the preference divergence between governments and the European Commission would be rather sociological and be based on the assumption that the new experience in Brussels induces an unexpected change of taste for more integration. Becker (1996) has recently shown that enlargements of the basic expected utility framework can powerfully account for the endogenous change of preferences that characterize socialisation processes and addictions.

While these explanations of the preference divergence phenomenon are certainly worthwhile, I will pursue another direction of inquiry in this article. In my opinion, the unexpected "conversion" of newly appointed Commissioners is largely a consequence of the specific way in which decisions are made within the European Union. As long as a newly appointed Commissioner wants to obtain some influence, she has to anticipate her position within the future power constellation. This forces her, in some circumstances at least, to vote against her own government.

The main thrust of my institutionalist argument is thus based on the assumption that internal politics of the European Commission force members

occasionally to act against the wishes of their home governments. In other words, preference „changes“ are attributed rather to individual strategic reasoning than to changes of mind following the new experience in Brussels. This means methodologically that I will rely on a game-theoretic argument to account for this collective process.

I conceive of Commission formation as a process that is comparable to coalition building in a parliamentary setting. In most domestic settings as well as the European Commission, appointees have a strong mandate for a specific policy domain. A further parallel is the role of the government *formateur*. In the European Union, this crucial role is largely attributed to the incoming President of the European Commission. The important part that parties play in the struggle for important portfolios in the domestic setting, conversely, is taken over by the member states in the supranationalist context. This similarity means theoretically that some of the tools developed for the analysis of coalition formation can be employed for the purposes of this article. These are in particular the models by Laver and Shepsle (1996) who distinguish analytically between cabinet formation and cabinet maintenance to understand the distinctive features of government formation.

The analysis presented in this paper pays also attention to the role of institutions that affect the bargaining position of the main actors in the formation of a new European Commission. As Strøm, Budge, and Laver (1994) have recently argued, traditional coalition theories have largely neglected the impact of different constraints on government formation. A neo-institutionalist perspective can, however, account for instance for the role that constructive votes of no-confidence have on coalition building. According to Strøm, Budge, and Laver (1994), this German rule precludes the formation of minority governments. Other rules have a more tacit nature. By way of illustration, public declarations that some coalitions are *ex ante* excluded from any discussion serve at least as an informal constraint on actors' behavior.

Commission formation within the European Union is also affected by a set of formal and informal rules. Although no comparative study on Commission decision making exist, the Treaty on the European Union and supporting anecdotal evidence suggest some distinctive features of this process. In the following, I will distinguish between selection, formation and operation rules.

Selection rules: The main selection rule is that conservative member states will have a tendency to nominate candidates who are not too much biased towards the European Union. If they propose an anti-Europeanist candidate, they risk to obtain a marginal portfolio in return, reducing their own chances to influence Commission decision making. The exclusion of certain types of candidates is similar to the tendency in parliamentary systems to exclude anti-system parties from taking office. In the European Union, integrationist forces profit occasionally from anti-European statements (Schneider 1995, 1997). Ross (1995:86) cites a collaborator of Jacques Delors: "... it was always easier with Mrs Thatcher. She would put her foot down and isolate the Brits... We could then ignore them and go about our business ... But now that the Brits seem to want to play the game for real, things are getting a damn sight more complicated." If integrationist governments want to bear some influence on the Commission, they could in return have an interest in appointing politicians who are more skeptical towards European integration than they are themselves. In sum, commission formation is influenced by an internalized bias against preference outliers.

Another important influence on candidate selection is the veto power of the European Council. Especially the appointment of the President of the incoming Commission is consequently largely intergovernmental. Since the European Council is the decisive institution, the least integrationist member of the European Union possesses blocking power (Schneider and Cederman 1994).³ One clear indication of this tendency was the British refusal to go along with a Franco-German proposal to nominate Belgian Prime Minister Jean-Luc Dehaene as Jacques Delors' successor; a decision which paved the way for Jacques Santer.

The impact of the member states on the selection of individual Commissioners is, by contrast, largely informal. Different reports suggest that governments collectively try to shape the policy orientation of the incoming Commission by consulting each other during the nomination period. A telling episode is Konrad Adenauer's alleged refusal to accept Sicco Mansholt's nomination for a commissioner post. In the German Chancellor's view, the combination of a farmer and a socialist was simply too much (Mansholt 1974:86).

³ Article 158, Paragraph 2, of the Treaty on the European Union accordingly states that "The governments of the Member States shall nominate by common accord, after consulting the European Parliament, the person they intend to appoint as President of the Commission."

A countervailing influence to these intergovernmentalist tendencies is that the incoming presidents of the Commission possess considerable agenda setting power.⁴ This capacity was apparently masterfully exploited by Jacques Delors who refused to accept seniority and heritage as considerations for the allocation of portfolios. Attali (1993) accordingly reports that the French nominee showed President Mitterrand well in advance of the first meeting with his colleagues a distribution of power which largely resembled the future Commission.

Formation rules: The most important formation rule is that governments can suggest at least informally that their candidates shall receive a certain portfolio. The way in which Margaret Thatcher requested in 1984 the British possession of the Internal Market competency is especially revealing. As Lord Cockfield (1994:26) writes, "The Prime Minister set out clearly and decisively the case for my taking the Internal Market portfolio and I strongly supported her. Somewhat surprisingly Jacques Delors was not inclined to argue..." Seniority and some perceived hereditary rights can support such claims. Unsurprisingly, governments already start to invoke such arguments before the creation of a new position. As the current struggle over the Presidency over the European Central Bank shows, large member states also use some coercive power to „help“ their own candidate to his or her promotion. Seniority increases the power of the European Commission while hereditary rights have the opposite impact.

Another important decision making rule is that member states still have the right to send at least one commissioner to Brussels. The effects of this rule on the independence of the institution are ambiguous. On the one hand, all governments can influence the Commission's orientation through their choice of their own candidate. On the other hand, large member states forgo this possibility for their second candidate and follow the tradition of appointing opposition politicians.

Voting rules affect the commission formation especially if the President's proposal for the division of competencies fails to receive the unanimous support of the members of the Commission. In the consequent peddling for power game, majority decisions are possible.⁵ Spinelli (1991:16) recounts that he won in 1970 the

⁴ The President's discretion in this respect can also be derived from Paragraph 2 of Article 158: "The governments of the Member States shall, in consultation with the nominee for President, nominate the other persons whom they intend to appoint as Members of the Commission."

⁵ Article 163 of the Treaty on the European Union accordingly states that "The Commission shall act by a majority of the number of Members provided for in Article 157."

preferred industry portfolio after two ballots not the least because of earlier lobbying visits to influential colleagues. Yet, the distribution of power still took ten hours and lasted until two o'clock in the morning. Such excessive deliberations indicate that commissioners try to avoid an open confrontation by trading votes (or rather posts). "In the night of long knives' which has bedeviled the early days of former Commissions" (Cockfield 1994:26) portfolios are aggregated or sliced up in the most bizarre way to allow for some compromise decision. In January 1996, the foreign affairs portfolio was for instance redevied among no less than five commissioners (Lesqune 1996:405).

Another formal influence on the formation of the European Commission has the European Parliament. It has recently tried to extended its global confirmation right by challenging the European Commission over its handling of the BSE-crisis trough the attempt of casting a vote of no-confidence. Despite their occasional clashes, however, the European Commission and the European Parliament can still be largely conceived as supranationalist allies (Kaiser 1996). This also means that empowering the Parliament still works to the detriment of the member states since the legislature is largely organized according to ideological rather than national divisions (Tsebelis 1996).

Operation rules: As in any government coalition in a parliamentary setting, decision making responsibility is largely delegated to individual Commissioners. They treat their directorate usually like their personal fiefdoms after their appointment. This sectoral reasoning is in the interest of the member states, since they might obtain control over important dimensions of EU policy making if their nomination of a candidate to the related portfolio is successful. This underlines why governments attribute considerable importance to the appointment process. A further factor which strengthens the role of member states in the day-to-day deliberations of the Commission is the division of labor that the supranationalist agency has to endure with the Council of Ministers. Despite the empowerment of the European Parliament, the largely intergovernmentalist Council still serves as the Commission's main rival (Kaiser 1996). As indicated, the European Parliament's participation in EU decision making serves the supranationalist tendencies.

Another important and somehow countervailing operational rule of the European Commission is its collegial nature. This means practically that major

decisions are made by the collective and that the availability of effective coalitions becomes an ultimate cornerstone in the performance of this institution. If the pareto set of unanimous and thus „collegial“ coalitions is empty, majority decisions are necessary. Unfortunately, we do not possess on the frequency with which this tool is employed.

Table 1 summarizes how the formal and informal rules of Commission politics yield this institution leeway with respect to the member states.

Table 1: *Decision Making Rules and their Effects on the Independence of the Commission*

<i>Class of constraint</i>	<i>Impact on discretion of the Commission</i>
<i>Selection rules</i>	
- Bias against preference outliers	-
- European Council veto power	-
- Prior consultation of important member states	-
- Incoming President's agenda setting power	+
<i>Formation rules</i>	
- Requests for certain portfolios	-
- Candidates with different affiliations from large states	+
- Representation of all member states	-
- Majority voting	
- Collective confirmation by the European Parliament	+
- Seniority	+
- Hereditary rights	-
<i>Operational rules</i>	
- Delegation of responsibility to commissioners	-
- Collective responsibility	+
- Majority voting	+
- Power sharing with Council of Ministers	-
- Power sharing with European Parliament	+

If the institutionalist analysis were to stop at this point, one could expect that the Commission is hardly independent of the wishes of the member states. Although some of the formal and informal rules undoubtedly benefit the supranational agency, most constraints favor the member states. However, this hypothesis would fly in the face of the existing evidence that the Commission still possesses considerable leeway. One of the reasons for this discretionary power is the Commissioners' strategic behavior during the appointment process.

In order to account for the preference divergence between the Commission and the member states, a more dynamic analysis is thus necessary. In the following, I will present a formal analysis of the extent to which member states have an influence on the formation of the EU commission. I will argue that the non-existence of stable coalitions based on national mandates yields a high incentive to disregard the wishes of the member states.

3. The Model

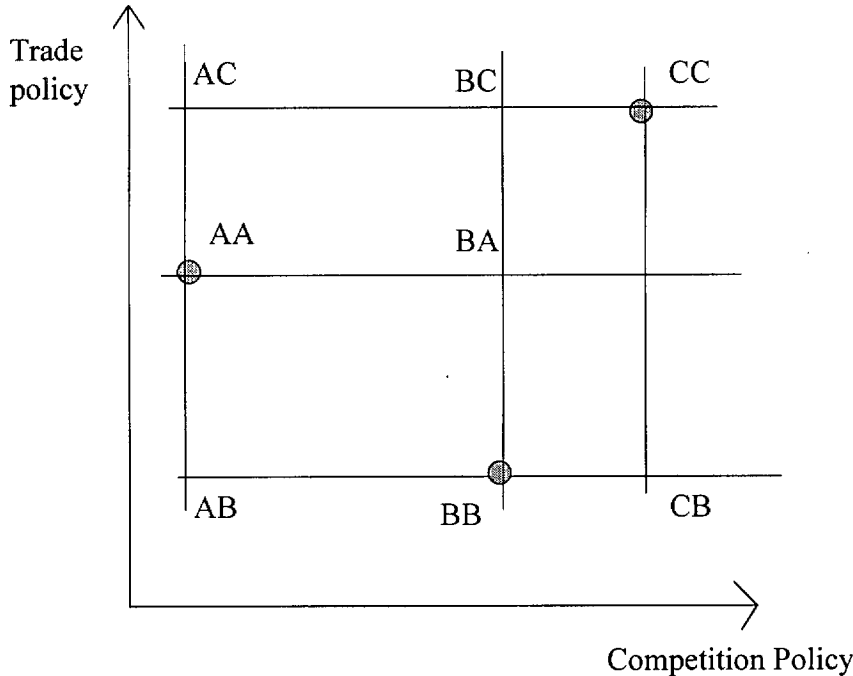
The previous analysis has demonstrated that one of the main features of the European Commission is the division of labor and responsibility between the different commissioners. While the European Council and, to an increasing extent, the European Parliament share power with the supranationalist agency, individual Commissioners are largely responsible for day-to-day policy-making within their own jurisdiction. Like in a parliamentary setting, commissioners seem largely to follow a tribal instinct and to respect their colleagues' territory as long as they do not meddle in their own affairs. This explains why governments of the member states attribute much importance to the portfolio allocation process. The delegation of power to individual commissioners is, however, also the main reason as to why they occasionally opt for more integration. In the European Union, stable portfolio allocations will be rare since, given the voting weights, no strong party exists that may predominate the formation process.

A stylized version of this allocation process can be found in figure 1 which is directly adapted from Laver and Shepsle (1995). I assume for the sake of simplicity that governments only care about two key policy dimensions (trade and competition) and that only three of the main member states participate in the decision making process at this moment. In other words, there are more candidates than there are important jurisdictions.

In the portfolio allocation model, member states make demands with regard to a specific portfolio and indicate the position they would like their candidate to take. State A for instance can propose to implement its own ideal point AA. It can, however, also conclude a coalition with another state and leave one jurisdiction to this state. The set {AA, AB, AC, BA, CA} stand for the five credible Commission formation proposals in which state A participates. Generally, the first letter in a specific allocation stands for the party controlling the horizontal and the second

letter for the corresponding vertical dimension. The set of proposals excluding A is $\{BB, CC, BC, CB\}$.

Figure 1: Portfolio allocations in the European Commission



A new composition of the Commission comes into effect if a majority of member states agrees by majority on it and if the corresponding allocation proposal is credible. The status quo x^* in the supranational setting is the governing coalition within the outgoing Commission. A new Commission policy can thus be expected if incoming members are able to agree on an alternative to the status quo. Technically, this implies that the credible Win set of x^* , $W(x^*)$ has to be non-empty.

Cycles between competing portfolio allocation proposals can be prevented as long as a single invulnerable counterproposal to the status quo exists. Problems arise if a majority of the member states could agree on two invulnerable coalitions or if no counterproposal exists.

There is much reason to assume that such indeterminate outcomes are one of the complexities that EU governments and the incoming Commission President face when they consult each other on the formation of a new Commission. In contrast to domestic policy making, no single member state will be ever powerful enough to influence the creation of any feasible coalition.⁶ This situation could only change in the very unlikely circumstance that preferences of key member states

coincide to such an extent that they could be treated as unitary actors. Extensions of this article will show the degree of preference convergence in the EU commission.

Obviously, the stylized model presented in this paper does not cover all subtleties of the Commission formation process. As already indicated, portfolios can be added and sliced up very much in accordance with the necessities of finding stable coalitions. The abolition of the Fishery Commission after the Norwegian refusal to join the organization is a telling example. Jacques Santer's compromise of dividing the foreign affairs portfolio among five commissioners is another illustrative episode. However, such exotic solutions does not necessarily solve the problem that no composition can be found which would satisfy the interests of the member states. This creates the incentive to adapt

4. Conclusion

This paper has sought to analyze the puzzle that member states of the European Union are quite often dissatisfied with the orientation of the Commission in general and the performance of their Commissioners in Brussels in particular. I have built a neo-institutionalist framework and argued that both formal and informal decision making rules should favor the member states in the contest for the integration agenda. However, the dynamics of coalition building within the European Commission are a major source for the preference divergence between member states and "their" representatives in Brussels.

The considerable discretion that members of the European Commission possess has both positive and negative aspects. One obvious disadvantage is that special interests might especially profit from this decision making latitude. If member states could control their Commissioners more effectively, supranational rent-seeking might loose some of its attractiveness. The positive side-effect of the Commission's discretionary power should, however, not be derided. In the event that governments were able to control their nominees better, the danger of ineffectiveness looms large. Anecdotal evidence suggests that weak Commissions are a partial consequence of competing national wishes and weak leadership qualities of the incoming President (Ross 1995:34) .

Unsurprisingly, the discretionary power of the European Commission is one of the contested issues at the Intergovernmental Conference. Most reform proposals

⁶ According to Laver and Shepsle (1990a:874), the number of credible proposal diminishes with a low

stress the importance of giving the President of the Commission and the European Parliament more power in the formation of the supranational agency. More conservative member states, by contrast, would like to limit the Commission's sway through an empowerment of the Council or through cutting back the supranationalist power domain. At the moment, member states still consider the proposal that the incoming President should be empowered and have the right to select among different national candidates. One likely effect of this reform would be the increasing possibility that deadlock Commissions like the one under Gaston Thorn in the early 1980s could be more easily avoided. The proposed reduction in the number of Commissioners might lead into the same direction and ultimately weaken the role that national mandates play in the formation of the supranational agency. It is unclear whether member states will opt for the more efficient reform proposals.

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