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Commission at half-time

The agenda of President von der Leyen's 'geopolitical Commission' has been disrupted early in its term, as the Commission was in office only a few months when the Covid-19 pandemic erupted in 2020. A reshuffle of the Commission's priorities was inevitable, and a new set of policies had to be rolled out to cope with both the health and socio-economic emergencies. Two years on, this chapter aims to assess whether and to what extent von der Leyen's Commission has made progress on the many items on its agenda, from post-Covid recovery to the creation of a Health Union, from the implementation of the Social pillar to the external dimension of the Union. Whether the Commission will take advantage of the remaining half of its term to advance on these open dossiers will depend on several factors, including the potential convergence of French and German interests, following the upcoming presidential elections in France.

Life cycle of a Commission

The European Union (EU) institutions work from election to election. The elections to the European Parliament (EP) create the Parliament, which then elects the Commission – even if the latter only enters office once the European Council (EuCo) also votes in favour, unanimously. Since the Lisbon Treaty entered into force, the election of the EuCo president is also part of the same cycle.

For the Parliament and the European Council, half-time is marked by the need to re-elect (or change) their presidents. The European Commission (EC) life cycle does not include a comparable milestone. For the Commission, half-time is more about stocktaking: what has been achieved, what there is still time for, and what can perhaps still be newly initiated within the diminishing time frame.

In reality, a normal life cycle of a Commission can be broken down into four phases. First is the establishment phase, starting from the European Parliament elections, when commissioners' names are first floated and then confirmed. The newly nominated EC president has to get himself or herself, and his or her programme accepted by the MEPs, who have the right to quiz and if they wish reject individual nominees at this stage. Eventually, the EP

plenary votes on the entire college of commissioners, which eventually enters office after confirmation by the European Council (all heads of state and government) too. Commissioners enter office together with their cabinets, which have to be assembled in this early phase, in compliance with specific rules aiming at diversity as well as experience (including a limit on the number of fellow-nationals as well as on members added from the outside to Commission officials).

The establishment is followed by the period of introduction. Commissioners meet their apparatus and familiarise themselves with their departments. This is an inevitable phase since even if a commissioner is reappointed, a reappointment to the same portfolio rarely happens. What often happens, on the other hand, is a certain amount of tailoring of portfolios and directorates-general (DGs), which ideally takes place during the introduction phase, and not later. The organisational tailoring is often coupled with turf wars between commissioners.

The third, and ideally longest, phase of the EC life cycle is the delivery, when most of the legislative proposals are presented (to the EP and the Council) and many of the political negotiations necessary for success also take place. The fourth and final phase is 'winding down', when the EP starts preparing for the next election, and when many in the commissioners' cabinets start thinking about their next job. Fewer and fewer new initiatives emerge, and eventually the outgoing Commission is seen as a lame duck.

Upsetting the agenda

Following the EP elections, during a preparatory period, the Commission sets out its five-year agenda against which its subsequent performance can be measured. But this agenda can be upset, with attention diverted from the original commitments and promises. This has happened for the Commissions led by both Jean-Claude Juncker and Ursula von der Leyen. Memorably, Juncker branded his a 'political Commission', and subsequently von der Leyen

spoke about hers as a 'geopolitical Commission'. In the end, neither description has mattered much, which shows the limitations of such branding without deep thought behind the meaning of such characterisation or without building ex ante consensus around it.

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For Juncker, who often spoke about a 'polycrisis' in his years in office, the greatest and most comprehensive upset was the June 2016 referendum in the UK on leaving the European Union. This first triggered the EU heads of state and government to embark on a boat in Bratislava, under the Slovak presidency of the Council of the EU, just to demonstrate to the world that they were all sitting in the same boat. But amidst the uncertainty of the post-referendum stalemate, what was announced as a white paper on the

future of the EU in essence became a green paper. The Juncker Commission became the one that produced the highest number of reflection papers, and exactly in the period which was meant to be the strongest delivery phase. After all the delaying influences, the Juncker Commission was late with the new Multiannual Financial Framework (MFF) proposal, and in the end did not manage to bring it anywhere near adoption by the time the European Parliament disbanded in early 2019.

For von der Leyen the big upset arrived well before half-time, in the form of the Covid-19 pandemic. She had only been in office four months when Europe had to switch to emergency mode. Like all crisis response, this situation also triggered improvisation, with the Commission working on a trial-and-error basis, especially with the medical aspects of the pandemic crisis. It was quickly understood, however, that under the circumstances of this extraordinary crisis, the EU would require a higher level of solidarity – which was delivered much faster and much more effectively than in the previous major crisis of the EU (the great recession of 2009 and the subsequent eurozone crisis).

In the Covid-19 emergency, the EU had to roll out policies that had not been contemplated at the time of the EP elections or the EC inauguration. SURE (to save jobs through short-time work arrangements) and in particular the Next-GenerationEU (NGEU) financial instrument has brought the European bloc to a new level of integration from the point of view of fiscal integration and policy coordination, even if the temporariness of these measures has often been stressed. On the other hand, the need to focus on the extraordinary measures has left the original set of priorities somewhat in disarray.

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Priorities reshuffled

The Commission led by Ursula von der Leyen entered office with a list of priorities¹ which have been frustrated almost without exception, regarding either their orientation or their timeline for delivery.

When entering office, von der Leyen listed the priorities below.

1. European Green Deal (including making Europe the first climate-neutral continent).
2. An economy that works for people (including the implementation of the European Pillar of Social Rights and the promotion of equality).
3. A Europe fit for the digital age (including achieving technological sovereignty in certain critical technologies, such as 5G).
4. Promoting our European way of life (including upholding the rule of law).
5. A stronger Europe in the world (including the Western Balkans' European future).

1 Basset, E. (2020) 'The von der Leyen Commission's priorities for 2019-2024', EPSR Briefing, ([www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2020\)646148](http://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2020)646148)).

6. A new push for European democracy (including the implementation of the Conference on the Future of Europe).

Concerning the actual progress two years later, Sophie Porschlegel writes: “Some of the priorities that were originally on the Commission’s agenda had to take a back seat after the Covid-19 crisis broke out. Nevertheless, the Commission was able to complete much of its ‘homework’ in the past year. With the two laws on digital services and digital markets (‘DSA’ and ‘DMA’), two important legislative projects were introduced to advance the digital transformation. In July 2021, this was followed by the ‘Fit for 55’ package, which included a Carbon Border Adjustment Mechanism (‘CBAM’), to advance the Green Deal”.²

The Covid-19 crisis and the likely long-term impact of the pandemic inevitably resulted in the elevation of health policy to the immediate priorities of von der Leyen, and not only by focusing on short-term crisis management but by deepening long-term EU cooperation in this policy area. The concept of the Health Union, which had been floated even before the pandemic, gained greater traction, and became a major item on the EU’s agenda by 2021. The pandemic exposed economic nationalism in the field of health (access to vaccines in particular), and this was increasingly seen as self-defeating.

As a centrepiece of the future Health Union, a European Health Emergency Preparedness and Response Authority (HERA) was to be created. A European HERA (to be endowed with €50 billion) is a central element for strengthening the European Health Union with better EU preparedness and response to serious cross-border health threats by enabling rapid availability, access and distribution of the necessary countermeasures. In addition, von der Leyen proposed a European BARDA to drive biomedical innovation. A vision for a healthier European Union (EU4Health 2021-27) was outlined with ambitious components like a joint plan to beat cancer in Europe, and an EU pharmaceutical strategy.

Stocktaking ahead of half-time

Since 2010, the annual State of the European Union (SotEU) speech of the European Commission president has been an important stocktaking occasion in front of the European Parliament plenary regarding progress on the implementation of priority actions. The second SotEU speech of Ursula von der Leyen took place 22 months after her college of commissioners entered office – that is, well before her Commission’s half-time. Nevertheless, her speech was evaluated as a half-time assessment, which in fact is not incorrect if we calculate the term from the date of the European Parliament election, and deduct the end period when the Commission is normally already winding down.

In her second speech on the State of the Union, von der Leyen put into the centre what she considered proof of competent leadership: the fight against the Covid pandemic and its consequences. This was all the more important as 2020 had not ended well for the Commission from this point of view. Once the mass production of anti-Covid vaccines began,

2 Porschlegel, S. (2021) ‘It’s half-time for the European Commission’, *IPS Journal* (www.ips-journal.eu/topics/european-integration/its-half-time-for-the-european-commission-5426/).

the UK jumped ahead with its delivery to the population, exposing weaknesses on the side of the EC to deal with such vital procurement procedures. On the top of that, Russia came forward with its Sputnik vaccine as quickly as the EU-based producers with their own, thus throwing into question any significant advantage of Western biological and medical sciences.

In her same SotEU speech given in front of the EP plenary last September, the EC president retrospectively declared that the EU had successfully mastered the crisis – especially in comparison with the rest of the world – as more than 70 per cent of the EU population had been vaccinated. The EU recovery fund (RRF), which was adopted in December 2020 after long intergovernmental discussions, was being implemented. Von der Leyen’s key message was that the EU’s measures to overcome the crisis had borne fruit. For sure, the overall picture did improve from winter to summer, and von der Leyen was right to highlight the benefits of joint procurement and the EU’s capacity to share. However, what received less attention than necessary was the EU’s slower progress with vaccination (and higher Covid-related death rates) in some of its peripheral countries, especially in Eastern member states, due to the weaknesses of their national health systems (linked to staff shortages in particular).

FEPS President Maria João Rodrigues summed up the criticism of the SotEU speech in this way: “the President was shy about the main issue. For the new phase of its project, Europe needs to make a democratic transformation of the way its democracy works at various levels. Firstly, in the light of current authoritarian drifts, to ensure that the fundamentals of the rule of law are respected throughout its territory. But also to unlock European decisions that have dragged on for years: minimum wage, minimum corporate tax, humanitarian external action, defence and the right of asylum are some of the striking examples”.³

A short social season

A demonstration of the EU adhering to its original ambition was seen in spring 2021 in the field of social policy, culminating in an informal summit in Porto, Portugal, on 7-8 May. This was actually the first time EU heads of state and government had met face to face since the start of the pandemic; altogether 24 out of 27 presidents and prime ministers participated. The social summit was meant to be a follow-up to the 2017 Gothenburg summit, which was organised to proclaim and give visibility to the European Pillar of Social Rights (EPSR), a document made up of 20 non-binding principles to guide the construction of a “stronger, fairer and more inclusive Europe that is filled with opportunities”. Ahead of Porto, the European Commission put forward an Action Plan aiming at effective implementation of the EPSR to ensure that participants did not simply discuss general principles or wishes but concrete initiatives and practical steps.

3 Rodrigues, M. J. (2021) ‘The State of the Union – the two sides of a speech’, *The Progressive Post* #17 Autumn.

The Action Plan was a response to the demand created and maintained by the social policy community after the proclamation of the EPSR, as the Juncker Commission had deliberately produced as a declarative and somewhat theoretical EPSR document given the short time frame remaining for it to be able to follow up on the EPSR in practice. The von der Leyen Commission's creation of the 2021 Action Plan was nevertheless further encouraged by fresh Eurobarometer findings of nearly nine in ten Europeans (88 per cent) saying that a social Europe was important to them personally, and of over seven in ten respondents (71 per cent) believing that a lack of social rights was a serious problem.⁴

The Action Plan, released on 3 March 2021, proposes three headline targets in order to better monitor the progress towards the goals set out in the 2017 European Pillar of Social Rights (EPSR). The first headline target proposes that the employment rate of the 20-64 age range be increased to 78 per cent, from 72.5 per cent in 2020. In line with this, the gender employment gap should be halved, and the share of young people not in employment, education or training (NEETs) be reduced to 9 per cent, from 12.6 per cent in 2019. These new targets would need to be reached by 2030.

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It also has to be noted that two thirds of the actions listed in the EPSR Action Plan were put forward in either 2020 or the first quarter of 2021 – that is, they had already taken place before the Porto summit. In other words, the role of the Porto summit was not to launch fresh thinking or to open new initiatives, but to gather political support for the policies that had already been put forward by the von der Leyen Commission since its entry.

With the passing of the Porto summit and the Portuguese presidency, the notion that 'everything social is for the member states' started to come back again in EU-related discourse, not least because of completely different priorities dominating the agenda of the Slovenian presidency. Adding to the ambivalence, von der Leyen did not find the EPSR Action Plan important enough to mention in her last speech on the State of the Union. Instead, the social dimension was represented in the SotEU speech by a minor youth mobility scheme (ALMA). Observers were therefore left with the impression that 'social' is a seasonal matter for Brussels.

Preparing for post-covid recovery

By the summer of 2021, many in Europe were impressed by the good progress with vaccination, thanks to EU-level coordination and joint procurement schemes. The dynamic roll-out allowed for the organisation of major sporting events – for example, the UEFA football

⁴ Eurobarometer (2021) *Special Eurobarometer 509 – Social issues* (<https://europa.eu/eurobarometer/surveys/detail/2266>).

cup (postponed from 2020) that was staged in a number of major cities, involving large amounts of travel by sportsmen as well as spectators.

Emboldened by progress with vaccine roll-out, many were preparing for gradual deconfinement in the autumn of 2021. However, a fourth wave of the pandemic brought back the brutality of coronavirus and again serious restrictive measures by governments. The reality of the fourth wave defied the original notion of the ‘hammer and dance’, whereby the hammer would only need to be used to push back the virus in the first stage when vaccines were not yet available and healthcare capacities were overwhelmed, and whereby subsequent waves of the pandemic would then be ever milder. Further uncertainty was created at the end of the year by the emergence of another variant of the virus (Omicron), which was first identified in South Africa and demonstrated a higher-than-average capacity to spread also in Europe.

Public opinion about the health crisis response started to polarise. In some countries, governments started to float (or even implement) mandatory vaccination, sometimes starting with specific professions (such as healthcare or education). At the same time, in all countries, regardless of their size, anti-vaccination movements emerged and tempted various politicians or parties to take a position against mandatory vaccination, with reference to individual freedom or other considerations.

How and when the pandemic would end, if it can end at all, remained a subject of speculation. Likewise, how and when the economic crisis created by the pandemic would end, became a similarly important question for public policy. It was argued that once the economies recovered, one would no longer need the extraordinary measures rolled out to tackle the recession and resulting unemployment. Rising inflation tended to support the endeavour to exit from crisis strategies, it was argued, while it also became obvious that the EU could not return to the pre-crisis forms and rules of economic governance.

Clearly, the preparations for a post-Covid economic framework are behind schedule. Deepening the economic and monetary union (EMU) appeared among the original goals of the EC under von der Leyen. While macroeconomists in Europe have been doing their homework to prepare for a substantial reform, EU institutions have remained in the warm-up stage. Similarly, whether the EU recovery fund will be continued after the Covid-19 crisis or not, has been talked about, but it is nowhere near a formal decision-making process yet. NextGenerationEU being a ‘precedent’ became a commonplace, but the crucial battle on its future (that is, whether it will be made a permanent instrument) has to wait until member states prepare themselves better. Additionally, how the debt created by NGEU will be repaid in the future also remains an open question, signalling difficult negotiations ahead.

Rethinking the external dimension

By introducing the concept of a ‘geopolitical Commission’, von der Leyen raised the bar high for herself and her colleagues. The EU was to make an impact in the international arena at a time when world affairs were dominated by a polarisation between the United

States and China. The rise of Joe Biden to the US presidency did not change the essence of geopolitical bifurcation, even if he started his tenure by important statements about re-commitment to multilateralism, including a quick re-joining of the Paris Agreement on protection of the climate.

The exit of Donald Trump and the entry of Biden was undoubtedly a relief for Europe. However, with the new US Democratic foreign policy, things became more complicated. For the four years when Donald Trump occupied the White House, everything seemed simple intellectually. Since the US embarked on protectionism and stopped being a global partner of the EU concerning multilateralist forms of cooperation, and since there was tension in the context of the direction of NATO as well, the EU increasingly adopted the doctrine of strategic autonomy. For some, the return of the Democrats to the White House then signalled that this new direction might be redundant.

But it became increasingly clear in 2021 that with Biden or any other future US president there would be no return to any pre-Trump comfort concerning EU-US relations. Even with the most benign approach towards Europe in the White House, pre-Trump projects like the transatlantic trade and investment partnership (TTIP) will not become a template for future efforts to create a transatlantic cooperation framework. Nevertheless, defining Europe's role in the world remained a marginal issue in von der Leyen's SotEU speech, and in particular on the agenda of the Conference on the Future of Europe (CoFoE), which focuses on internal institutional questions, with the strategic vision only being mentioned in passing.

And a strategic vision of the EU would not need to start on far away continents, but on its own doorstep. This would mean a revitalisation of enlargement and neighbourhood policies, but the Commission made no change of gear on either of these policies in the course of 2021. As regards neighbourhood policy in the East, the manoeuvring of Belarus President Lukashenko was driving up tension between his country and the EU in 2021, taking advantage of migrants from Middle East countries trying to enter EU territory. The situation was no easier regarding Ukraine either, which was being used by Russia's President Vladimir Putin to generate a new cold war, under the threat of an actual war.

Together with neighbourhood policy, enlargement has been cursed by the misallocation of portfolios from the very start of von der Leyen's Commission. Even if the Slovenian presidency (with a summit held in October 2021) was keen to promote the integration of the Western Balkans into the EU, having the wrong cheerleaders – notably the Hungarian commissioner – has not been helping the cause of the former Yugoslav states or Albania in their endeavours to progress in real terms and to become members of the European Union before the end of this decade.

Authority challenged

The question of why the Commission was able to make less progress than expected at half-time cannot only be attributed to the pandemic and the resulting reshuffle of priorities. The authority and leadership of the EC has also been frustrated by various factors. Hindrances,

of course, are not new. The Juncker Commission was keen to talk the talk even when walking the walk would have been difficult. But while the von der Leyen Commission has been keen to close the credibility gap, it has also been challenged on various fronts, frustrating authority and sometimes also its capacity to act.

A symbolic challenge, though not too significant from the point of view of internal functioning, took place in Ankara, on the occasion of the visit by EuCo President Charles Michel and EC President von der Leyen. The so-called 'sofa-gate' scandal that erupted around this visit was not an accident, but an insult to von der Leyen as a female politician and a challenge to the EU as a whole, as a representative of values, including gender equality. Without the personal insult, the behaviour of British Prime Minister Boris Johnson's government over the Brexit deal has represented a similar frustration, downplaying the seriousness of a treaty signed with the European Union.

More importantly, the Commission's authority has also been challenged internally, namely by the governments of Poland and Hungary, which have often openly spoken about the need to fight Brussels, in the name of a 'Europe of nations'. The Polish legal challenge reached its climax when the country's Constitutional Court (at the request of the government) declared that EU law is not necessarily superior to national law. Commentators pointed to the risk of a 'Polexit' by legal means, and by accident, as well as the potential domino effect. Concerning the latter, not even the Hungarian Constitutional Court was ready to echo the Polish 'judges'. The exit from power of Prime Minister Andrej Babiš in Prague and Boyko Borissov in Sofia further weakened the chance of a chain reaction and of a legal divide emerging between East and West.

To some extent, the paling of EC authority at half-time was temporary and due to the circumstances. As Georg Riekeles writes: "As Chancellor Angela Merkel bows out of politics and President Emmanuel Macron fights for re-election, von der Leyen and Michel lose their mentors and must fill the power vacuum they leave behind. Regretfully, rather than cooperating, an unhealthy relationship of suspicion and rivalry has developed between the two over the past months. Such conflict undermines the member states' confidence and inevitably leads to more intergovernmental reflexes in European capitals".⁵

Ironically, what is meant to be a confidence-building exercise, the Conference on the Future of Europe (CoFoE), may also have a damaging effect, as it can frustrate the role of the Commission in having the sole right of initiative in the EU, and frustrate the role of the Parliament in having the task of representation. It remains to be seen how the endgame of the CoFoE is managed in a way that makes the most of the potential and limits the risk of damaging effects.

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5 Riekeles, G. (2021) 'The von der Leyen Commission: Time to reset, regroup and get things done', European Policy Centre, Brussels (www.epc.eu/en/Publications/The-von-der-Leyen-Commission-Time-to-reset~41d19c).

Berlin-Paris push needed

Ursula von der Leyen still has about two and a half years until the EP elections in 2024 to push forward her key initiatives. In view of the election calendar, the Commission's second half is a kind of last call to boost the legislative agenda and negotiate a successful outcome for proposals that are already on the table. It is therefore particularly important that national governments clarify their positions regarding EU affairs, not only concerning the short-term recovery measures but also the questions of longer-term reconstruction.

Needless to say, it is difficult and somewhat risky to predict what kind of window of opportunity will open up to bring forward a meaningful reform of the European Union, and when exactly. It is nevertheless important to highlight that if President Macron is re-elected in France in the spring, a convergence of French and German policies on EU affairs would be more possible than at any time in the past three decades. Of course, Paris and Berlin agreeing on something does not necessarily mean that the issue is settled, but it greatly enhances the chance of a decision being taken in accordance with the views of France and Germany, and their respective constituencies.

If, however, leaders newly confirmed in their high offices want to use this opportunity for something, they will need to be quick to identify which aspects of the EU require urgent reinforcement, and which are the less urgent matters that can be left for the next Parliament and Commission to address. If the urgencies that are defined match with the priorities determined by the CoFoE participants, an acceleration of the construction of a new level of EU architecture would suddenly become possible right before our eyes.