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PSIR 514 European Politics

Essay 1

**Is the European Commission rather an autonomous actor or an agent of the member states?**

In this essay, I will question whether the European Commission is rather an autonomous actor or agent of the member states based on the analysis of three articles.

According to Pierre Bocquillon & Mathias Dobbels (2014), the European Council-Commission relations can be conceptualized under 2 models which are to be regarded as ideal types than competing explanatory models. The principal agent model emphasizes the hierarchical nature of the Commission-Council relationship by defining their interaction in terms of "command and control". In accordance with an intergovernmental perspective, the European Council is considered to be the dominant institution of the EU. The European Council has a delegative and principal power to the EU Commission and the EU Commission has the role of an agent, steering the legislative process. Delegation takes place in order to reduce the transaction costs. In this perspective, the EU Commission has the role of a "secretariat" of the European Council.

However, there is always a risk of agency loss, when agent gains autonomy. The European Commission can exploit divergence between member states or the distribute the information and expertise between the principal and its agent asymmetrically. The European Council does not have the time to fully control the work of the Commission.

A second model explaining these relations between the European Commission and the European Council is the joint agenda setting approach. The first model cannot fully account for this complex relationship. In many cases it is a two-way relationship instead of being top-down and is often collaborative. They are both dependent on each other in order to advance their ideas and often influence each other's position. Because of its infrequent meetings and internal divisions, the Council is dependent on ideas and proposals presented to it, giving the Commission the opportunity to set and shape its agenda in its own terms. In sum, Pierre Bocquillon & Mathias Dobbels (2014) argue that the latter model is better at explaining the Council-Commission relations and go further to support their argument on three case studies presenting the cases of engagement of the European Commission and European Council when the stakes are high.

Bürgin (2013) utilizes the multiple stream model to analyse the position change of the Council on the launching of visa liberalisation process with Turkey between February 2011 and June 2012. The visa liberation process with Turkey in exchange for a readmission agreement of the migrants who passed through Turkey as a transit country has been launched in 2012, even though there has been a prior rejection by several member states. Germany, Austria, France and the Republic of Cyprus were particularly against a visa waiver agreement with Turkey when it was first discussed, however, on 21 June 2012, the European Commission received the political mandate for the start of the process, in case that Turkey implements an agreement of readmission of the illegal immigrants who have passed via Turkey on the way to the EU.. This can be

explained using the multiple stream model developed by Kingdon in 1995 and applied to the EU context by Zahariadis in 2008. According to this approach, three streams, problems, policies and politics may lead to a policy change.

Applying this model to the case of the visa liberalization process of Turkey, in the politics stream; there is the Danish Council Presidency as a strong supporter of the Commission's position, perceived by most as an honest broker. Regarding the problem stream, the illegal migration flow regaining importance in the EU agenda in 2012 after losing it during the Arab Spring movements have caused the need to cooperate with Turkey. And finally, regarding the policy stream; similar agreements with Balkan countries including Kosovo rose the question of unfair treatment towards Turkey and made the Commission's position stronger (path dependency).

In the multiple stream model, the policy making starts with identification of a problem which is influenced by the salience of the problem resulting in a search for alternative solutions. As Commission is involved in an earlier stage initiating new solutions, it has an advantage over those entering in later stages. Path dependency is also important in acceptance of a proposed policy; if the content of that policy is similar to previous policy decisions, its acceptance gets justified as it proves a previous consensus on a familiar strategy. Therefore, the argumentative power of the Commission increases if its position or proposal is coherent or fitting with previous ones. The Commission's influence also increases if it can conduct the bargaining process with the Council productively. Also a possible formation of interest coalition between the Commission and Council Presidency can affect the decisions of the Council in the favour of the Commission, especially presidencies of big member states do have this effect.

In the example of the launch of Turkey's process of visa liberation, we see the salience of a common problem, the external border control problem caused the development of a common migration policy by the EU member states. On this path, readmission agreements with many third countries have been signed, including facilitation and later liberalization towards those countries. The lack of such an offer to Turkey caused a question of inequality and incoherence, blocking the way to the readmission talks. Offer of visa liberation was needed in order to open that blockage on the way of the talks. Even though some member states were reluctant at first, the increasing importance of the illegal migration problem all over the EU made the Commission's position stronger. And finally, the Danish Presidency, which is a powerful state, cooperated with the Commission, effecting the decisions of the other member states.

Bürgin (2013) concludes his article by emphasizing the importance of those contributing factors/conditions (policy, problem and politics streams) opening a window to the policy change on this given example. Even though the argumentative power of the Commission was important, it was not sufficient and such an agreement between the Council and the Commission would not occur without the favorable conditions. Among those factors, he gives the priority to the political stream in this case, the synergy between the Commission and Danish Council Presidency. The Danish Presidency acted as a neutral mediator inbetween, having a position nor against, nor in favour of Turkey's EU membership. This proves the ongoing importance of the Council Presidency, even after the Lisbon Treaty.

Pierre Bocquillon & Mathias Dobbels (2014) have underlined the changes that happened after the Lisbon Treaty, which made the European Council to become an official institution of the EU and prescribing it to play a guiding role, excluding a legislative role, leaving it to the European Commission. However, the Council often seeks to set the legislative agenda in a detailed way,

causing a tension with the Commission. Even though this problem also existed before, with the Lisbon Treaty and creation of a permanent President of the European Council, this issue became more prominent. During the informal agenda setting process, neither the Council nor the Commission has the dominance over the other in the fragmented and decentralized European governance system, even though during the formal agenda setting process the Commission acts as a "conditional agenda setter". However, the Treaty leaves room for some competence overlaps. Commission is the exclusive agenda setter in legislative decision making formally; however in practice the European Council interferes with it informally. Furthermore, the ongoing Eurozone crisis placed the European Council at the centre of decision making process. The European Council needs the Council Presidency and the Commission to implement its decisions, the post-Lisbon permanent presidency change requires an increased effort of co-ordination.

## Conclusion

Both articles underline the importance of the collaboration and co-ordination of the European Commission and European Council. They are independent in each other in making decisions, therefore, European Commission is not an agent of the member states, nor an autonomous actor.

## References

- 1- Bocquillon, P. & Dobbels, M. (2014), *An elephant on the 13th floor of the Berlaymont? European Council and Commission relations in legislative agenda setting*, Journal of European Public Policy, 21(1), pp. 20-38.
- 2-Bürgin, A. (2013), *Salience, path dependency and the coalition between the European Commission and the Danish Council Presidency: Why the EU opened a visa liberalisation process with Turkey*, European Integration online Papers (EIoP), 17(9), pp. 1-19.