



Road to Sibiu

#EURoad2Sibiu

European  
Commission

European **Political  
Strategy** Centre

## A Double-Hatted President A New Way of Governing for a Union of 27

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As the European Union prepares to relaunch itself as a Union of twenty-seven members in 2019, **the time is ripe to reduce its institutional complexity.**

It is not only foreign dignitaries who are confused by the EU's multitude of leaders. Europe's very own citizens are often insufficiently aware of who speaks on their behalf. Many Europeans look critically at the 'Brussels bubble' as being self-absorbed in its own debates, while populists thrive on the phenomenon, to the detriment of an evidence-based debate.

*It is a different world today. After six decades of joint experience, it has become clear that national and EU interests are most often one and the same.*

Simplifying the way the EU works is not just about responding to calls for greater transparency and democratic legitimacy; it would also bring considerable benefits in terms of operational efficiency. Today, there is a good degree of **duplication** in the work of the EU. The EU's institutional complexity has also caused it to be slower than it could be in reaction to rapidly changing realities.

Of course, there is **a logical historical explanation underpinning the current institutional set-up.** It was originally designed with a view to protecting the independence of the Commission, as the embodiment of Europe's supranational dimension, against the national interests of the Member States. This assumption made perfect sense in the early years of European integration, when the common European interest had yet to be properly defined and defended.

However, **it is a different world today.** After six decades of joint experience, it has become clear that national and EU interests are most often one and the same, and the EU's institutions are today united in pursuit of a common cause: making Europe stronger together. **Creating a consolidated decision-making centre at the heart of the European institutions would serve this very purpose.**

**'To succeed in Europe, we have to put an end to this artificial opposition between the Union and its Member States.'** – *European Commission President Jean-Claude Juncker, Plenary session of the European Parliament on the Future of Europe, 18 January 2018.*

### Disclaimer

The #EURoad2Sibiu Series is part of an ongoing project by the European Political Strategy Centre (EPSC) to intellectually accompany the work of the European institutions in setting out a path for the future of the EU at 27 in the run-up to the Leaders' Summit in Sibiu in May 2019. The Series will shed light on a number of initiatives that were identified as priorities in European Commission President Jean-Claude Juncker's State of the Union address and/or have been included on the Leader's Agenda. The views expressed in these papers are those of the authors and do not necessarily correspond to those of the European Commission.

## EU leadership: time to move on

The emergence of the European institutional triangle formed by the Commission, the European Council and the Parliament reflects the **unique experience and nature of the European project**, and is **a result of delicate compromises and historical legacies**.<sup>1</sup>

The EU is neither a super-state, nor an ordinary international organisation. The idea of sharing sovereignty lies at the very heart of the European project, making it different to all other forms of transnational cooperation around the world. The creation of the first Commission in 1951 – the High Authority – as the supranational executive of the European Coal and Steel Community, was a game changer in the way affairs in Europe were organised, as was the establishment of the Commissions of the European Economic Community and the European Atomic Energy Community, created by the Treaty of Rome in 1957. This was not a foregone conclusion as pressures mounted for the executive power to remain with the Member States. **If it had done so at the time, the European Union of today, with all its historic achievements, would not have existed.**

Today, the EU has celebrated the 60<sup>th</sup> anniversary of the Treaty of Rome. And, even though Member States remain acutely aware of their individual interests and do not shy away from defending them at the EU level, they have a strong understanding of the shared European interest which cuts across national boundaries.

In light of this, **there has been a gradual shift inside the EU's governance system towards more power sharing and greater institutional synergy**. The concept of the community method expresses this best, in that it puts emphasis on the three institutions working together side-by-side. Each successive new Treaty since the 1992 Treaty of Maastricht has strengthened the community method, namely by extending the number of areas where decisions are taken by qualified majority. The 2009 Treaty of Lisbon further cut across institutional boundaries by creating a double-hatted High Representative for Foreign Affairs and Security Policy, who serves in parallel as Vice-President of the European Commission.

The creation of a single figure at the helm of the EU, combining the functions of the President of the European Commission and the European Council, would take this process one step further, creating **a single leadership centre at the heart of Europe**. It would not imply a merger of the two institutions. The European Commission would remain an independent institution, with ring-fenced functions which require autonomy, such as those of being a competition authority.

### Box 1: A short history of the idea

The idea of creating a 'top-figure' post for the EU by establishing a permanent, full-time Presidency of the European Council was first put forward in spring **2002** by France, Spain and the UK – becoming known as the **'ABC' Plan** – for Spanish Prime Minister José-Maria Aznar, British Prime Minister Tony Blair and French President Jacques Chirac. A permanent Presidency was expected to enhance the effectiveness of the European Council and ensure greater continuity in its work.<sup>2</sup>

In January **2003**, German Chancellor Gerhard Schröder and French President Jacques Chirac presented a joint proposal in the context of the **Convention on the Future of Europe**, linking the 'ABC' demand for a permanent Presidency of the European Council to Germany's demand for an enhanced role of the European Parliament in the selection of the President of the Commission.<sup>3</sup> As such, it represented **a breakthrough compromise between France's intergovernmental approach and Germany's more federalist stance** advocating an enhanced role for the Commission<sup>4</sup>. The agreement also **foresaw the possibility of merging the Presidencies under a so called 'Double Hat'**.

In parallel, a group of Liberal MEPs and members of the European Convention, Andrew Duff, Lamberto Dini and Pierre Lequiller, submitted a separate proposal advocating an integrated Presidency, comprising the Commission and the European Council.<sup>5</sup>

In the end, while the possibility of a single EU Presidency was not taken up expressly in the **initial draft of the Treaty establishing Constitution for Europe**, which instead conformed to the Franco-German proposal of two Presidencies, neither was it ruled out. In fact, the matter was deliberately left open so that, at least in the future, there would be room for a single Presidency of the EU (see Box 4).

In 2009, the Treaty of Lisbon took up this institutional innovation from the unratified Treaty establishing Constitution for Europe, again leaving the door open for a double-hatted Presidency.

The idea resurfaced again several times in the following years. In May 2011, while advocating the emergence of a Federation of Nation States, **Commissioner Michel Barnier** envisaged the function of a double-hatted President both

chairing the European Commission and presiding over the European Council.<sup>6</sup> In February 2012, **Commission Vice-President Viviane Reding** outlined a 'vision for a post-crisis Europe' in an article published by the Wall Street Journal Europe and ten major European papers. As part of a five-point plan for 2020, she called on European leaders to agree, ahead of the 2014 European Parliament elections, that the next Commission President, once elected by the European Parliament, would also become the President of the European Council, stressing that 'the current Treaties have been deliberately worded in a way that allows for this.' In spring 2012, German Foreign Minister Guido Westerwelle organised a reflection group with counterparts from ten other Member States – Austria, Belgium, Denmark, France, Italy, Luxembourg, the Netherlands, Poland, Portugal and Spain – to discuss *inter alia* a possible merging of the roles of the European Council and European Commission Presidents.<sup>7</sup>

The idea re-emerged in 2017. First in January, when two Members of the European Parliament, Mercedes Bresso and Elmar Brok, prepared a report on improving the functioning of the European Union, recalling the possibility of merging the function of President of the European Council with that of President of the Commission.<sup>8</sup> Then in September 2017, when Commission President Juncker took up the proposal in his State of the Union speech.

## Advantages of 'one captain steering the ship'

### A much-needed simplification

'Europe would be easier to understand if one captain was steering the ship,' President Juncker pleaded in his September 2017 State of the Union speech. The simplification of the way the Union functions was also put on the agenda by the French President Emmanuel Macron in his speech on the future of the EU delivered two weeks later.

Today, observers see a Union with two Presidents (Box 2); a Parliament with two seats; circuitous decision-making processes with multiple majorities; and six-month rotations of the Presidencies of the Council of the EU – which is different from the European Council, in that the former is composed of Ministers rather than the Heads of State or Government. It is in fact of little wonder that many EU citizens still understand only little about the inner workings of the Union.

Although 56% of Europeans state that they understand how the EU works, only one in three is able to give correct answers to the three following simple 'true or false' questions about the EU: 'the EU currently consists of 28 Member States'; 'the members of the European Parliament are directly elected by the citizens of each Member State'; 'Switzerland is a Member State of the EU'.<sup>9</sup>

**Simplifying the way the EU works could help to foster a better understanding of the institutions by European citizens, and respond to the exponential rise in the citizens' expectations for accountability and transparency** on the part of public institutions, thereby playing a role in fostering more trust in the EU and its institutions.

### More efficiency, stronger accountability

Since the early years of the EU, the European Commission and the Council have had a relationship based on a degree of competition. This 'positive rivalry' was enshrined, from the start, in the Union's Treaties, with the Council designated as the voice of Member States' interests, and the Commission charged with promoting the general interest of the Union. At the same time, **the Treaties also require the two institutions to work together in 'mutual sincere cooperation'** and to ensure the consistency, effectiveness and continuity of the Union's policies and actions (Article 13 TEU).

In practice, the relationship has worked more or less effectively, over the years, depending on the topic. The Commission typically acts as a key supranational force, driving forward the integration process, while the European Council acts as the source of political leadership and strategic orientation.<sup>11</sup> However, relations have also been riddled with tensions, with Member States frequently pointing the finger at 'Brussels' when things did not go to plan or unpopular decisions were made – including when they had actually voted in favour of these decisions.

With two 'bosses' in town, questions of 'who is accountable for what, who ultimately decides, and who should be blamed'<sup>12</sup> are even more likely to arise. As such, **the creation of the permanent President of the European Council in 2009 exacerbated the pre-existing dichotomy between the European Council and the European Commission** with, on the one hand, the arrival of a President with significant political prestige and standing, but only limited coordination powers (i.e. no formal legislative initiative rights) and relatively few resources, and a Commission President who can set the direction of travel thanks

## Box 2: The Presidents of the Commission, the European Council and the Council

| President of the European Commission  | President of the European Council   | Presidency of the Council   |
|---|---|---|
| <p>The President of the Commission is head of the EU's executive. Over time, the President has taken on an ever more prominent and political role, both within the College of Commissioners and vis-à-vis the other institutions.</p> <p>While the President of the Commission was historically appointed by common accord of the Member States' governments, the European Parliament has progressively seen its role in the appointment procedure develop and expand – from approval to election. With the introduction of the <i>Spitzenkandidaten</i> process in 2014, each European political party nominated their candidate in advance of the elections, so that voters knew who they were choosing when casting their vote.</p> <p>This process saw Luxembourg's Jean-Claude Juncker become President after his European People's Party (EPP) took the most seats. His position was then confirmed through a formal vote in the European Council which saw all but two Heads of State or Government (the then UK Prime Minister David Cameron and Hungarian Prime Minister Viktor Orbán) vote in his favour.</p> <p>The European Commission President heads the institution for a five-year mandate.</p> | <p>It was only with the Lisbon Treaty in 2009 that the European Council was fully transformed from an intergovernmental forum into a supranational institution,<sup>10</sup> and that the office of a full-time President was introduced, replacing the previous system of rotation, whereby the Presidency was held by the Head of State or Government of the Member State holding the six-month Presidency of the Council of the EU (Council of Ministers).</p> <p>The position of a full-time President was created to bring more continuity and coherence to the work of the European Council.</p> <p>The European Council decides on the EU's overall direction and priorities, but does not pass legislation. The role of the European Council President is to create trust and prepare common decisions, in particular in times of crises.</p> <p>The first President of the European Council was the Belgian Herman Van Rompuy. Poland's Donald Tusk is the current President of the European Council, having been elected by the 28 EU Heads of State or Government.</p> <p>The European Council elects a full-time President for a two-and-a-half term, with the possibility of renewal once.</p> | <p>The Presidency of the Council rotates among the EU Member States every 6 months. During that period, the country holding the rotating Presidency is entrusted with chairing meetings within the Council at every level, with the exception of the Foreign Affairs Council, which is chaired by the High Representative of the Union for Foreign Affairs and Security Policy.</p> <p>The Council Presidency has two main functions. Firstly, it is tasked with planning and chairing the meetings of the Council and its preparatory bodies, such as the Committee of Permanent Representatives (Coreper), or sectoral working parties and committees. Secondly, it is entrusted with representing the Council in its relations with other EU institutions. This is particularly relevant in the context of the so-called legislative trilogues and other informal negotiations. It also works in close coordination with the President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy.</p> |

to his (or her) monopoly on legislative initiative and important executive powers, backed up by the full institutional machinery of the European Commission<sup>13</sup> Herman Van Rompuy, the first President of the European Council, corroborated this situation when he described his role as follows: 'the European Council is

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generally considered to be the highest political authority in the Union but the job description and formal competences of its President are rather vague, even meagre'.<sup>14</sup>

Even with the more complementary and mostly synergetic relationship that Presidents Tusk and Juncker enjoy today, one does not have to look far to find **overlaps in their day-to-day activities that can all too easily lead to thorny differences of opinion that slow down the political and legislative process and make the EU look divided and weak**. The polycrisis in particular highlighted the need for closer collaboration between the two institutions. In a world where the complexity, scale and pace of challenges require heightened political agility, the EU can ill afford having its two leading figures sending out conflicting messages.

Indeed, even where the European Council and the Commission have different positions in terms of the substance of policy proposals, they have **a shared interest in ensuring that differences can be overcome through compromise so that the policy process runs smoothly and results in effective decision-making and problem-solving.**<sup>15</sup>

Bringing together the functions of the Presidents of the European Council and the European Commission could help to achieve this by creating **a single coordination centre, guiding policies from their inception to implementation.**

Finally, while the division of labour between the Presidents can be useful to stimulate the exchange of ideas and lead to innovative policy solutions, a double-hatted Presidency would not put an end to this healthy competition. Indeed, Member States will still enjoy vigorous debates regarding proposed policies, but the discussions will take place further upstream, facilitating compromise from an early stage and leading to more operational efficiency overall.

## A stronger voice on the world stage

Having a single head of the EU would also be a much-welcomed improvement from the point of view of Europe's global position. Whether Henry Kissinger ever really asked the famous question: 'Who do I call if I want to call Europe' or not,<sup>16</sup> it is clear that the notion that **the EU lacks a clear single external representative** has been around for a long time – and with reason.

The creation of an EU foreign policy chief in 2009 – merging the roles previously held by the Commissioner for External Relations and the EU's High Representative for Common Foreign and Security Policy – may have provided an answer to Kissinger's question: a US Secretary of State should today address the EU's 'Foreign Minister', i.e. the High Representative of the Union for Foreign Affairs and Security Policy, also Vice-President of the Commission, on questions relating to European external action. However, **there is still room for confusion regarding who is the Union's highest representative.** Both the former European Council President Herman Van Rompuy and the previous European Commission President José Manuel Barroso seemed to diverge on the question of who should be former US President Obama's main contact point, with Van Rompuy indicating that this should be his prerogative, while Barroso believed the issue to be 'more complex'.<sup>17</sup>

And indeed the question is complex. The EU after all remains a group of 28 – soon to be 27 – Member States, who will continue to seek to maintain their own importance in external relations with third countries.

In addition, there is at present **a division of tasks between the President of the European Council**, entrusted with international representation at the Head of State or Government level regarding Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP) areas, **and the President of the Commission**, in charge of international representation for all other areas. This means that both the European Council and Commission Presidents regularly encounter global leaders – sometimes together. This has been a frequent source of confusion for foreign leaders.

*Combining the positions would clarify who is the point of contact for the Union, and elevate the EU's stature on the world stage.*

They also jointly participate in international meetings, such as the annual G7 and G20 Summits, alongside the national representatives of the four EU Member States that are also members of these groups (France, Germany, the UK and Italy), thereby contributing to an outside perception that the EU lacks coordination and single representation.

**Combining the positions would clarify who is the point of contact for the Union, and elevate the EU's stature on the world stage.**<sup>18</sup>

### Box 3: Not the first time ever: the precedent of the EU foreign policy chief

With the entry into force of the Treaty of Lisbon, Article 18 TEU introduced the function of the High Representative of the Union for Foreign Affairs and Security Policy, who also serves as Vice-President of the Commission. As part of her responsibilities, Federica Mogherini chairs the Foreign Affairs Council, leads the European External Action Service and heads the European Defence Agency. As Vice-President of the Commission, she chairs the External Relations Group of Commissioners.

The double-hat function aims at enhancing the visibility, efficiency and consistency of EU external action. Following this precedent, a similar arrangement at the top political level would boost the EU's standing internationally.

## A leap forward in democratic legitimacy: delivering on dual legitimisation

As outlined previously, embodying Europe in the figure of a single President, with clear responsibilities, has the potential to provide citizens with a tangible sense of progress.<sup>19</sup> Indeed, the current complexity and opacity of

the EU's institutional setup has certainly contributed to the perception of a democratic deficit.

But ultimately, **the size of the leap will also depend on how the candidate is elected.** The reason many citizens feel that they are removed from European policy issues today is that they consider they have little or no power in the choice of EU executives.

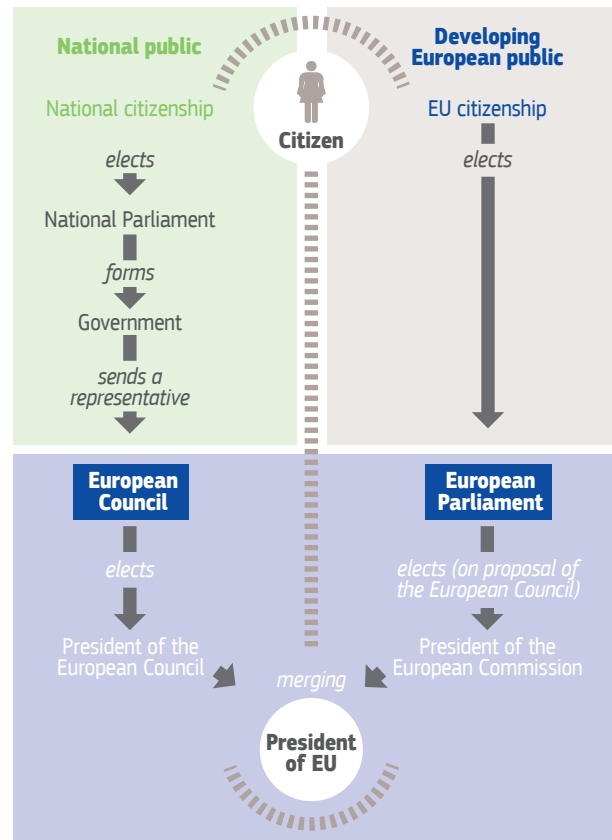
In reality, the EU's institutional setup is based on a system of **'dual legitimation'**, as set out in Article 10 of the Treaty on the European Union (TEU): on the one hand, citizens designate and hold accountable their national representatives through their national parliaments – and it is these people who represent them in the European Council (at the level of Heads of State or Government) and in the Council (at the level of Ministers). On the other hand, they can designate and hold accountable their European representatives through elections to the European Parliament. Yet many continue to feel that the **'chain of delegation' between European voters and the EU executives themselves** is too long.<sup>20</sup>

Were these two parallel democratic processes to ultimately lead to the election of a single, overarching double-hatted President, the impact on the perceived democratic legitimacy of the Union could be even greater (Figure 1).

However, **democratic deficit is not only a question of democratic procedures and elections, but also a question of effective delivery.** As such, the mere creation of the function of 'double-hatted President' will not suffice. The position will need to be equipped with the necessary competences and means – including the appropriate budgetary resources – to deliver on the EU's priorities and on expectations of Member States and citizens. Without this, the position is unlikely to live up to the high expectations that will accompany it. This is all the more reason why **the proposed double-hatted Presidency would have to be part of the broader reform effort** kick-started by the European Commission on 1 March 2017 with the White Paper on the Future of Europe – and achievable within the provisions of the Lisbon Treaty.

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Figure 1: Dual Legitimation



## One Union for all: institutional innovation to overcome the 'Brussels bubble' syndrome

As indicated previously, the EU's current institutional setup is the product of a long historical process that has resulted in **a delicate balance between the supranational and intergovernmental elements:** The European Commission acts as the key force in defending the European interest and driving integration, while the European Council acts as the guardian of Member States' interests.

However, sixty years into the project, **the strict distinction between the supranational and intergovernmental dimensions of the European Union needs to be overcome.** No-one gains from pitting 'Brussels' against the Member States, apart from Eurosceptics and populists. In spite of procedural differences, there is a common European interest that needs to be promoted and defended, rather than focusing on the interests of different institutions and their champions.

Putting a single figure at the head of both the European Commission and the European Council can achieve this

goal. Naturally, this makes **the appointment process very important: the latter will determine who has the ultimate say in the choice of the EU's top representative** and the political programme that he or she decides to pursue.

## Europeanising the EU's electoral procedures

Currently, in light of the different nature of the two bodies, the procedures for designing the President of each institution are different. While the European Council simply elects its President by a qualified majority (Article 15 (5) TEU), the procedure for appointing the President of the European Commission is slightly more complex. Indeed, in accordance with Article 17(7) TEU, the European Parliament is tasked with electing the President, acting on a proposal of the European Council, which must take into account the results of the elections to the European Parliament.<sup>21</sup>

The involvement of the European Parliament means that it is not only the balance between Commission and European Council that will be affected by the bringing together the Presidencies, but the whole institutional triangle.

Indeed, insofar as the European Council is tasked both with proposing the candidate to the position of the European Commission President and with electing its own President, the most straightforward route towards ensuring the compatibility of appointment procedures would be **for Member States to put forward the same candidate for both positions, taking into account the results of the European Parliament elections.**

While the institutional triangle as a whole would remain jointly responsible for the appointment of the single President and accountable for the delivery of his or her programme, **the adapted process would inevitably lead to the power of choice being shared by the European Council** with the European Parliament and European citizens themselves.

It is clear that this could only happen as part of **a greater Europeanisation of the political process in the EU.** The latter would imply a transformation of the European political parties towards ones that better connect and resonate with their national constituent members. It is through the strengthened European political parties that national political groups and

governments would need to gain a greater say in the designation of the *Spitzenkandidaten* ahead of the elections.

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**By bringing the European and national political milieu together** around the issue of designating lead candidates, **the process could ultimately result in the creation of a true European public space**, enabling political confrontation to take place around European issues, as opposed to witnessing the prolongation of the status quo, namely the projection of the national debates at the European level.

## Making it happen: what the Treaties say

Even though the current Treaty provisions do not explicitly foresee a double-hatted Presidency of the European Commission and of the European Council, they have in fact been deliberately worded in a way that allows for this (Box 4).

Most prominently, Article 15 TEU, which deals with the composition, role and functioning of the European Council, in no way precludes the President of the European Council from also holding the position of President of the European Commission. In fact, given that Article 15(6) TEU specifically prohibits the President of the European Council from holding a national office, it follows, *à contrario*, that no other European mandate is excluded under this provision.

It can also be argued that the best way to ensure the 'preparation and continuity of the work of the European Council in cooperation with the President of the Commission', as laid down in the same provision, would be if the same person were indeed appointed to hold both functions.

### Box 4: The Convention on the Future of Europe and how the door was kept open for a double-hatted President

The initial drafts of the Treaty establishing Constitution for Europe excluded the possibility of the President of the European Council both holding a national office and being a member of any other institution.<sup>22</sup> However, several amendments were tabled requesting the deletion of the mention banning the President of the European Council from being a member of another institution.<sup>23</sup> Most notably, some amendments already foresaw the possibility that, at least in the future, there would be room for a single Presidency of the EU.<sup>24</sup> These suggested amendments were taken up by the Presidium of the Convention and the clause prohibiting the President of the European Council from being a member of an EU institution was deleted, leaving the door open for a single Presidency in the future.<sup>25</sup>

## Independence of the European Commission

Discussions pertaining to the potential combination of the two offices have sometimes stumbled across the question of whether Article 17(3) TEU – which demands that the European Commission be ‘completely independent’ in carrying out its responsibilities – could be an obstacle.

This clause prohibits members of the Commission from seeking or taking instructions from any Government or other institution, body, office or entity (with the exception of the High Representative on matters pertaining to common foreign and security policy or common security and defence policy). Some onlookers believe that if the Commission President were to preside over the European Council, he or she would be more vulnerable to national demands.

**Yet, the reality is that the President of the European Commission is already a member of the European Council, and this has always been seen as entirely compatible with his independence,** despite the fact that it inevitably exposes him to national solicitations.

Of course, further guarantees could still be inserted in the Rules of Procedure of the European Council to ensure that the Commission continues to retain its full independence. However, it is also worth bearing in mind that the actual responsibilities of the Commission President would remain largely unchanged. Indeed, neither the President of the European Council nor the President of the Commission is allowed to take part in European Council votes (according to Article 235 TFEU). Both are, instead, present in their personal capacity, to bring in their expertise and knowledge, and to help ensure continuity and coherence to the work of the EU institutions and prepare common decisions. The mere fact that the European Commission President would now also chair these meetings would not challenge his existing full independence.

And, while Article 245 TFEU indicates that ‘the Members of the Commission may not, during their term of office, engage in any other occupation, whether gainful or not’, it can only be assumed that this provision does not apply to other EU mandates, insofar as the article makes no reference to the fact that one of the Vice-Presidents of the European Commission also holds the position of High Representative of the Union for Foreign Affairs and Security Policy.

## Duration of the terms of office

It is also noteworthy that the provisions pertaining to the duration of both Presidents’ mandates are compatible. Indeed, although the mandate of the President of the European Council is shorter – at two and a half years, against five years for the President of the European Commission – the fact that the former is renewable leaves the door open to combine the positions. In fact, both President Van Rompuy and President Tusk renewed their mandates – which confirms that this is an issue that can easily be overcome in practice given the right political environment.

## Compatibility of appointment procedures

As mentioned earlier, although different, the procedures for the appointment of both Presidents are also compatible and in no way preclude the President of the Commission and the President of the European Council from being one and the same person. According to Article 15 (5) TEU, the European Council elects its President by a qualified majority, while Article 17(7) TEU foresees that the President of the European Commission is elected by the European Parliament, acting on a proposal of the European Council, which must take into account the results of the elections to the European Parliament.<sup>26</sup>

## Vote on a motion of censure by the European Parliament

Finally, one question that has been raised in relation to Article 17(8) TEU – which establishes that the European Parliament may vote on a motion of censure of the Commission and that, if such a motion is carried, the members of the Commission are to resign as a body – is: in the case where the President of the Commission is also the President of the European Council and such a motion is carried, what would happen to the functions of the President of the European Council?

However, the most evident option would be to apply the logic that is foreseen in the very same article with regard to the High Representative of the Union for Foreign Affairs and Security Policy. In this case, the Treaty specifies that, if a vote on a motion of censure is successful, the High Representative must resign only from the duties that he or she carries out in the Commission. In theory, this entails that the person continues to exercise his or her tasks as High Representative.



In practice though, a new College would need to be presented after a motion of censure and it would most probably be hard for the European Parliament to accept a Commission comprising a member of a previously censured Commission. This would be even harder if this member was the President of the Commission itself. Therefore, while the President would temporarily remain President of the European Council, in parallel, the appointment of a new President of the European Council would have to take place.

## Conclusion: new era, new method

**Leadership and accountability are the twin virtues** in which Europe should invest its resources as it prepares to start a new life as a Union of twenty-seven members. Although there are historical reasons for its current institutional complexity, the European Union needs to move with the times to make sure that it is well-prepared for a demanding future, inside and outside of its borders.

A double-hatted Presidency of the European Commission and the European Council would be **an innovation that the European Union deserves and for which it is ready** after sixty years of joint efforts. It would mean faster and clearer decisions. It would ensure less duplication and stronger representation to the outside world. And it would provide less ammunition to populists.

*A double-hatted Presidency of the European Commission and the European Council would be an innovation that the European Union deserves and for which it is ready.*

**The move would certainly be feasible without Treaty change, even if a number of practical issues would need to be overcome,**

in particular with regard to the management of appointment procedures for the role.

Yet, **with the right political will, the shift to a single EU Presidency could be fairly straightforward** in procedural terms. All it would require is a commitment for the European Council to consider appointing the Commission President, once elected by the European Parliament, as its President. And **a window of opportunity is just around the corner**, with the upcoming European Parliament elections in the May 2019, and both the mandates of the current European Commission President and President of the European Council due to expire in 2019 (on 31 October and on 30 November respectfully). Also, in the exceptional case that one of the two current Presidents were to resign from their functions, the European Council could decide to nominate the other to take over his duties.

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With European democracy being based on dual legitimation, combining the Presidencies would be an appropriate step to **strengthen the EU leadership by increasing its power of coordination.**

## Notes

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9. European Commission, 'Standard Eurobarometer 86', November 2016, <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/surveyKy/2137>.
10. The origins of the European Council can be traced back to a series of informal European Summits held by the Heads of State and Government of the six founding members of the European Economic Community in the 1960s. During the 1974 Paris Summit, the Heads decided to establish a 'European Council' to give a more regular format to these meetings. The first European Council meeting was held in 1975. From thereon, it became increasingly instrumental in furthering European integration. Yet, it was only with the adoption of the Single European Act in 1987 that the European Council acquired a legal basis in the treaties. The powers of the European Council continued to evolve informally until 1992, when the Treaty of Maastricht clarified its role, and stipulated that the European Council would be chaired by the Head of State or Government of the country holding the Presidency based on a six-month rotation. With the adoption of the Treaty of Amsterdam in 1997, the European Council was also given formal responsibility for defining the principles and guidelines of the Union's Common Foreign and Security Policy (CFSP). From 1999 onwards, the European Council began a process of reform aimed at paving the way for the enlargement of the EU. In this context, in December 2001, Member States established a Convention on the Future of Europe as a forum to discuss the direction of the Union and prepare a draft Constitutional Treaty. As the Constitutional Treaty was never ratified, it was only with the entry into force of the Treaty of Lisbon in 2009 that the European Council would be fully institutionalised from an intergovernmental forum into a supranational institution. For more information, see: Council of the EU, *The European Council and the Council of the EU Through Time: Decision- and law-making in European integration*, Brussels, 2016 (available at <https://www.consilium.europa.eu/media/29975/qc0415219enn.pdf>), p. 2; European Parliament, 'European Council', Factsheet, (available at [http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuid=FTU\\_1.3.6.html](http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuid=FTU_1.3.6.html)).
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16. Financial Times, <http://blogs.ft.com/rachmanblog/2009/07/kissinger-never-wanted-to-dial-europe/>
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20. Hix, S. 'Why the EU Should Have a Single President and How She Should be Elected', London School of Economics, Paper for the Working Group on Democracy in the EU for the UK Cabinet Office, October 2002.
21. Article 17 (7) TEU indicates that: 'Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members. If he does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure.'
22. Note from the Praesidium to the Convention, Institutions - draft articles for Title IV of Part I of the Constitution, CONV 691/03, 23.04.2003
23. Note from the Praesidium to the Convention, Part I, Title IV (Institutions) - revised text, CONV 770/03, 02.06.2003, p. 7.
24. See Cover Note from the Secretariat to the Convention, CONV 709/03, 09.05.2003, and notably the amendment by Andrew Duff, Lamberto Dini, Paul Helminger, Lord MacLennan, Adrian Severin (available at <http://european-convention.europa.eu/docs/Treaty/pdf/41699/16bisDuff%20EN.pdf>) or by Valdo Spini (available at <http://european-convention.europa.eu/docs/Treaty/pdf/41699/16bisSpini%20IT.pdf>).
25. Draft Treaty establishing a Constitution for Europe, CONV 820/03, 20.06.2003 (available at <http://european-convention.europa.eu/pdf/reg/en/03/cv00/cv00820.en03.pdf>)
26. Article 17 (7) TEU indicates that: 'Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members. If he does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure.'