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# THE INFLUENCE OF GERMANY ON THE FORMATION OF THE EUROPEAN COMMISSION IN 21ST CENTURY<sup>2</sup>

**Bogdan Koszel\***

## **ABSTRACT**

The European Commission, the executive power and initiator of legislative processes in the European Union, has been the focus of Germany's European policy in the 21st Century. The analysis in the article shows the priorities of German politicians included (1) appointing the President of the Commission in line with their wishes, (2) ensuring candidates from Germany the most important and prestigious positions in every college, and (3) gaining influence on the course of EC work. The adoption of the critical analysis of sources, the institutional-legal method and the decision-making method as a research method allowed the thesis that the EC in Germany's European policy was initially the foundation of the future EU political model (federation), in practice, however, Chancellor Merkel's actions pushed it to the far side. The German government together with France had the greatest influence on the Lisbon Treaty. Macron and Merkel refused to accept the „ Spitzenkandidate” idea, which could lead to democratization of the way the president of the European Commission was elected, which means deepening the democratic deficit in the EU.

**Key words:** Germany, European Commission, European Union, Spitzenkandidate, Lisbon Treaty

## **Introduction**

The European Commission (EC) occupies an essential place in the institutional structure of the European Union. The EC emerged in its current shape in 1993, after the Maastricht Treaty entered into force. As a communitarian body, it is considered to be the engine of European integration and the guardian of treaties. The EC has the exclusive right of initiative in the EU's legislative procedure. Only the Commission enjoys the right to submit legislative proposals

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(except for the Common Foreign and Security Policy, as well as internal and judicial policies). The EC draws up proposals for EU legislation which can then be adopted or amended by the Council of the EU and the European Parliament. The EC determines the EU's budget and manages it after it has been adopted. It also supervises the work of all EU agencies and manages structural funds. The Commission also typically prepares drafts of treaties and other international law instruments, which are subsequently discussed at European Council meetings. Finally, the Commission ensures compliance with the law within the EU. It is a collegiate body composed of one representative from each member state.

Based on the provisions in the Lisbon Treaty, the European Council has the right to elect a candidate for President of the European Commission by qualified majority, taking into account the results of European Parliament elections. After the candidate presents their political manifesto to the EP, they can be approved through a simple majority vote. If the candidate is rejected, or not accepted, the procedure is repeated, and the European Council has one month to present a new candidate. In consultation with the President of the EC, the Council of the European Union draws up a list of commissioners recommended by member states, in the hope that they will possess relevant qualifications. The composition of the Commission is subsequently approved by the European Parliament, which interviews the candidates for commissioners at committee meetings. If they are approved, the European Council appoints the Commission by qualified majority (Rewizorski; Przybylska-Maszner 2014). In November 2012, the European Parliament adopted a resolution calling on parties to nominate candidates for head of the EU government (*Spitzenkandidaten*). Their names and political manifestos were to be publicly announced, and the citizens of the EU were to elect them indirectly by voting for the party of their choice that would later join the political group in the EP.

During Chancellor A. Merkel's reign after 2005, Germany took advantage of the weaker position of France and the UK to become the undisputed leader in the EU. This became apparent during the cast of key positions in the European Commission and other major EU institutions. The saying of Chancellor H. Kohl "what is good for Europe, is good for Germany, has been replaced by the statement „what is good for Germany, is good for Europe” (Koszel 2017). The author's main research goal is to analyze Germany's influence in the European Commission and thus their increasing role in the European Union's decision-making processes. This study employs the methods of systemic, institutional and legal analysis and the decision method.

## **1 The first term of office of José Manuel Durão Barroso (2004-2009)**

Before Chancellor Angela Merkel took over as the head of government of the great CDU/CSU-SPD coalition in autumn 2005, she played a role in forming the European Commission for 2004-2009 as the leader of the opposition. Formally, however, Chancellor Gerhard Schröder played the leading role in the search for a candidate for president of the EU executive. When, in spring 2004, Romano Prodi, who was in charge of the work of the Commission, realized that he could not count on most countries to support his re-election, as he had expected, because they saw him as a lackluster officer, guilty of having committed numerous faux pas, and who let the leaders of the most important EU countries push him aside, he decided to return to national politics and build a left-wing camp in Italy. Prodi was a left-wing liberal from a large EU country. The complicated rules and customs of the EU required a conservative politician from a small country to take over after him. After the European Council agreed on the candidate, the European Parliament had to approve him in July 2004. After the elections in June 2004, the strongest faction in the European Parliament consisted of conservatives and Christian democrats in the European People's Party (EPP), who won over 37 percent of the seats, and who refused to accept another socialist. The politician to succeed Prodi also had to have the support of his own government and was expected to speak French – then he could count on the support of Paris (Koszel 2019, 206).

It was quite early, in the fall of 2003, that Chancellor Schröder proposed that, given the balance of power in the European Parliament, this position should be taken by CSU Chairman and Prime Minister of Bavaria, Edmund Stoiber. Having obtained consent from French President Jacques Chirac, Schröder repeatedly tried to convince Stoiber to take the post, but to no avail. The Chancellor remarked caustically in his memoirs that, in the opinion of the CSU head, his party would fall apart without him, and he felt more responsible for Bavaria than for Brussels (Schröder 2006, 321-322).

In this situation, Chancellor Schröder suggested Günter Verheugen as candidate for president of the European Commission in recognition of his unquestionable merits in executing EU enlargement in 2004. However, German Foreign Minister Joschka Fischer, the leader of the coalition party Bündnis90/Die Grünen, made no secret of his ambitions to become the head of EU diplomacy after the 2006 elections to the Bundestag. Since it would be unfeasible for two

Germans to hold leading positions in the EU, Schröder withdrew the candidacy of Verheugen in return for the promise that the position of vice-president of the European Commission would be established in the future college for Verheugen, a position of 'super commissioner' responsible for economic affairs and vested with considerable powers. As early as February, a letter signed both by President Chirac and UK Prime Minister Tony Blair was sent, urging the Commission to consider the establishment of one department to handle all economic affairs in the face of the ongoing economic crisis. When asked about her opinion, Merkel, as the head of the Christian democratic opposition, questioned the economic qualifications of the potential 'super commissioner' Verheugen, but she reluctantly accepted this candidacy. The newspaper *Die Welt* openly said that it was a matter of joint defense of the interests of the German economy, especially industry, in the EU (Verheugen soll EU-Superkommissar werden 2004).

Before the June summit of the European Council, Chancellor Schröder and President Chirac agreed on a new candidate, Guy Verhofstadt, the Belgian Prime Minister, a Flemish liberal, a politician able to strike effective compromises, who spoke Dutch, Italian, English and French. He did not enjoy the support of the UK though, because Prime Minister Tony Blair never forgave the Belgian leader for opposing the war with Iraq.

At the session of the European Council on June 17-18, 2004, a discussion with conservatives from the European People's Party lasted for hours. They suggested replacing Verhofstadt, who was dubbed 'Baby Thatcher,' with the Christian democrat Austrian Chancellor Wolfgang Schüssel. This candidacy was unacceptable for Paris, though, as in 2000 Schüssel had formed a coalition with the right-wing, populist Freedom Party of Austria (FPÖ) with Jörg Haider. The UK candidate, Chris Patten, the then Commissioner for External Relations, was also disqualified due to his poor command of French, as well as the fact that Germany and France did not want to give such a prestigious office to a representative of a country which was a member of neither the eurozone nor the Schengen area, and for which European integration was a necessary evil. Other candidates mentioned in the discussion, such as Irish Prime Minister Bertie Ahern, Belgian Prime Minister Jean-Luc Dehaene, and Portuguese Commissioner for Internal Affairs Antonio Vitorini, failed to be approved and the matter was postponed until the extraordinary summit of the European Council (Rada Europejska w Brukseli 17-18 czerwca 2004). Within two weeks an agreement was reached with the EPP. Germany and France approved José Manuel Durão Barroso as future EC President, the incumbent Prime Minister of Portugal, chairman of the liberal-

conservative Social Democratic Party, scholar and professor at the universities of Lisbon, Porto and Geneva.

Barroso, who had received the Great Cross of Merit of Germany in 1990, was the candidate of the CDU head Angela Merkel, who was personally involved in his election. This inevitably resulted in Chancellor Schröder's disapproval, which the German leader did not hide. Nevertheless, during the NATO summit in Istanbul on June 28-29, 2004, he and Chirac announced that Barroso should be given a chance and that Germany was prepared to back him. He was convinced that the Portuguese politician would prove to be a "convincing, dynamic European" (EU-Kommission, 2004).

Choosing Barroso was actually the best solution for the German government. He was the prime minister of a small EU country, lying on the outskirts of Europe. Having experienced the Salazar regime, Portugal was sensitive to the problems of new EU members from the former Soviet bloc. Barroso aroused the least resistance, he was plain and vague, which made Berlin hopeful about being able to influence his decisions. He was accepted by liberals and socialists, by the British and Scandinavians, he did not rub anybody up the wrong way with irritating federalist views in favor of a United States of Europe, in which Luxembourg Prime Minister Jean-Claude Juncker and Guy Verhofstadt excelled. In turn, Belgium, Luxembourg and France could not accuse him of nationalist tendencies and being insufficiently European, which was the original sin of British politicians. The European Commission needed a president who could bridge old and new Europe, while connecting federalists and supporters of a Europe of nations, socialists and liberals at the same time (Weilemann, 2004).

On July 22, Barroso received a vote of confidence from the European Parliament in Strasbourg with 413 out of 732 MEPs voting for him, 44 abstentions and 251 votes against. This made it possible to start consultations regarding the appointment of the members of the new college (Barroso wird neuer EU-Kommissionspräsident, 2004).

Having Merkel's support, Barroso did not envisage a 'super commissioner' in the EC, which he clearly implied at the beginning (EU-Superkommissar, 2004). His priorities included employment, economic growth and competition. Yet, Chancellor Schröder continued to push for Verheugen, convinced that the government and the opposition would speak in unison on this matter because Germany's European policy was united about "taking over the political and economic responsibility in Brussels" (Einmütigkeit, die wirtschaftspolitische Verantwortung in Brüssel zu übernehmen; Verheugen soll EU-Superkommissar

werden, 2004).

In the first half of August the Chancellor managed to have Verheugen appointed Commissioner for Enterprise and Industry in the EC. He was responsible for the internal European market, coordinated significant economic matters and represented the EC in the EU Competitiveness Council (COMPET). Asked about the function of the 'supercommissioner,' Verheugen renounced it, pointing to the collegial nature of EC operations, but he admitted that due to serious shortcomings in overall EU economic policy so far, it should urgently be coordinated (EU soll wettbewerbsfähigste Region der Welt werden, 2004).

In order to weaken Verheugen in the EC, Barroso resolved to appoint no fewer than five vice-presidents. Presenting the composition of the new college on August 12, Barroso adamantly declared that, in an EC headed by him, there would be no "first- and second-class commissioners because all of them are equally important" (Der designierte Kommissionspräsident, 2004). After hearings in the EP, the European Council "welcomed the new list of members-designate of the Commission presented by the nominee for President, Mr José Manuel Barroso" at the meeting on November 4-5, 2004 (Rada Europejska w Brukseli 4/5 listopada 2004 r.). After the EP eventually approved the list, albeit with some difficulties (by 449 votes for, 149 against and 82 abstentions), on November 18, the 27-strong Commission commenced its work on November 22, 2004. The first term of office lasted until October 31, 2009.

## **2 The second term of office of Barroso (2009-2014)**

The first European Commission headed by Barroso worked in an extremely unfavorable political, economic and social climate within the EU. Due to the dramatic development of the crisis in the eurozone, and in anticipation of the second referendum in Ireland which would allow the Lisbon Treaty to come into force, the EC was urgently required to elect a new president and a new college. The situation was unclear, because the political groups that would support the candidates were only forming after the elections to the European Parliament in June 2009. The president was scheduled to be elected at the European Council meeting on June 18-19, 2009, which, however, was concluded with taking the "first steps in the process of designating the President of the next Commission" (Rada Europejska w Brukseli 18-19 czerwca 2009).

In May and June 2009, Martin Schulz declared on behalf of socialists in the EP that they would not support the reelection of a "neo-liberal Commission" or a

weak president (Schulz gegen zweite Amtszeit von Barroso, 2009) and that they believed Verhofstadt would be a better candidate. Barroso responded to that by writing a letter to members of the European Council in which he promised to overcome the crisis and build an idyllic Europe, whose citizens enjoyed their rights and were free from climate threats, hoping to satisfy both the social democrats and liberals (EU-Gipfel, 2009).

The reelection of Barroso turned out to have been decided one week before the summit of the European Council. Chancellor Merkel and French President Nicolas Sarkozy agreed to quickly choose Barroso on account of the expectations from the European Parliament and problems related to the referendum in Ireland (Neuer Schwung für Europa, 2009). In fact, major EU leaders were content with weak presidents of the European Commission, because then they could bask in the light of flashes and cameras instead of the head of the Commission, who had no opinion of his own. The main EU leaders learned a lesson from history, when in 1985-1995, Jacques Delors became exceptionally independent and was able to oppose powerful politicians such as Chancellor Helmut Kohl, President Jacques Chirac and Prime Minister Margaret Thatcher. On September 16, 2009, the European Parliament accepted the candidacy of Barroso. This allowed the sectors to be divided and the scope of responsibilities of new commissioners to be defined on November 27. After hearings in the European Parliament, which abounded in all kinds of surprises, the shape of the new Commission was eventually approved as late as on February 9, 2010 (Barroso: Radikale Abwendung vom Status quo, 2010).

The election of the new president and new EC coincided with the parliamentary elections in Germany. After the coalition of Christian democrats and liberals (CDU/CSU-FDP) was formed, Merkel retained her influence on the commissioner's nomination. As early as 2008, she proposed this office to her close and trusted colleague Peter Hinze, Parliamentary Secretary of State at the Ministry of Economy and Technology, and after February 2007 government coordinator for aviation and air traffic. However, he refused, preferring to remain in the Ministry (Nachfolger für EU-Kommissar Verheugen, 2008).

In this situation, Günther Oettinger (CDU), Prime Minister of Baden-Württemberg was chosen, albeit criticized by the SPD and the Greens as a 'regional' politician not involved in European integration (Oettinger wird neuer deutscher EU-Kommissar, 2008).

The press named Oettinger Merkel's 'third choice.' Her relations with the leader of this southern land were not the best. The Chancellor was allegedly

refused by the new Minister of Environment Norbert Röttgen and Hesse Prime Minister Roland Koch, who intended to remain in office. On the other hand, Merkel would not allow Ursula von der Leyen, Federal Minister for Family Affairs, Senior Citizens, Women and Youth at the time, whom she appreciated, to move to Strasbourg and Brussels (Posten in Brüssel, 2009; Oettinger war nur dritte Wahl von Angela Merkel, 2009).

Germany was interested in the most important sectors in the new Commission: economy, finance and, increasingly important, energy. At the end of October 2009, without any further consultation, Barroso quickly agreed with Merkel's proposal that Oettinger should deal with energy and energy security issues in the EU. Although Oettinger did not have any experience in this area, he did surprisingly well at the hearing before the European Parliament, where he showed his intention and commitment to get involved in the duties he would assume (Junkers, 2010).

During the euro area economic crisis, the role of the European Commission led by Barroso was severely limited. Chancellor Merkel did not hide the fact that in a difficult situation for the EU the nation states with Germany and France at the forefront should play the most important role. She feared that the European Commission's specific methods of action would not be able to lead the EU out of the crisis. It took the initiative and imposed on the whole Community a tough German concept of overcoming the crisis (Kornelius 2013:274

### **3 The Commission of Jean Claude Juncker (2014-2019)**

On July 1, 2014, Oettinger took the position of Vice-President of the European Commission, holding it for a short time, until the end of the second term of Barroso's Commission, which expired in September 2014. The position needed to be filled after Viviane Reding and Antonio Tajani had successfully run for the European Parliament in June.

Oettinger was appreciated in his own party and, in June 2014, was unanimously accepted by Chancellor Merkel and the CDU presidium for the position of commissioner in the new Commission for 2014-2019, although the scope of his duties was not defined at the time. The chairman of the CDU/CSU group in the European Parliament, Herbert Reul, suggested that the best solution would be for Oettinger to handle competition issues (EU-Kommissar: Merkel, 2014; Merkel will Oettinger, 2014). The nomination of the former Prime Minister of Baden-Württemberg was decided after a dispute within the grand coalition,

because the SPD wanted Martin Schulz, the head of the socialist faction in the European Parliament, to take the position of President of the European Commission. Pre-election polls indicated the advantage of European social democrats, which was why Schulz proposed the idea of the *Spitzenkandidat*. The new president of the European Commission would thus be appointed in advance by the largest party in the European Parliament that won the European elections in due course. In this way, the head of the European Parliament wanted to limit Merkel's potential for political maneuvering (Kopeinig 2016:96).

Cold calculation, however, did not give him the chance for such a transfer – he would have to be proposed for this position by the German Chancellor, who had no intention of promoting an important politician from the SPD, her competition. Schulz's ambitions and hopes of becoming the head of the Commission in 2014 were soon thwarted also for another reason – even with the support of smaller groups, none of the big parties would obtain the necessary majority to nominate a candidate for the position of EC president. The Christian democrats and socialists had to strike a compromise, otherwise the head of the European executive would have been selected by the heads of governments or states alone (Juncker und Schulz, 2014). Schulz was aware of the situation and did not want the European Council to enjoy full freedom in their choice, so he resigned as President of the Parliament to take the position of the deputy head of a commission in charge of an important, albeit unspecified economic sector. Given this turn of events, Chancellor Merkel convened a meeting of party leaders in Berlin on May 26 which was attended by the head of CSU Horst Seehofer and SPD leader Sigmar Gabriel. The Chancellor made it clear that she did not intend to resign from appointing a Christian democrat as commissioner, getting rid of Oettinger, who was well regarded in Brussels. She emphasized that it was the victorious European People's Party that had the right to designate the German candidate for EC commissioner. Ultimately, German social democrats decided not to nominate their own candidate, but under certain conditions. The SPD would accept a Christian democratic commissioner, provided that Martin Schulz was re-elected President of the European Parliament and his election would take place before that of the new President of the European Commission. The Progressive Alliance of Socialists and Democrats in the European Parliament re-elected Schulz as their chairman on June 18, but he resigned soon after that. After negotiations with Manfred Weber from the Christian democrats, on July 1, 2014, Schulz was re-elected President of the European Parliament (Otzelberger 2017: 95).

The first office to be elected in the European Commission was that of president. In October 2013, Chancellor Merkel announced that the election of the new president would not be 'automatically' related to the elections to the European Parliament in May 2014. However, after the European People's Party victory in the elections to the EP, taking 213 out of 751 seats, the Christian democrats were adamant about applying the provisions of the Lisbon Treaty. They nominated the long-standing Prime Minister of Luxembourg, Jean-Claude Juncker, who was more than comfortable in Brussels, as their *Spitzenkandidat* (Vates, 2014). The press reported that, initially, Merkel had succumbed to UK Prime Minister David Cameron who was threatening to withdraw the UK from the EU, and opposed this nomination (Merkel wollte Juncker blockieren, 2014). She suddenly changed her mind, and at a meeting of German Catholics in Regensburg at the end of May, unexpectedly offered her official support to Juncker. The German Chancellor was allegedly upset by the Eurosceptic politicians from the Alternative for Germany being accepted into the faction of European Conservatives and Reformists founded by the British Tories in the European Parliament. In response, she advised that Juncker be nominated even against Cameron's wishes. She announced that she had negotiated "so as to make Juncker President of the European Commission" (Merkel: Juncker soll EU-Kommissionspräsident werden, 2014).

An earlier meeting of the European Council in Brussels on May 27 was marked by disputes and discussions. The President of the European Council Herman van Rompuy was requested to start consultations with the governments of individual member states. The talks lasted until the end of June and, eventually, Jean-Claude Juncker was agreed as a compromise candidate of the European Council for the position of President of the European Commission, regardless of PM Cameron's reservations. At the European Council meeting on June 26-27, 2014, Juncker was accepted by EU leaders (Rada Europejska 26-27 czerwca 2014 r.; Cameron: „Juncker wurde von niemandem gewählt“, 2014).

On July 15, his candidacy won by a landslide in the EP. Designated as the President of the European Commission, Juncker presented his future team on September 10, albeit not without controversy. France wanted to nominate former French Finance Minister Pierre Moscovici for the prestigious office of Commissioner for Economic and Financial Affairs, Taxation and Customs. CDU politicians and MEPs opposed this candidacy, accusing Moscovici of profligacy and lack of discipline when managing French finances. Merkel had a similar opinion, but the new president's voice was decisive. Moscovici took the office of

Commissioner for Economic and Financial Affairs, Taxation and Customs. Oettinger, whom Merkel intended to retain his current position or take the office of Trade Commissioner, had to accept the less prestigious sector of digital economy and society.

The German government officially welcomed the new task of Oettinger, and government spokesman Steffen Seibert said he was “the right man in the right place.” This would be a new challenge for the commissioner because, in his opinion, digital progress played a decisive role in Europe’s recovery from the crisis by stimulating job creation and economy growth. He used these arguments at his successful hearing in the European Parliament on September 29. He committed himself to fighting for an increased budget for digital infrastructure and promised his commitment to abolishing roaming charges within the European Union and a new copyright for creators (Answers to the European Parliament, 2014).

#### **4 Manfred Weber and Ursula von der Leyen**

Weakened by the refugee crisis, Brexit and months of negotiations with the social democrats over the formation of a new government after the 2017 election, Chancellor Merkel wanted to ensure her influence on the position of the President of the European Commission in 2019 early on. For a long time, she was of the opinion that this position should be given to Germany after more than half a century during which the office of the head of the EEC, and then the EC Commission, had been held by only one German representative, the lawyer Walter Hallstein, from 1958-1967. The media also discussed other candidates, such as former Finnish Prime Minister Alexander Stubb, former Irish Prime Minister Enda Kenny and the chief EU negotiator of Brexit, former French Foreign Minister Michel Barnier. Though the most experienced as an EU official, the latter was ruled out because French President Emmanuel Macron’s La République En Marche movement had not yet joined any European political party. In Germany, the chances for the nominations of the Minister of Economy Peter Altmaier (CDU) and the Chancellor’s friend, Minister of Defense Ursula von der Leyen (CDU) were discussed. At the end of August 2018, Merkel eventually opted for the position of President of the European Commission to be given to Manfred Weber (CSU), the leader of the parliamentary group of the European People’s Party in the EP. At the meeting with Weber on August 28 in Berlin, Merkel “did not have fundamental objections” and so his candidacy for the head of the European

Commission “became solid” (Merkel unterstützt angeblich Weber als Juncker-Nachfolger, 2018). There were many arguments for this choice. Weber enjoyed a good reputation in the European Parliament and, as the head of the Christian Democratic Group, could prove to be the best *Spitzenkandidat*. The chairman of the EPP Joseph Daul also had full confidence in him. Weber argued that he had good private relations with President Macron, without whose consent no candidate could be accepted. Weber skillfully eased the conflicts between the CSU and the CDU on refugee policy and his appointment could certainly appease and show appreciation to the Bavarian Christian Democrats. Last, but not least, Weber was perceived as an independent politician, which could not be said of von der Leyen and Altmaier, who were loyal to the Chancellor (Schiltz, 2018; Manfred Weber, 2018).

At the meeting of the European People’s Party in Helsinki on November 8, 2018, attended by 700 members, Weber turned out not to have any major competitors. He garnered the votes of 79.2% of the participants, thereby defeating his only opponent – Alexander Stubb. Outlining the main directions of future EU policy, Weber supported the idea of a “secure home” for Europeans, which meant stricter controls on the EU’s external borders and stopping illegal immigration. He ruled out the possibility of Turkey’s membership of the EU. He criticized the populists and demagogues from Italy, France and Poland, whom he would not allow to divide Europe. He also expressed regret over the United Kingdom divorcing the European Union, but only because of the liberal approach to the economy of the former. Weber reprimanded the United Kingdom for blocking foreign, security and defense policy initiatives. He believed that the effects of the United Kingdom’s withdrawal were already visible in the form of enhanced cooperation between EU member states (PESCO) and the establishment of the European Defense Fund. Moving on to other issues, Weber considered it an important task to mobilize Europe’s power and resources to fight cancer (Becker, Müller 2018).

Weber’s candidacy was not a foregone conclusion. Macron denied their friendship, openly criticizing Weber’s tolerance of Hungarian Prime Minister Victor Orban in the EPP and delaying disciplinary action by EU institutions against Fidesz. If the new European Commission was to face up to demagogues, it could not be headed by a person who made deals and pacts with populists (Man kan nicht gleichzeitig, 2018). In this situation, the name of Frans Timmermans emerged on the political market in Brussels, a Dutchman popular in the Berlaymont building, supported by the socialists, who consistently promoted EU

principles and values.

Weber underestimated the determination of President Macron, who believed that the idea of the *Spitzenkandidat* should not be the only option, because the Lisbon Treaty does not give any specific guidelines in this regard. He started to promote the Danish Commissioner for Competition Margrethe Vestager, and he also mentioned Timmermans and Barnier. Weber's chances as the *Spitzenkandidat* were undermined by the poor results of the German Christian Democrats in the EP elections in May 2019, who lost 6.5 percent of voters, garnering only 28.86 percent. Weber faced a wave of criticism for his insufficient involvement in the election campaign, leading to the failure and weakening of the EPP in the EP (Jetzt soll Merkel Weber retten, 2019).

It appears that the first new agreements of leading EU countries as regarded future EU authorities were made during the G-20 conference in Osaka in June 2019. Asked on this matter, the German leader diplomatically said that the *Spitzenkandidaten* were only part of the "overall jigsaw puzzle" and future positions would be decided together (Wenn nicht Weber, ver dann?, 2019). In view of the controversies, the decision was not made at the European Council meeting on June 20-21, 2019 and this issue was postponed to the next meeting (Rada Europejska, 20–21 czerwca 2019; Weber kritisiert, 2019).

Agreement concerning the election of the highest EU authorities was reached at the extraordinary European Council meeting on June 30, 2019. Charles Michel from Belgium was proposed as the new President of the European Council, Josep Borell Fontelles as the candidate for the High Representative of the Union for Foreign Affairs and Security Policy, and Christine Lagarde as the candidate for President of the European Central Bank. Ursula von der Leyen was proposed as President of the European Commission. The top-ranking Frans Timmermans was left out, in spite of the support from French President Macron, Spanish Prime Minister Pedro Sanchez and Scandinavian countries. Visegrad Group countries ruled out his nomination, Croatia and Estonia indicated their discontent, and the European center-right was against, as it continued to support Weber as their *Spitzenkandidat* (Grupa Wyszehradzka blokuje Timmermansa, 2019).

The real winner of the election fight was President Macron. As a representative of the liberal grouping in the EP, Renew Europe managed to eliminate the candidacy of both conservative Weber and socialist Timmermans and put in question the advisability of the continued existence of his disliked *Spitzenkandidat* idea. He had a good reputation for von der Leyen, who has a "European DNA" and who, as Defence Minister, sought to strengthen Franco-

German military cooperation (Gastkommentar, 2019).

Regardless of all this turmoil, it had been known in advance that the position of President of the Commission would be taken by a German politician indicated by Chancellor Merkel. On May 28, at an informal dinner of EU leaders, the candidacy of Chancellor Merkel's close friend, the incumbent Minister of Defense, Ursula von der Leyen, was agreed and the President of the Council, Donald Tusk was authorized to start the necessary consultations on this matter. Paris was compensated with the nomination of Lagarde as head of the ECB and Madrid with the office of head of EU diplomacy. Formal decisions regarding the election of new authorities were made on July 2, 2019 (Rada Europejska wyznacza nowych przywódców UE, 2019).

The election of van der Leyen as head of the EU executive sparked a negative response in Western European countries while Warsaw, Prague and Budapest were satisfied with this turn of events, since Timmermans had harshly reproved them for violating the rule of law. Especially in Germany, the new candidate was criticized for lacking European experience and submitting to Merkel. This choice also meant actually burying the idea of the *Spitzenkandidat*, which Germany had supported so far. The well-known commentator on European affairs in the weekly *Die Zeit*, **Steffen Dobbert** saw it as a scandal and disregarding the votes of 500 million Europeans who supported the idea of the *Spitzenkandidat* through their representatives in the Parliament and, by this token, supported the selection of the most important EU leaders becoming more democratic (Dobbert, 2019).

MEPs elected Ursula von der Leyen as President of the European Commission on July 16, after a long and emotional speech in which she promised, among other things, stricter limits for greenhouse gas emissions, the right of legislative initiative for the European Parliament, the need to strengthen the procedure for selecting the main candidates (*Spitzenkandidaten*) and revisiting the idea of transnational lists in future European elections. In a secret ballot, 383 MEPs supported her appointment, 327 voted against and 22 abstained. This meant that she garnered only 9 votes above the required majority (Warum Ursula von der Leyen gewählt wurde? 2019).

## Conclusion

It can be generally concluded that the European Commission played one of the leading roles in the European policy of Germany due to its communitarian

nature. Whereas Germany's economic and population potential allowed it to have a greater impact on the decision-making processes in the European Council and the Council of the European Union, the specific manner of selecting the EC president, commissioners and the functioning of subsequent colleges meant that German leaders negotiated the leading positions in the Commission with great caution and flexibility. The main priority was choosing a Commission leader that would be neither charismatic, nor popular or consistent, because such a person would automatically outshine the heads of major governments. Both Berlin and Paris attached enormous importance to appointing commissioners in the key sectors. The EC Secretary-General Martin Selmayr (CDU) was in charge of the daily functioning of the Commission from 2018. He was the right hand of President Juncker as head of his cabinet from 2014. Talented and hardworking, but overly ambitious, he controlled the access of commissioners and politicians to Juncker, and developed an intricate network of information flow, control and supervision over the clerical system. After the election of von der Leyen, he could no longer hold this function, because EU regulations forbid persons from the same EU country holding high functions. The announcement that domineering Selmayr would step down in July 2019 aroused relief, since it meant a reduction of German influence in the administrative structure of the EC, among other things.

There is no doubt that the EC was not of primary importance in German policy under Chancellor Merkel. Although from the beginning of its existence Germany formally considered it to be the foundation of the future political model of the European Union (federation), in practice Chancellor Merkel's actions pushed it to the far side. The German government together with France had the greatest influence on the shape of the Lisbon Treaty.

Chancellor Merkel imposed on the European Union the German concept of exiting the financial crisis of the Eurozone, without worrying about the harsh criticism of Viviane Reding, Vice-President of the European Commission and also Commissioner for Justice (Höhler 2013:123). Her ill-considered policy on the reception of refugees in 2015 caused constant tensions with the EC. And it was she, along with President Macron, who buried the *Spitzenkandidat* idea, which was to lead to the democratization of the way EU leaders were chosen.

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