



EUROPEAN UNIVERSITY INSTITUTE  
**Department of Political and Social Sciences**

# Selection, appointment and redeployment of senior Commission officials

**Alessandro Fusacchia**

Thesis submitted for assessment with a view to obtaining the degree of  
Doctor of Political and Social Sciences of the European University Institute

**Examining Board:**

Prof. Adrienne Héritier (Supervisor)  
Prof. Michelle Cini (University of Bristol)  
Prof. Bruno De Witte (European University Institute)  
Prof. Morten Egeberg (University of Oslo)

© 2008, Alessandro Fusacchia  
No part of this thesis may be copied, reproduced or  
transmitted without prior permission of the author

<b>Introduction.....</b>	<b>6</b>
--------------------------	----------

## **PART I**

<b>Chapter 1. The administrative reform of the Commission and the appointment and redeployment of its senior officials.....</b>	<b>17</b>
---	-----------

1.1 The European Commission. Structure and staffing.....	18
1.1.1 The structure of the Commission administration.....	18
1.1.2 Development of the Commission structure over time.....	19
1.1.3 Overall staffing: competing models and the progressive institutionalisation of a “unique form of public administration”.....	22
1.1.4 Senior staffing: member states’ influences on top Commission appointments....	26
1.1.4.1 An enduring legacy.....	26
1.1.4.2 A possible typology of member states’ influence on senior Commission appointments.....	34
1.2 The administrative reform of the European Commission.....	39
1.2.1 The long path towards the internal reform of the Commission.....	39
1.2.1.1 An increasingly needed reform: from the Spirenburg Report (1979) to the inception of the Santer Commission (1995).....	40
1.2.1.2 Preparing the ground: attempts of administrative reform during the Santer Commission (1995-1999).....	43
1.2.1.3 Succeeding the reform: Prodi/Kinnock (1999-2004).....	46
1.2.2 Inspiring the content of the reform: the New Public Management.....	47
1.2.3 Reforming the Commission: the main features.....	52
1.2.3.1 Matching resources with policies.....	53
1.2.3.2 Financial control and audit.....	54

1.2.3.3 Personnel policy.....	56
1.2.3.4 Impact of reform on relationship between Commissioners and senior officials.....	58
1.2.4 Reforming the appointment and management of senior Commission officials....	60
1.2.4.1 The new procedure for senior appointments in the Commission.....	62
1.2.4.2 Once the appointment is made: appraisal of senior staff.....	67
1.2.4.3 Mobility of senior officials.....	69
1.2.4.4 A new place for nationality in senior appointments?.....	71

## **PART II**

### **Chapter 2. Theoretical framework and hypotheses on the appointment and redeployment of senior Commission officials.....76**

2.1 Introduction. Principal-Agent theory and the study of the European Union.....	77
2.1.1 Short introduction to principal-agent theory.....	77
2.1.2 The relevance and use of principal-agent theory for the study of the European Union.....	80
2.2 Hypothesis on the Selection and Appointment of senior Commission officials (H-1)..	84
2.2.1 Hypothesis formulation.....	85
2.2.2 Operationalisation of variables: indicators for the empirical assessment of the “decentralisation and professionalisation hypothesis” (H-1).....	92
2.3 Hypotheses on the redeployment of senior Commission officials (H-2a and H-2b)....	97
2.3.1 Hypotheses formulation.....	97
2.3.2 Operationalisation of variables: indicators for the empirical assessment of the “senior mobility hypotheses” (H-2a and H-2b).....	107
2.3.2.1 Retirements in the interests of the service.....	111
2.4 Summary of hypotheses and indicators.....	112
2.5 On methodology and method.....	114
2.5.1 Case selection.....	114
2.5.2 Making the empirical assessment and presenting the findings.....	115
2.5.3 Sources.....	117

## **PART III**

### **Chapter 3. Selection and appointment of senior Commission officials.....121**

3.1 Overall data on Selection and Appointment of senior Commission officials.....	121
3.1.1 An overall view of senior appointments in the European Commission (1995-2004).....	122
3.1.2 Case selection.....	126
3.1.2.1 First empirical assessment: 1996-1997 versus 2002-2003.....	127
3.1.2.2 Second empirical assessment: sectoral comparisons.....	137
3.1.2.3 Third empirical assessment: “same appointments”.....	149
3.2 Findings on Selection and Appointment of senior Commission officials.....	157
3.2.1 Comparing two periods: 1996-1997 versus 2002-2003.....	158
3.2.1.1 Senior appointments in 1996 and 1997 (Santer Commission).....	158
3.2.1.2 Senior appointments in 2002 and 2003 (Prodi Commission).....	164
3.2.2 Comparing policy areas.....	171
3.2.2.1 Agriculture and Fisheries.....	171
3.2.2.2 External relations (including trade and enlargement).....	185
3.2.2.3 Competition policy.....	202
3.2.2.4 Health and consumer policy.....	215
3.2.2.5 Justice and Home Affairs.....	223
3.2.3 Comparing “same appointments”.....	226
3.2.4 Overall findings for the decentralisation and professionalisation hypothesis ....	232

### **Chapter 4. Redeployment (and retirement) of senior Commission officials.....249**

4.1 Overall data on redeployments (and retirements) in the interests of the service.....	250
4.1.1 Case selection.....	252
4.1.1.1 Article 7(1) of the Staff Regulations: transfer in the interests of the service .....	252
4.1.1.2 Article 50 of the Staff Regulations: retirements in the interests of the service.....	260
4.2 Findings on redeployments (and retirements) in the interests of the service.....	264
4.2.1 Redeployment in the interests of the service.....	264

4.2.1.1 Redeployments in the interest of the services under Santer.....	265
4.2.1.2 Redeployments in the interests of the service under Prodi.....	269
4.2.1.3 Overall findings for the senior mobility hypotheses.....	284
4.2.2 Retirement in the interests of the service (article 50).....	290
4.2.2.1 From Santer to Prodi.....	292
4.2.2.2 Article 50 “on demand”: retirement in the interests of the... official!.....	294
4.2.2.3 Poor performance.....	298
4.2.2.4 “Incompatibility”.....	299
4.2.2.5 Member states’ interventions and national considerations.....	301
4.2.2.6 Overall findings on retirements in the interests of the service.....	304
<b>Conclusion.....</b>	<b>305</b>
<b>Annex 1. List of 37 officials interviewed for the thesis.....</b>	<b>319</b>
<b>Annex 2. Questions for the interviews (sample).....</b>	<b>321</b>
<b>Bibliography.....</b>	<b>325</b>

# INTRODUCTION

Speaking at a conference in Bruges in October 1982, the then Director general for Personnel and Administration of the European Commission, Jean-Claude Morel, declared that “a well-established myth is that of the seizure of national administrations of the posts of management, head of unit, directors and directors general” (1985: 127). That is exactly what this thesis is all about: *the reality of a myth*.

After the fall of the Santer Commission in 1999, the new incoming Prodi Commission made administrative reform one of its key priorities. The legitimacy of the institution was at its lowest, and had to be restored. Moreover, the Commission had been progressively changing its nature over the last decade and a half, from policy entrepreneur to policy manager. On top of that, administrative reform had been in the pipeline for twenty years, and could hardly be postponed further. Jacques Santer, during his tenure, had already introduced some important measures in terms of internal reform. But he could not benefit from any momentum, and rather faced the worst ever crisis in Commission history, when allegations of nepotism and fraud were put forward and the College was forced to resign.

When Romano Prodi took office, administrative reform immediately became a top priority for his tenure. Although only apparently less relevant than other priorities, such as the wider reform of European governance or enlargement to new countries from Central and

Eastern Europe, administrative reform was in reality – as Prodi himself acknowledged (2008: 122) – functional and preliminary to the achievement of any other objective. The task of the reform was given to Vice-President Kinnock. Three pillars for reform emerged rather soon: policy planning, including a better matching between policies and resources; financial control and audit; and personnel policy. Under this latter chapter of reform, a key prominence was given to senior officials, where three main ideas were rapidly developed: nationality should no longer be a key factor for promotion at the upper echelons of the Commission; compulsory mobility should be introduced for senior officials; and senior officials should become top managers (rather than policy entrepreneurs). In addition, there was the idea that the role historically played by member states in senior appointments should be eliminated.

In this latter respect, the legacy was in fact quite strong, and enduring. National flags were attached to senior posts, whereby only senior officials with a given nationality could hope to be appointed. In addition, each country had an unofficial *fourchette*, based on country size, which determined the minimum and maximum number of officials of its nationality that could occupy senior posts at the same time. National flags and *fourchettes* had developed over time, beginning with the establishment of the institution in the late '50s and adapting periodically at the time of any EC/EU enlargement to provide space to senior officials coming from the newly acceding countries. On the eve of the administrative reform carried out by Prodi and Kinnock, the claim was that the situation was still very much the same, with nationality playing a key role for any appointments at the top and member states exercising a strong leadership and influence on decisions concerning appointments and redeployments at the level of Director and above.

Two key factors contributed to this claim. First, the lack of any systematic and rigorous academic study. Information on this aspect of senior personnel policy inside the Commission was very limited, based on few cases, and spread throughout texts and manuals dealing with the European Union and European integration at large. Even those (few) studies devoted specifically to the European Commission or focussed specifically on its staff, did not go much beyond this preliminary account and were in general more descriptive than analytical. The media added to all this, by echoing single cases of senior appointments that had been influenced by member states, but they were of no use in aggregate terms since they did not take into consideration to account for a whole phenomenon. This limited information scattered around different sources, often

originating in just one or two pieces of research, sometimes dating back to the 1970s (Petersen 1971; Michelmann 1978a; Hocking 1974; Smith 1973), was the background available for any deeper investigation into the topic.

The second factor that contributed greatly to strengthening the idea that member states were relevant before the reform and that nationality was one of the key factors – if not *the* key factor – in senior appointments, laid with the Commission itself. The reform implemented as of 1999 was officially sold as a mean to discontinue the legacy on these two aspects – nationality and role of member states – thus contributing indirectly to give credit to mainstream ideas on what the situation *prior* to the reform was.

Senior personnel policy soon became one of the main dimension of the administrative reform. The Commission introduced new measures concerning appointments and redeployments at the top (Director level and above) and claimed that merit and competence, together with a very soft geographical balance, had become the new criteria for career promotion. In particular, the Commission decided to strengthen the Consultative Committee on Appointments (CCN) and to assign it a role in the pre-selection of senior candidates and the preparation of the short-list to be submitted to the recruiting commissioner for the final choice. Compulsory mobility was also introduced, on the basis of which no senior official could stay in his<sup>1</sup> post longer than five years (seven under exceptional circumstances). On the basis of these new measures and of the new assertiveness that it intended to show, the Commission openly claimed to have put an end to a system of senior appointments based on national flags, *fourchettes* and in general, on strong advices tendered by national capitals.

Against this background, a few research questions can be put forward. Is it true that the Commission has achieved what it did officially claim? If yes, *to what extent?* And *how* could the Commission succeed in phasing out the relevance of nationality and the influence by member states on its senior appointments and redeployments?

---

<sup>1</sup> Throughout the whole thesis, I will always refer to senior officials as “his”, irrespective of the fact that I am considering a man or a woman. This choice is necessary particularly when presenting the findings in chapters 3 and 4, where reference to “her” may sometimes make more difficult to hide sources of information and identity of officials, view the limited number of women in senior Commission positions.



In order to answer these questions, I have derived three hypotheses by making reference to a theoretical model that has increasingly become relevant in political science since the early 1980s, as well for the study of the European Union in particular since the second half of the 1990s: *principal-agent theory*. The EU institutional setting can be seen as one in which member states (the principals) mandate the Commission (the agent) to perform a task on their behalf. Accordingly, a number of features of the European Union, and particularly many of those related to the relationship between the Commission and EU member states, can be studied through hypotheses derived from such theoretical model.

The three hypotheses I assess empirically deal respectively with senior appointments (first hypotheses) and senior redeployments (second-a and second-b hypotheses). As for the first one, I hypothesise that the administrative reform has made the selection and appointment procedure of top officials more merit-based and more fragmented in terms of the number of actors involved, and that this combination of professionalisation and decentralisation has reduced the influence of member states in senior Commission appointments (cf. *infra*, 2.2.1).

The second-a and second-b hypotheses refer to the new mobility policy of the Commission (cf. *infra*, 2.3.1). There are two competing hypotheses in the sense that either one or the other can be confirmed and that they cannot be both confirmed at the same time. With these two hypotheses, my intention is to assess the impact of compulsory mobility on the capacity of member states to intervene in the senior personnel policy of the Commission. On the one hand, I hypothesise that mobility has enhanced such capacity, by granting member states a sort of last resort opportunity to exercise influence on the distribution of senior posts inside the European institution (second-a hypothesis). On the other, I hypothesise that mobility has been used by the Commission to further internalise and render more autonomous, vis-à-vis member states, its senior personnel decisions (second-b hypothesis).

In order to empirically assess these three hypotheses, I use a number of empirical indicators for the independent and dependent variables, which make reference to different features of the vacant position, the actors involved, and the different dynamics developing at the time of appointing or redeploying a senior official (cf. *infra*, 2.2.2 and 2.3.2). Through such empirical indicators, I can assess, for any single case of appointment or redeployment, what was the degree of influence and potentially successful pressures by

member states, and whether the nationality criteria played any role. It is important to clarify from the outset that influence by member states and relevance of nationality do not overlap most of the times. Quite on the contrary, attention paid by the Commission to a specific nationality at a time of making a senior appointment (or redeployment) does not necessarily imply that attention was paid at the same time to the preferences on specific candidates of that nationality expressed by a member state.

Internal documents and interviews with 37 senior officials of the Commission have been the main sources of information. *Internal documents* (essentially minutes of the College weekly meetings) were used mainly to identify and select cases of appointments and redeployments together with other decisions concerning senior staff, and to see major developments from Santer (1995-1999) to Prodi (1999-2004) in terms of senior personnel policy. *Interviews* were key to measure my indicators and thus assess tens of individual cases of senior appointments and redeployments, and see – for each of them first, and then in aggregate terms – what was the role played by member states and nationality. Narratives collected through interviews were particularly useful to understand different dynamics, inputs, and causal mechanisms behind specific appointments and redeployment of senior Commission officials. That is why many of these narratives have been quoted in detail when presenting the findings (cf. *infra*, 2.5.3).

With this dissertation, my intention has been to provide a contribution to academic research in three different – although interconnected – fields.

The first one refers to EU studies, and particularly to the *study of the European Commission and the dynamics between the Commission and EU member states*. Over the last decade and a half, the Commission has been the topic of increasingly academic attention, but most of the research has been focussing on policies rather than organisation. Any time reference was made to its composition, focus was on the political level, that is on the college of commissioners, in terms of membership or size. A few studies addressed the internal structure, and most of them did it only in a rather descriptive way. I have thus focused on one aspect – which is the way the upper echelons of the Commission are staffed, and on whether there has been any evolution in this respect following the administrative reform introduced by Prodi and Kinnock. In my view, this aspect was particularly relevant for at least two reasons. First, although it related to internal business of the Commission, it had historically been at the centre of the relationship between the Commission and member

states. According to Cris Shore, “the way the Commission selects, trains and manages its staff – how it reproduces itself over time – can reveal much about the mechanics and micro-politics of integration. More importantly, most of the major tensions and cleavages in the integration process, particularly those arising from the encounter between intergovernmental and supranational visions of Europe, are played out in the Commission’s staffing and management practices” (2000: 132) That is why senior appointments and redeployments were as much inter-institutional and inter-governmental, as purely internal. Second, policies are born, developed and implemented out of men and women’s mind. Assessing why certain people, rather than other, come to run the central institution of the European Union – and whether there has been any major development in this respect – amounts to telling something also on the nature and the future of the Commission, and thus of the European project at large.

As for the second field of research, my intention was to *study administrative reform* in order to give my contribution to remedy a “missed academic opportunity” (Bauer 2002a). In particular, at a time in which many countries were bringing New Public Management (NPM) inspired-reforms forward, I wanted to see whether the administrative reform in the Commission was taking place in a vacuum or rather was in tune with most recent developments worldwide. NPM had already been the paradigm behind administrative reform in many developed countries from the mid-’80s onwards, and there was clearly a strong relation between the content of reform at national and European levels. Kinnock himself explained the clear link between the Commission reform and the wider trend towards modernisation of the public sector in Europe: “reform of the European Commission [...] is part of a deliberate and widespread desire to raise standards of quality and efficiency in public administration in all parts of this continent, in which public service was invented; part of a process of administrative change generally current across the European Union” (2002: 21). By studying senior Commission officials and the way they are appointed and redeployed, I intended to assess potentially a key aspect of the newly NPM-inspired reform of the European Commission.

As a third field of academic research, I have also tried – although rather indirectly – to contribute to the *study of international secretariats* (cf. Reinalda and Veerbeek 2004). The EU is clearly *not* an international organisation, as much as it is *not* a state, but this does not amount to say that many of its features cannot be compared to other international organisations or states, particularly when assessing its public administration dimension.

Already in the early '70s, Neunreither discussed the features of the Commission as possible “European government” as opposed to a more downsized and less ambitious “European secretariat”. Among the features that shall characterise a Commission evolving to become a “European government”, Neunreither mentioned that “the Commission and its officials must foster an *esprit de corps* based on loyalty to the Commission. Prerequisites for this are powers of internal organisation and *scope for recruiting staff in independence from other participants to the system*” (1972: 236, e.a.). All international secretariats are multinationally staffed. However, the degree of autonomy of choice concerning their senior staff may vary a lot from one secretariat to the other, and could be taken as a good indicator of how much independent and “mature” is the international organisation vis-à-vis its member states. The indicator would not only be the way international secretariats are staffed at the most senior level, but also whether there has been any *evolution* during the life time of the international organisation itself. That is, whether and when there have been exceptions to the claim made by Hesse, Hood and Peters, according to which “[m]anagerial reform has been notably lacking in a range of [...] international organisations where political brokerage takes precedence over concerns with efficiency and merit” (2003: 342).

### ***Structure of the thesis***

The thesis is divided in three parts. Part I (chapter 1) introduces the topic of my research, that is, the administrative reform of the Commission and the appointment and redeployment of its senior officials. In greater detail, I start by describing the internal organisation of the Commission services and its development over time. A special focus is constantly given to the way it is staffed, particularly at the senior level. Then, I address specifically the administrative reform carried out by Prodi and Kinnock between 1999 and 2004, and present the main novelties relating to the appointment, redeployment and management of Commission top officials.

In Part II (chapter 2), the theoretical framework and the hypotheses are presented. Principal-agent theory is introduced first, together with some mention of its relevance and use for the study of European integration. Then I present the three hypotheses addressing member states’ influences and the role of the nationality criteria in senior appointments and mobility, together with the indicators for the empirical assessment and some methodological remarks.

Part III (chapters 3 and 4) present the findings of the empirical assessment for the three hypotheses. For each of the two chapters, I start with the presentation of the cases of appointments and redeployments occurred in the European Commission between January 1995 and October 2004 and used for the empirical assessment, and I then see whether, and to what extent, member states and/or nationality were relevant in terms of constraining Commission decisions.

In the conclusion, I recall the structure of the research, I present a brief overview of the main findings, and I mention some long-term consequences of the administrative reform in terms of senior appointments and redeployments.

### *Acknowledgments*

My acknowledgments run far in time and space. Three people in particular have been key for my PhD. My supervisor – professor Adrienne Hérítier – comes undoubtedly first. She has provided support, encouragement, and has taught me that one can always be more rigorous than he pretends to. We have spent many hours discussing the topic of my research, but what I have appreciated the most has been her tenacity and willingness to teach me what academic research is, and stands for, and how important methodology is. This is a lesson that goes beyond academic research. A lesson which I am sure will be useful to me in many other occasions for the rest of my life. On top of that, I am further indebted to Adrienne Hérítier because she realised rather soon that I was quite stubborn, and yet, she decided – against many advices – to support my stubbornness in fulfilling what I believed was important to me. Thanks, Adrienne, if I don't regret anything today, I owe this first and foremost to you.

The second person which has made all this true is professor Stefano Bartolini. He is not only one of the most brilliant minds I have ever met. He is also endowed with enormous intellectual honesty, analytical skills and vision. His support has been decisive at key times when I was very close to leaving the Institute. He found the solution to avoid the worst – had not he been there at that time, I most likely would not be here today. Stefano, thanks for your advices. Thanks for your mentorship and friendship. *Grazie davvero, maestro.*

The third person without whom this thesis would have never materialised is Ms. Marina Manfredi, former senior official of the European Commission. Marina served as first

permanent rapporteur of the Consultative Committee of Appointments (CCN) of the Commission, and dealt personally with most senior appointments taking place during the presidency of Romano Prodi. We spent several hours discussing, commenting, dissecting senior appointments and redeployments. She was always ready to reconstruct the story behind some Commission decisions – thus bringing me into an extremely fascinating world. In addition, she introduced my work to many of her former colleagues, which helped me a lot to get interviews with key figures inside the Commission. *Marina, grazie per la fiducia e il credito.*

Incidentally, it is for these reasons that I have decided to dedicate my dissertation to the three of them.

A special thank goes to all those senior officials that have kindly accepted to be interviewed for this PhD. I am particularly grateful to all those – and they were the vast majority – who spoke frankly, and showed me not just interest, but first and foremost trust. Each interview (with very few exceptions) lasted between half an hour and an hour and a half. That was enough not only for me to gather an impressive amount of information, but also for them to impress me with their knowledge, fairness, and vivacity of mind. Most of them were absolutely outstanding and I have always considered of the utmost value the time we could spend together. It may happen that one day – maybe soon – I will enter the European public administration. The perspective of working for, and learning from, any of these senior officials, is amongst those which most attracts me. Together with senior officials, I am grateful for the many pieces of advice and comments on my PhD received by several professors and researchers, inside the EUI and elsewhere.

On a different level, I am also indebted to Valeria Giove, whose help was invaluable during the last months of the thesis, when I was trying to put some order amongst the many transcripts of the interviews and run the last mile. Thanks also to Simon Toubeau for the English revision. Simon, good luck and stay in touch.

Special mention goes to three friends I have met in the Badia: Elisa, Enikö and Graciela. We have spent together less time than I wished (this is my fault, I know...), but friendship lasts beyond Fiesole, or Rome. The time spent in the Badia to write the PhD was useful and great, but you, *girls*, made it much more worthwhile and simply great. Thanks as much

for the past as for the future. I add a special good luck to Costanza, for her thesis and for “her” Adrienne!

Last but not least, my greatest *riconoscenza* goes to my parents. They have always been there, fully backing any decision I was called upon to take. Over time, their support has been of all kinds, from financial to logistic. But the most relevant one has certainly been their moral support, and their love. *Mamma, papà, ci è voluto un po' di tempo per finire questa tesi, ma alla fine ce l'abbiamo fatta!*

A few final words to thank a few other people who gave an indirect but important contribution to my work for the PhD: Sandro Gozi, a mentor and a friend, in particular for the internship at the European Commission and for the many projects we have embarked upon since 2004; Tatiana, for her punctual but constant and useful support in Brussels; Anna and Massimo, for their generous hospitality; my sister Anna, particularly for the experience of sharing the same roof in Florence and for the empathy and love we share; and my best friends, because they made these years incredibly rich and beautiful, and for the right (and light) dose of peer pressure they put on me, which was necessary to complete the thesis. *Guys*, this PhD is also for you and for our extraordinary joint venture over the next four or five decades.

If I am allowed a last keepsake, I go back to the first Sunday of June 2004. I had to submit my “June paper” and the deadline was approaching fast. I was in Brussels, working as an intern in the cabinet of the Commission President, and my plan was to go back to the office over the week-end, finalise the June Paper, and submit it electronically. Unfortunately, the IT system of the Commission broke down and I could not use my computer. On that Sunday, I went to visit a fellow stagiaire at home, to have breakfast first, and use her computer afterwards. On that day, the June paper was closed, and another big chapter began. Today I simply cannot forget how much I owe you, Flore. You may now wish to delete all the files I have stored in your laptop.

Roma, 8 August 2008

# PART I



# CHAPTER 1

## **The administrative reform of the Commission and the appointment and redeployment of its senior officials**

This chapter presents the background information on the topic of my research, that is the appointment and redeployment of senior officials of the European Commission, within the wider picture of the new administrative reform implemented since 1999. The first section (1.1) deals with the internal organisation of the Commission services, and has a special focus on its staff. The structure of the institution, as well as its development over time, are presented. Then, two long paragraphs address, respectively, the overall staffing and the senior staffing of the Commission. The second section (1.2) focusses on the administrative reform carried out by Prodi and Kinnock between 1999 and 2004. Four paragraphs cover the historical path leading to the reform, provide an account of the New Public Management as the inspirational model for the reform, present the main novelties introduced with the new measures, and address specifically the new system of selection, appointment and redeployment of top Commission officials.

## 1.1

### THE EUROPEAN COMMISSION: STRUCTURE AND STAFFING

An overview of the Commission administration, in terms of structure and staffing, is given in this section. Two short introductory paragraphs (1.1.1 and 1.1.2) deal with the organisation of the services and its development over time. Then, a paragraph (1.1.3) addresses the issue of the staffing of the Commission, starting with the competing administrative models of the early years and the relevant key features of the Statutes adopted in 1968, to conclude with the role given to administrative matters at the beginning of the process of European integration and the chances for a common administrative culture to develop. The fourth and final paragraph (1.1.4) focuses on the issue of senior staff exclusively. It is meant to provide a detailed account of how an enduring legacy in terms of member states influencing senior appointment has developed, as well as a typology of such influences.

#### **1.1.1 The structure of the Commission administration**

The Commission is made of two layers: a “political layer”, which is the College of Commissioners, and an “administrative layer”, corresponding to the services. The administration is structured along functional lines, with Directorates-General in charge of sectoral policies (plus three main horizontal services: Secretariat general, Legal affairs, and Personnel & Administration).

These Directorates-general are organised vertically. Each of them is divided into Directorates, and each Directorate is in turn made up of Units. Accordingly, heads of unit report to directors (grade A2), and directors report to their respective Director General (grade A1). Between the level of Director general and Director, there is the post of Deputy Director-general (grades A1 and A2), with the task of coordinating and supervising a number of directorates within the same Directorate-general. In addition, some senior

officials are appointed to the post of Principal Advisor (grade A2) and attached directly to the Director general<sup>2</sup>.

Directors general are the most senior officials of the institution, and are placed just below Commissioners, although this subordination is more “political” than administrative. Directors general are in fact those who run the services, for which Commissioners are simply “responsible”.

Each Commissioner is supported by a *cabinet*, which represents another key element inside the Commission administration. Fully imported from the French administrative tradition, the cabinet is a handful of officials directly at the service of the Commissioner, and constitutes this latter’s private office. Cabinets are staffed both with career officials and people from outside. They help Commissioners to carry out their duties, in terms of policy formulation and external representation. They also act as brokers and prepare the weekly meetings of the College. Since the Commission works on the principle of collegiality, most cabinet members are charged with the task of keeping their Commissioner informed on non-portfolio policy initiatives. In addition to that, they perform a role which is more in tune with that played by cabinets assisting ministers in member states, i.e. they constitute an invaluable source of information and advice for the Commissioner, so that the latter can avoid relying on information and advice received by civil servants exclusively (Donnelly and Ritchie 1995: 40). Cabinets thus perform a two-fold mission: on the horizontal level, they mediate between Commissioners and member states; on the more vertical dimension, they mediate between Commissioners and directors general, their deputies, and directors.

### **1.1.2 Development of the Commission structure over time**

The Commission internal structure has evolved quite substantially over time, in terms of both composition, size and role of the College, and of policy areas managed by its directors general, as well as in terms of relationship between the two. These are all features important to recast Commission’s personnel policy in general, and senior personnel policy in particular.

---

<sup>2</sup> The grading system of the Commission was changed in 2004 with the adoption of the new Staff Regulations. For the sake of clarity, in this thesis I will always refer to the old grading system.

At the beginning, each Commissioner was assigned one directorate general for supervision, but with the widening of the scope of Community policies and Commission competences, resulting in the growth of this latter's services, the correspondence 1:1 between Commissioners and directorates general was lost. In some cases, the same Commissioner was in charge of more than one directorate general. In others, a single directorate general was under the co-supervision of two Commissioners. The sectoral division into administrative units inside the Commission can also be looked at through the lens of comparative politics. If the Commission is compared to the embryo of a national government, then different directorates general can be compared to national ministries. In this respect, Page noted in the mid-1990s that directorates general were in general more segmented than national ministries in cases where the powers granted to the Commission in certain policy areas were relevant, but less specialised than their national counterparts where competence were fewer, such as in the case of employment, industrial relations and social affairs, which were all regrouped within a single directorate general (Page 1997: 34).

An additional source for development of the internal organisation has been the in-fighting among directorates general for dossier ownership and competence. Very much in line with Niskanen's seminal findings (1971), different administrative units within the Commission acted with a view to enlarging and consolidating their respective *bureau*. Each of them has had a natural vocation to increase its powers and activities, including to the detriment of other units within the same institution.

A key role in the development of the internal structure of the Commission has also been played by the three horizontal services. The Legal service has ensured legal consistency throughout the Commission administration, whereas the directorate general for Personnel and Administration, which has faced strong resistance, internally and externally, against its recurrent attempts to develop common personnel practices for the whole institution and to foster the rise of single administrative culture, has performed less effectively for many years. Most important of all, the Secretariat General, directly attached to the Commission President, has worked to ensure coherence of action and solve disputes among conflicting services within the institution. In this respect, much is owed to the ability and skills of Emile Noël, who remained Secretary-general for thirty years until 1987.

In addition to this administrative in-fighting and other internal, functional/sectoral dynamics, other factors have determined the way the Commission administration has

developed over time. Stevens and Stevens, for instance, argue that “the logic of the division of responsibilities between various Commission directorates general may owe more to political infighting and bargaining between member state governments than to any concept of administrative rationality” (2001: 167).

Central to the development of the institution has also been the relationship between Commissioners and senior officials. Since the early times of the European integration, the situation in this respect was one of great “hybridisation” (Bellier 1999), in the sense that the role and responsibilities of Commissioners and senior officials – in particular directors general – were not clearly defined and separated. Cooperation and conflict between the two layers were regular, and continuously shifting over time, and across policies (cf. Christiansen 2001b; Peters 1992). All this was consistent with the finding reported by Aberbach, Putnam and Rockman in their seminal work on the relationship between mandarins and politicians in Western democracies: “We accept as generally true of modern government [...] that policy outcomes reflect, not domination by civil servants, nor by politicians, but rather, shifting coalitions that include members of both groups” (1981: 21).

Commissioners tended to get involved in administrative affairs to influence Commission’s decisions, including as a result of the rather technical profile they had to assume when compared to the typical profile of a national minister. At the same time, senior officials rather easily developed strong political sensitiveness as a consequence of the large powers the institution had been always assigned in terms of policy formulation and legislative initiative. Moreover, the common feeling was that directors general enjoyed a relatively strong independence, for they remained in office with the coming and going of Commissioners (Hine and McMahon 2004: 14). In a number of cases, the new Commissioner was obliged to work with the incumbent director general, even against his own will, for removal was hard to achieve due to the complex combination of political, organisational and national considerations behind the initial appointment of the senior official (cf. *infra*, 1.3). Over time, the situation has evolved substantially from that of the early days of the EEC Commission, when Commissioner Lemaigen could easily fire the director general responsible for the development portfolio on the basis of divergence of policy preferences (Lemaigen 1964: 146-147).

Clearly, Commissioners’ cabinets played a key role in terms of development of the internal structure of the Commission. Particularly in the past, they were much rather intrusive and

interventionist, and gave often rise to tensions with the upper echelons of the administrations, who felt bypassed by their action. Cabinets themselves have undergone some development over time as well. Since the very beginning, member states were able to secure influence in order to appoint most of the members of “their” commissioners’ cabinets (Stevens and Stevens 2001: 231). Although the first Commission President Walter Hallstein was against large cabinets, for they represented a potential threat to effective collegiality, and could be easily transformed into “national enclaves” (Michelmann 1978a), cabinets grew substantially in terms of number and powers within the institution, and became increasingly staffed on the basis of nationality. This was the situation at least until 1999, when the Santer Commission resigned.

In much wider terms, two other features of the internal structure were rather important for the further development of the institution. First, there was the “combination of legalistic and rule-based bureaucratic structure and ‘informal’ system of personal networks and ‘flexible’ working methods” (Spence 1994: 91); second, as far as the internal hierarchy was concerned, both the French administrative tradition and the views of the first Commission President, Walter Hallstein, of German nationality, were centred around the idea of a clear and structured top-down organisation of the European public service. Rather ironically, the Commission administration eventually took a structure based on the French administrative tradition, and this against the wishes of the French government itself, which would have preferred a more international-secretariat-like type of organisation.

### **1.1.3 Overall staffing: competing models and the progressive institutionalisation of a “unique form of public administration”.**

Structure was clearly important, but even more important is how such structure was progressively staffed.

Despite the innovative nature of the High Authority of the ECSC and the Commission of the EEC, involving the establishment of supranational bodies entrusted with status and powers unknown to classical international organizations, their initial staffing followed to a great extent the pattern of international secretariats. Recruitment of officials for the *supranational* High Authority and the Commission could only be *national*. Nonetheless, there was a quite diffuse feeling that their proper functioning and the mission recognized in the

Treaties of Paris and Rome (establishing respectively the ECSC and the EEC) required some degree of independence of the new administrations from national governments and national civil services.

Jean Monnet, first President of the High Authority, had in mind a small, high-professional elite bound together by a strong *esprit de corps* and firm commitment to the process of European integration, with little need for bureaucratisation and a high level of flexibility and adaptation to the fluid – and indeed uncertain – beginning of the European journey. Monnet’s vision, however, was not destined to last long. Increasing demands were placed upon the administrative services of the High Authority, and it soon became evident that some institutionalisation was not just unavoidable but also largely necessary. The administration of the High Authority – and then of the EEC Commission – was thus the result of a deal between the need to create a new institution with its own identity, and the need to preserve firm bonds with member states and national administrations. The High Authority – and even more the EEC Commission – were not set up to work in a vacuum.

Two competing views then emerged on how to strike this deal. These views clashed on how the new supranational administrations should be staffed, and none of the two could claim – at least for the first decade and a half – to have definitely succeeded onto the other.

The first of these views, backed mainly by the French government, was to second to the new administrations officials from the national bureaucracies of the six founding member states. It is worth noting that this pattern of staffing was not only similar in many respects to the one of international organisations; it also corresponded with the model of colonial administrations. A former Director general for Personnel and Administration denied that the theory of the *chasse gardée* was correct, but admitted nevertheless that in the mid-’50s “des tentatives ont existé et existent dans la mesure où la tentation est grande pour des centres de pouvoir aussi importants que les États-Nations d’organiser l’Administration européenne sur le modèle de certaines Administrations coloniales où les postes importants étaient réservés aux fonctionnaires venus de la Métropole” (Morel 1985: 129).

The opposite view supported a proper and specific career system, in which officials of the High Authority and the Commission were permanent and completely detached from any national administrations. Egeberg maintains that “the most salient historical tension in organising the Commission has been the balancing between institutionalisation

(‘autonomisation’)... and territorialisation (i.e. co-opting or installing national components in the structure)” (Egeberg 2003a: 3). The outcome of these competing views was a rather mixed pattern, and thus a combination of the two, particularly at the very beginning.

Prior to the introduction of formal statutes for the officials serving in the High Authority, in 1956, administrators were seconded by national administrations, but also by industry and commerce, or were on short-term contracts. Sonia Mazey (1992: 39) recalls that “[s]election procedures were informal; the only rule was that all candidates had to be approved by a member of the High Authority of their own nationality”. Recruitment took place on the basis of nationality and national quota, which subsequently permeated the High Authority with informal networks established along national lines. This direct role of the members of the High Authority and of Commissioners upon recruitment rapidly transformed the newly set up administration in a number of sub-groups (Mazey 1992: 39). In this respect, the early practice of the High Authority and of the Commission followed a similar pattern: recruitment was “informal, clientelistic, and by co-optation” (Stevens and Stevens 2001: 73). In 1955, René Mayer, Monnet’s successor at the head of the High Authority, had to withdraw a proposal to establish the formal incompatibility between the *fonction publique européenne* and national administrations (Mangenot 2001: 44). It was still too early for such a development and it was only in 1968 that the Statutes outlawed any dependence of Community officials vis-à-vis their member states<sup>3</sup>, thus sanctioning the final adoption of the career system.

Two provisions were mostly relevant in this respect. Article 11 of the 1968 Statutes sanctioned the independence of the administrators, and stated that they could not “solliciter ni accepter d’instruction d’aucun gouvernement, autorité, organisation ou personne extérieure à [leur] institution” (Maggi-Germain 2004: 535). The second provision was contained in Article 27, and stated the principle according to which no post could be reserved to nationals of a specific nationality. This rather successful achievement by the supranationalists – at least in legal terms – could not be given for granted until the very last moment. Still in 1966, Scheinman could write that there was “a long-standing debate on whether a fully independent career administration or a seconded (but independent) administration is best suited to the needs of the EEC” (Scheinman 1966: 761, footnote 21). In addition, it should be noted that the removal of formal ties between national

---

<sup>3</sup> Meanwhile, in 1967, with the fusion of the institutions of the three Communities, a single Commission replaced the former ECSC High authority, the ECC Commission and the Euratom Commission.



administrations/governments and European officials did not imply serious limitations to the unspoken connections between the two. And that is probably why governments eventually “accepted” to give up to such formal ties.

In terms of officials’ profile, there was a strong preference for staffing the Commission with highly specialised experts and technocrats, typical of the French system and contrary to the British practice of staffing civil services with flexible and generalist officials. The most immediate reason for this is that the French administrative model – rather than the Anglo-Saxon and Nordic one – was by far closer to the administrative traditions of the six founding member states. A more refined explanations might also consider the role of the new supranational civil service. Commission officials were charged with policy initiative and drafting of legislation, for which the sensitiveness of the ‘political’ senior servant of the French model was more suited than the neutrality of the top official of the British system, more prone to follow the political inputs of the government of the day.

In general, administrative issues and general staffing were certainly not taken into high consideration in the early years of European integration. Attention paid to the administrative and staff components remained limited. These were apparently minor aspects of the integration process at a time in which inter-governmental discussions were focussed on more substantive issues. Siotis (1964: 241) wrote a few years after the set up of the ECSC and the EEC that a “complete lack of interest in ‘trivial administrative’ matters [...] [had] characterized the period preparatory to the establishment of the Community’s institutions”. This was neither intentional nor made in bad faith. Rather, the “initial period [was] characterised by the pioneering enthusiasm of those who sincerely believed that these problems were effectively secondary when compared to the sublime objective of building a unified Europe” (Siotis 1964: 244).

However, the prominent role played by nationality, together with the relative lack of interest in administrative issues and staffing, prevented a new culture and a single institutional identity from being developed. Officials brought to Brussels their politico-administrative culture of origin, and their different styles and traditions, which then had to be amalgamated into a “unique form of public administration” (Shore 2000: 167). More than thirty years later, this unique form of public administration still had to give rise to a unique form of institutional culture.

An anthropological study carried out under the auspices of Delors at the beginning of the 1990s found that “there was no one cohesive Commission culture, but a plethora of competing cultures constructed on the basis of nationality and language, but also at some time built around departmental identities tied closely to specific policy areas or functions performed” (Cini 2001: 5). This finding should be considered in parallel to the one put forward by Bramwell in the second half of the 1980s, according to which: “The hoped-for emergence of a supra-national political culture does not seem to have taken place. The Commission rather represents a picture of irreconcilables, of intra-national strife and of inter-nation clashes. ...[there is] a sub-culture. It is that of collaboration” (Bramwell 1987: 77). This latter judgement is certainly to be assessed in comparative perspective, in the sense that it should be made by recalling that “[e]ven in nationally integrated bureaucracies... there remains a counter-pull of loyalty and interest toward locality, district and region” (Morstein Marx 1957: 91). And still, it shows that in terms of staff’s common identity the Commission has long remained a very loosely (supra-)national integrated bureaucracy. While nationality and professional expertise/area of specialisation have been key, and both decisive, in forging the Community administration.

## **1.1.4 Senior staffing: member states’ influences on top Commission appointments**

### ***1.1.4.1 An enduring legacy***

Since the very inception of the EEC, senior appointments in the Commission administration were influenced by member states, which tendered advice from national capitals on whom to appoint, and to what post. In his seminal essay on the political dynamics of European economic integration, Lindberg recalled that

[a]ccording to the Treaty, only the Commissioners themselves are nationally apportioned. However, a gentleman’s agreement was reached among the signatories by which the Commission staff would be recruited one-quarter each from France, Germany, Italy and the Benelux countries. Furthermore, the overall administrative structure of the Commission was also dictated by rather rigid national appointment considerations (1963: 72).

In his work on the European Commission, Coombes maintained that “[m]ember governments [...] took a close interest in the selection and preferment of officials” at the higher level (1970: 131). In the early years of Commission life, personnel matters was thus an intergovernmental rather than an administrative affair.

The practice of influencing the appointment of senior officials on the basis of nationality and contacts with national administrations and capitals, as well as the “fair share” agreed between member states, gave rise since the very beginning to a system of “national quotas” and national flags, which referred to the “practice of successors having the same nationality as outgoing [senior officials]” (Page 1997: 52).

Officially, the claim was that some “geographical balance” was necessary to provide the newly established institution with sufficient legitimacy, together with the capacity to work and cooperate effectively with different member states. The concepts of geographical balance and national quota, however, did not overlap perfectly. The latter was actually based on the implicit idea that some posts were informally reserved to specific nationalities, against the spirit of the European integration project itself.

Over time, the legacy of the system of national quotas and flags in senior appointments was to become one of the most powerful and enduring in all European integration history (cf. also Dimier 2002). In the end, it would last – with just minor changes – for no less than forty years. Hallstein, the first President of the European Commission, candidly admitted that “[q]uant à la nationalité des fonctionnaires, il m’a toujours semblé naïf et dogmatique de n’en pas tenir compte [...] même les fédérations exigent qu’il soit tenu compte de la nationalité dans le recrutement de leur administration” (quoted in Cassese and della Cananea 1992: 84, footnote 35). Others were neither naïf nor dogmatic, and yet the national quota system was implemented in the backstage and never officially acknowledged. According to Shore,

Officially the existence of national quotas is systematically denied. The reason for this is that discrimination on the basis of nationality would be a violation of the Treaties and a *contradiction of all that the Commission stands for*. As a result, “national quotas” are something of a taboo subject (2000: 141, e.a.).

But how was this practice established in the first place? How did it evolve? And what were to be the consequences of national quotas and flags for the Commission administration?

In discussing the very origins of this practice, the first Commission secretary general, Emile Noël, recalled that all member states had their claims on the issue of senior personnel appointments, and that they channelled these claims through “their” respective Commissioners. Obviously, Commissioners were at the centre of the system and listened carefully to advice tendered from national governments. Confirming an initial situation which had evolved very little since the 1950s, Ludlow wrote in the early ’90s that each Commissioner “has an electoral college of one, namely, the Prime Minister of his or her member state” (1991: 89), and it was therefore understandable that national pressures could easily find their way through inside the Commission.

With the adoption of the Staff Regulations in 1968, provisions dealing with senior appointments were provided, but they nevertheless left enough scope to member states and the Commission to essentially agree on whatever implementation they would deem appropriate or necessary for national and/or political reasons. Therefore, despite the formal rejection of a Commission staffed by officials seconded by national administrations as a necessary condition to ensure the Commission full independence, the issue of selecting higher officials in the new institution remained substantially a national – rather than a supranational – affair.

As far as appointments to A1 and A2 grades were concerned, article 29 (2) of the new Staff Regulations provided that “a procedure other than the competition procedure may be adopted”. It was precisely such a vague provision that consolidated the grey area existing in senior personnel appointments and left *carta bianca* to personal, national, and political discretion to fill in higher posts, while the competition procedure was almost never used at senior levels (Stevens and Stevens 2001: 82). Thus decisions on top appointments remained at the core of the relationship between Brussels and national capitals, and very much relied on member states’ as well as Commission’s assertiveness.

Hallstein, for instance, attached great importance to senior appointments and enjoyed a sort of veto power in this respect. Moreover, Noël maintains that Hallstein had equally put the directorate general for Personnel and Administration under his direct supervision and demanded that the Head of this intra-institutional service was appointed “hors quota”

(Noël 1992: 148, 151). In the following years, however, the post of director general for Personnel and Administration, a key and strategic one inside the Commission, would equally attract the interest of member states, and at some point fall within the national quota system. When the United Kingdom joined the EEC at the beginning of the 1970s, France asked that this post was given to one of its nationals (Mangenot 2001: 38).

It was precisely on the occasion of the first Community enlargement that the initial “gentleman’s agreement” among the six founders – which had survived the adoption of the Staff Regulations – had *de facto* to be renegotiated to make room for senior officials coming from the acceding member states (United Kingdom, Ireland, and Denmark). The new posts were distributed according to the size of the countries (Michelmann 1978a: 478),

At every enlargement, the practice of nationals of the new member states being appointed from the very accession to posts in the upper echelons of Commission administration was then respected. Christoph reminds that “as a new member Britain was given the opportunity to [put] some of its officials into the higher reaches of the Commission” (1993: 531), and we can certainly expect that the same occurred for Ireland and Denmark. The process of accommodating senior officials from new member states was a rather painful exercise. Writing in 1978, Michelmann mentioned in this respect that,

The Commission’s negative response to [Greece]’s initial membership application feelers was in large part a result of “expert” opinion that Greece was not sufficiently advanced economically to become a member of the European Community. But it also reflected the fear that the entrance of another country would upset the precariously established status quo with respect to national balance in posts, language, and extant influence channels (1978: 496).

Things changed slightly in the 1980s, despite the increasing difficulty of finding places for nationals of newcomers. A very frank and careful account of the Spanish case, which is worth citing extensively, comes from a special insider, a former Commission director:

[Spanish negotiators] were keen to have a say regarding any lever which might be used to Spain’s advantage. They therefore negotiated in minute detail the number and range of positions to be occupied by future Spanish EC officials.

The idea was to constrain, to the extent possible, the discretionary power of the Commission...to apportion vacancies. According to well-established procedures, the Spanish government suggested suitable candidates for the senior management posts (Vinas 2001: 120).

Again, in 1995, one director general from each of the three new member states (Austria, Finland and Sweden) was appointed within the first semester following enlargement. Austria and Sweden, in particular, “were both identifying and planning for the posts they wished to fill well before their accession” (Stevens and Stevens 2001: 120). It therefore seems that Nugent used an euphemism in referring to Community enlargements and claiming that the “Commission relies heavily on advice tendered by national capitals” (2001: 172). Rather than tendering advice, national capitals seemed able to impose their own names.

Some change into this common and long-established practice has nonetheless occurred on the occasion of the enlargement to the new member states from Central and Eastern Europe which joined the EU in May 2004. Before formal accession, the Commission had identified some 10 A1 and 42 A2 new posts to be apportioned to newcomers. The relevant difference with previous experiences was however that strict national quotas were not fixed and that rather *open competition among the ten new member states was established for the reserved posts*. As the Vice-President Kinnock clearly pointed out at the time: “These are targets and not national quota. These are targets and not maxima [...]. There will be no ‘glass ceiling’” (Speech/03/86, Brussels 19 February 2003; see also European Commission, IP/03/1465 of 28 October 2003). This innovation was possible due to both the high number of countries joining at the same time, and the new rules on senior appointments that were part of the human resources and personnel package included in the Commission administrative reform (cf. *infra* 1.2.4).

When enlargement occurred, senior officials could only be parachuted by national capitals. The term “parachutage” refers precisely to this practice of appointing officials from above, rather than as a result of a promotion and career advancement from within. Parachuting can take several forms. The most straightforward is the case of an external appointment for which the member state has strongly pushed; more generally, a rather well-established tradition was to parachute a cabinet member (who was often not a Commission career official) into a senior post on the basis of the national quota system and thanks to the

influence exercised by his Commissioner “on behalf” of the member state. Once again, this was a practice of the very first hour. Noël recalled that “certains Commissaires [avaient] fait venir dans leur cabinet, pendant les premières semaines, les collaborateurs qu’ils espéraient faire nommer ensuite aux postes de responsabilité” (Noël 1992: 154). In this way, cabinets not only performed a key role in “keeping an eye on distribution of posts in the administrative services [...] [and in] selecting candidates for posts reserved for that nationality” (Coombes 1970: 256), but were also “stepping stones [for their own members] for rapid advancement to senior posts in the Commission’s services” (Egeberg 2003b: 140).

In parallel to Commissioners’ cabinets, member states’ Permanent Representations have historically played a central role in the off-the-records staffing of the upper echelons of the Commission. Since Permanent Representations constitute the daily channel of communication between national capitals and the Community administration, they are also the main channel to exert influence on European policies, and thus on the “policy of selecting and appointing senior officials”. Each member state had a clear interest in having the “right” administrator in the sector of greatest national concern, and this interest was voiced through the Permanent Representation. In a largely unnoticed article, Peterson gives a wide picture of the situation at the beginning of the 1970s: whereas the Belgians seemed to be concerned by under-representation at senior levels, also due to their over-representation in non-administrative positions, Italians appeared to be under-represented in the upper ranks because of the difficulty of recruiting nationally administrators to be sent to Brussels (1971: 122 ss.). Along the same lines, France was very keen in supporting French officials through the higher Commission ranks (cf. also Mangenot 2001), while the Dutch seemed the most concerned with maintaining the Commission’s independence (Peterson 1971: 123).

The degree of institutionalisation (cf. Dimitrakopoulos and Page 2003: 329) of the national quota system is exemplified by the following passage, which refers precisely to the Dutch case, and provides clear evidence of how member states were heavily caught up, even against their natural attitude, into senior Commission appointments:

The Dutch government has, in the past, occasionally made recommendations of individuals to certain posts when asked to do so, but it has never seconded any bureaucrats in the same manner as the other five member governments (Smith 1973: 566-567)

Although not all national governments behaved in the same way and were intrusive to the same extent, after some time, the informal system consolidated. First of all, “as the Community progressed towards more politically sensitive areas, national governments became more representative of sectional interests through the recruitment of more national officials [...] into [the Commission] ranks to maintain a political balance” (Hocking 1974: 323). In addition, the fact that some member states performed better in terms of securing senior posts to their preferred candidates generated a firm reaction. Those member governments “who ha[d] done relatively badly in the most senior levels [...] [were encouraged] to counter the trend by trying to inject highly qualified, politically acute nationals, in pursuit of a more equitable geographical balance among the influential positions” (Middlemas 1995: 245). The role of (some) Permanent Representations thus became central in monitoring vacancies in the Commission services “with great efficiency and considerable ruthlessness” (Vinas 2001: 126), in keeping informed national governments and administrations on the opportunity to spread their influence in Brussels (Smith 2004: 5), and in offering career advice and support to Commission officials of their nationality (Kassim 2003: 145). Over time, in fact, the case of national influence being exercised through parachutage from outside the institution has decreased substantially. In addition, career officials with the right contacts could increasingly hope to be promoted or appointed to the senior post ‘flagged’ by their country. In any event, given the impact of national intervention, it was difficult to consider senior Commission eurocrats as completely detached from national politics and administrations. Somehow responding to de Gaulle’s famous critique, Caremier observed some thirty years later that “[la] mainmise des administrations nationales sur le postes de direction [de la Commission], ceci signifie [...] que les titulaires des grades A1 et A2 [...] sont parfois loin d’être apatrides” (2002: 197).

Despite the attempts by the directorates general to insulate senior appointments from national capitals’ influence, to increase control over promotion, and to foster the genuine development of a career administration in the Commission (Peterson 1971: 129), the overall situation thus remained essentially unchanged for more than forty years – notwithstanding the continuous adaptation of the Commission administrative machine to successive enlargements and to the increased scope of Community action.



The first partial departure from the original model probably occurred during the Delors' tenure. Delors and his cabinet were very able in putting loyal officials into key positions within the Commission services, and to create a sort of "parallel administration". Many of these officials were French, but Delors did not hesitate to promote and appoint officials of other nationalities when he trusted them and was expecting loyalty towards his leadership. Therefore, Delors took a close interest in senior promotions, contrary to most of his predecessors (maybe with the exception of Hallstein). That sort of personal involvement, including the relative marginalisation of the Secretary General's former role, had been unknown before his tenure: "Noël's voice was [...] always important where internal promotions were concerned. But Delors allowed Williamson much less say on promotions" (Middlemas 1995: 222). The result was a sort of "personalisation" of senior appointments, not very different from civil service politicisation typical of many administrative traditions in Europe, including the French one. It is worth noting, however, that the logic of senior appointments did not change much under Delors. First of all, he was always attentive enough not to go against long-established member states' practices in terms of national balance and reserved posts. Under Delors, a sort of "internal network" of senior posts was developed, one that was complementary rather than in conflict with the (traditional) "external networks" promoted by member states since the inception of the European Commission. Delors' legacy thus strengthened the perception inside the house that senior promotions were governed by "special" rules, more of a political rather than an administrative nature, and it was only during the presidency of Jacques Santer that a substantive reform of senior personnel policy was put on the agenda (cf. *infra* 1.2.1.2).

In terms of process, senior appointments long remained based on a procedure that was highly secretive, occasional and hardly subject to any check. For A1 posts, appointments were made through a purely oral procedure, i.e. through an informal oral agreement among Commissioners, and final decisions were adopted in a meeting of the College, on the basis of a formal proposal from the Commissioner in charge of the personnel portfolio. For A2 posts, the procedure was very much the same, in concrete terms. In addition, the opinion of the Consultative Committee on Appointments (CCN, from the French acronym) was also asked. The origins of the CCN date back to the Spierenburg report, which proposed to establish a committee to take part to appointments at the middle management level. Since 1980, and until the implementation of the Prodi-Kinnock measures on senior appointments, the CCN was thus mostly dedicated to appointments to the level of head of unit. When giving its opinion on A2 selections, the CCN was composed of the Secretary

General, the director general as well as the head of cabinet of the Commissioner responsible for personnel and administration, and three other directors general. Its opinion was of very limited impact. Moreover, the CCN worked under the constraint of the well-established tradition of senior appointments which included the need to take into account national quotas as well as the other features developed over time in the interstices of the relationship between the Commission and EU member states. In addition, there were no interviews with candidates, but just assessment of CVs. Commenting this rather volatile procedure, the Committee of Independent Experts that reported on allegations of fraud and nepotism by the Santer Commission pointed out that not only a form of “nationalisation” of senior posts had occurred, but also criticised the “questionable selection criteria, which do not necessarily bear any relation to the qualifications and experiences required for the post[s]” (Committee of Independent Experts 1999b: paragraph 6.5.46).

#### ***1.1.4.2 A possible typology of member states’ influence on senior Commission appointments***

No strict and standard pattern existed once the principle of national quota and the process of attaching ‘national flags’ to reserve specific posts had been respected. Rather, *appointments to senior posts followed a rather variegated pattern*, responding to different types of member states’ influences.

The three historically most common and relevant cases were those of 1) direct external appointments; 2) parachutage into senior ranks after some service into a Commissioner’s cabinet; or 3) nationally-backed promotion inside the institution. Several other cases existed, and they are worth mentioning in order to produce a more refined picture of different “patterns” of senior appointments.

As a fourth kind of influence on senior appointment, there is the case of those officials promoted *against* the wishes of “their” member states. Peterson referred to the case of a “permanent representation deciding to support the career of an administrator who was seen as consistently failing to support the government’s position in a specific area of Community activity” (1971: 120). This case is of special importance for it shows that the terms and *concepts of “nationality” and “national influence” cannot be used as synonymous and should in fact be kept distinct*, although they tended to overlap or coincide many times in the past.

In some even more extreme cases, the tradition of the national flag was maintained, thus appointing to the post an official of the “right” nationality, but against the wishes of his member state (Wallace 2004). Along the same lines, Coombes wrote almost forty years ago that “[s]ometimes [it was] even possible for a candidate opposed by the Commissioner of his own nationality to get appointed to a post on the basis of the support of other [national groups]” (1970: 157). A senior official mentioned that in [the 1990s], “la nomination du Directeur générale for [...], Mr [X], c’est une décision de [Commissioner X] contre le commissaire britannique et contre le gouvernement britannique” (interview n. 39, January 2007). These remarks are indicative of how national quota and reserved posts could also work in a way that was not consistent with the preferences of those who had designed the system in the very first place.

This type of situation was however rather exceptional. Much more frequent was the opposite case, where an official was not promoted simply because there was not a national interest to back him, or because there was an interest in promoting somebody else in a different policy area, of greatest interest to the member state. A top Commission official commented in this respect:

I might have been promoted [to the post of Director] much earlier than I was. I know this, for my Director-general was absolutely in favour. The problem, however, was that the cabinet [of nationality X] did not care less. It was not a personal affair. They were not even against. But they told me that my appointment would have been put on their account. And they did not want to lose a senior post reserved to the [...] government [of country X] to allow me to deal with Latin America, an area in which they had no interest whatsoever (Interview n. 1, September 2004).

The old system of selection and appointment of senior officials thus had clear consequences on staff morale, as it could often generate a strong feeling of frustration. Particularly at the level of middle management, where the hierarchical pyramid narrows and thus the number of posts and opportunities for promotion becomes more limited, advancement in career was heavily dependent on many favourable circumstances, not only in terms of networking and support by national capitals and/or commissioners’ cabinets, but also in terms of departure of a senior colleague with the “right” nationality. In the early

'70s, Peterson argued that national distribution of seats was “seen as introducing an element of chance in promotion, rather than introducing a form of pernicious outside interference” (1971: 134). By the end of the '80s, however, this “pernicious outside interference” had come to be felt heavily.

A fifth, different type of external influences on senior Commission personnel concerned member states' role *in the post-appointment phase*. Not only did national governments “sometimes use their influence to keep in place officials whose removal would be desirable from the Commission's point of view” (Michelmann 1978a: 485). They could also exercise pressure to remove senior officials who did not seem to take fully into account their policy preferences and national concerns.

These cases also demonstrate the sort of impact and consequences that the old legacy of national quota and governments' influence had on the Commission administration and the wider Community system. The most straightforward consequence is certainly on the former. Over time, the growth of the Commission has “been [in fact] conditioned not by rational, long-term planning but by short-term, political considerations, particularly the need to create jobs and provide a balanced spread of posts of adequate seniority to satisfy the member states” (Shore 2000: 182). This “irrational” growth has also represented a shortcoming from the point of view of the skills and qualifications of the appointed officials, with clear repercussion on the entire Commission machinery. Not always was the most competent official appointed to fill in the senior vacancy; staff of “uneven abilities” imposed to the Commission organisation a sort of flexibility that could be achieved by “trading seats” (Lindberg 1963: 72). In addition, this practice generated some sort of domino effect:

If a senior political post is filled by someone who is not technically able to carry out the tasks that might be expected of him or her, it is possible to appoint someone else [...] as a temporary or contract appointment or on secondment from a member state (Dimitrakopoulos and Page 2003: 330).

In other cases – and this may be taken as a sixth type – when the Commission was able to resist the appointment of unqualified people, the result was that posts may be left vacant for months, due to lack of a nationally suitable candidate. When these situations arose, a director or deputy director general could be invited to “temporarily” act (*faire fonction*) as

director general, and could stay in office with this temporary status for years (Bellier 1994: 259). Moreover, irrespective of individual skills and competence, the multiplication of high posts outside the line of direct command was forced by the many demands of member states wishing to have one of their nationals in a top leadership position within a Directorate-general in charge of a policy deemed crucial for its national interest. A decade ago, an official told Page:

Jobs for their boys, that's what the member states want. If another top job has to be found, they simply create another DG. By 2004, we'll have DG 57 for cauliflower growers, probably with a Turkish Director-General (1997: 37).

In addition to these specific types of influence, some more dynamic interactions *across* different senior appointments existed. One could witness an impasse between commissioners' cabinets – and thus often between national governments – which was then solved through “credits”. In this respect, Page maintained that “losing a battle to get one's own nominee into a key position, often brought with it the recognition that one has a much stronger claim to decide who [would] fill[...] the next vacancy” (1997: 4). The system was thus based on fixed national flags as much as on brokerage and package deals on senior appointments (Edwards and Spence 1995: 80). A much more relevant consequence of this dynamics was, however, that it could well spill over into other areas, so that the “quid pro quo on appointments, [...] sometimes [implied] concessions on substantive policy issues [as] part of the bargain” (Michelmann 1978a: 484).

This dynamics and the different types of national influence clearly impacted on the Commission. A few years after the establishment of the EEC, Lindberg recognised:

To date, it is difficult to demonstrate any adverse consequences, but it does seem that this kind of geographical distribution for staffing and recruitment might result merely in a multinational civil service, and that the idea of a truly international [sic!] one might suffer accordingly. [...] I suggest that a large and complex administrative apparatus, combined with a strict national distribution of policy-making positions, may not be particularly conducive, in the long run, to the development of real Community initiatives, and *may weaken the authority of the Commission*. (1963: 73, e.a.).

Sabino Cassese resumed the whole idea by stating that “[t]he game of mutual supervision ends up putting the Commission under supervision” (1987: 14). Along the same line, as early as the beginning of the 1970s, the feeling was essentially the same:

[i]f the member state can influence the administrators and their careers, independence may be lost. Either administrators will be recruited because of their sympathy for national positions, or they will see their future in the organization to be dependent upon not displeasing the member-states (Peterson 1971: 118).

In the same article, Peterson admitted however that it was necessary to consider the political situation of the Commission realistically. What did “independence” mean? National balance and the different types of influence could paradoxically serve a positive function and assure the Commission’s independence:

Independence is a *form of national neutrality*. [...] The perception of independence is achieved by making certain that the nationality of no member-state dominate the administration or any major part thereof. Therefore, by insisting on national distribution at all administrative levels and in all administrative units, the member states are ensuring the neutrality and thus the independence of the Commission (Peterson 1971: 121, e.a.).

Going even further, Michelmann underlined the added value that the intervention and attention by member states in senior appointments could have:

It is misleading to judge the Commission against an ideal type... [the] absolute civil servant independence from member states. Given multinational political realities, such an aseptic atmosphere would signify complete member state disinterest in Commission activity. [...] Rather than being a sign of organizational pathology, the existence of national influencing [...] is a *sign of vitality* (1978a: 495).

What emerges from these different quotations – and from the (scattered) academic literature more at large – is that, notwithstanding the normative stand (whether positive,

neutral or negative), *all support the idea of an enduring, strong, direct, and multi-type influence by member states on senior Commission appointments.*

## 1.2

### THE ADMINISTRATIVE REFORM OF THE EUROPEAN COMMISSION

A brief, historical account of the need for Commission administrative reform, and the way it was indefinitely postponed for no less than twenty years, is provided in the first paragraph of this section (1.2.1). A second paragraph (1.2.2) is devoted to presenting the administrative model – namely the New Public Management (NPM) – that has inspired the new measures adopted by the Commission, while a third paragraph (1.2.3) will introduce the main novelties of the reform in the areas of policy planning, financial control & audit, and personnel policy. Finally, a fourth and final paragraph (1.2.4) will provide a detailed account of the post-reform system of selection, appointment and redeployment of senior officials. Attention will be paid in particular to the new procedure for appointments at the top, to the appraisal of senior staff, their mobility, as well as the potential role of nationality in terms of overall geographical balance since the implementation of the reform.

#### **1.2.1 The long path towards the internal reform of the Commission.**

Almost forty years ago, Henry Brugmans wrote: “J’aimerais que l’Europe en devenir subisse, à intervalles régulières, des cures d’assainissement administratif” (1967: 338). Against this wish, the Commission civil service has grown over time without paying much consideration to its structural administrative needs. “Lack of interest in trivial administrative matters” did not characterise the early years of the European Commission only. The institution was able to survive until the time when reform became the most urgent matter following the fall in 1999 of the Santer Commission, due to issues of administration and management.

### ***1.2.1.1 An increasingly needed reform: from the Spirenburg Report (1979) to the inception of the Santer Commission (1995)***

The origins of the Commission internal reform date back to the end of the 1970s. In 1979, two land-marking reports proposed a number of measures aimed at making the Commission more authoritative, efficient and streamlined. A first report found that the number of DGs should be matched with the number of Commissioners' portfolios; personnel management should be strengthened and the Commission was to be ruled more firmly (Stevens and Stevens 1997). The second report, elaborated under the guidance of Dirk Spirenburg, was particularly forward-looking. It highlighted a number of shortcomings which were to remain unchallenged for almost two decades. The Spirenburg Report (1979) was in favour of enhancing the authority of the President in issues of administrative coordination, which was particularly poor at the level of senior officials. It underlined the need for more regular career perspectives, including empowerment of directors general in personnel decisions regarding their own staff. The Spirenburg Report also contended the excessive specialisation and multiplication of portfolios and the increasing difficulty to redistribute resources among services according to policy priorities. The Report also claimed that staff mobility inside the institution was to become "a right and an obligation" (point 91). In terms of career advancement, more attention to merit and the possibility to speed up promotions for best officials was suggested.

Most of the recommendations of the Spirenburg Report were *not* implemented, and the issue of administrative reform was downgraded again during the following years. The period in which Jacques Delors was President, was in fact characterised by limited attention to putting in order "the organisation of the house" (Peterson 1999: 55). Delors' political course did not lead to "reshaping the formal structures, working methods and attitudes of the staff, but [...] [to] bypassing the old bureaucracy and creating a parallel line of administration" (Peltonen 1999: 21). This parallel line of command proved to be certainly central to Delors' plans for Europe and essential to achieve them; it represented, however, a sort of transformation and de-institutionalisation of the Commission services.

Then, towards the end of the '80s, the Commission began for the first time to acknowledge that its ever changing nature was becoming a threat to its own capacity to fulfil the tasks it was mandated on the basis of the Treaties. Little management capacity became soon the real Commission shortcoming. In this respect, Christopherssen, the Commissioner



responsible for personnel at that time, wanted heads of unit to both manage and formulate policies at one and the same time. On two other aspects, he was particularly attentive. The first one concerned training, while the second related to the need to tackle the issue of the so-called 'mini-budgets', which referred to the creeping practice of paying temporary staff on operational rather than administrative budgets. Much of Christopherssen's intentions did not translate into concrete action. The support of Richard Hay, the British director general for personnel and administration, helped to create momentum, but this latter was soon lost when Christopherssen and Hay were both replaced towards the end of the 1980s (Stevens and Stevens 1997).

Progress made in the second half of the 1980s was nevertheless significant. For the first time, the profound transformation that the Commission was undergoing since its establishment and the repercussion on its administration began to be acknowledged. Some preliminary attention was in fact given to the management issue, although most remained at the conceptual level and very little could be achieved in terms of reform and new policy course within the institution.

This new awareness was the result of a big development the institution had been facing over the last three decades. The Commission has started in the late '50s as a policy formulator. Its main task has always been to devise and draft Community legislation. Over time, however, new tasks had been continuously entrusted to the Commission, most of which involved implementation and management of programmes, either directly or together with third public administrations and bodies. The relevance of these new tasks, paralleled by a Commission becoming chronically understaffed, were so relevant that some could argue at the beginning of the 1990s that the Commission profile had been transformed from policy entrepreneur to policy manager (Cram 1994). The Commission had thus developed from an *administration de mission* into an *administration de gestion* (Cassese and della Cananea 1992: 91; cf. also Schön-Quinlivan 2006).

Nevertheless, the institution seemed unsuited for this latter role, despite being held accountable for its own shortcomings. In this respect, the second report presented by the Committee of Independent Experts in September 1999, clearly recognized that "[t]he entrusting to the Commission of new tasks (and its acceptance of those tasks) was not preceded or even accompanied by a rigorous appraisal of existing human, financial and organisational resources" (Committee of Independent Experts 1999b: paragraph 6.2.7). In

more substantive terms, Levy found that between 1977 and 1999, there had been “no direct correlation between the rate of increase in the budget [of the EU] and the rate of increase in the size of the Commission”, the overall ratio being almost 3 to 1 (Levy 2001: 430). These data reveal that a management deficit existed (Metcalf 1992) and that integration had been “equated with taking more responsibilities rather than ensuring that existing responsibilities were discharged effectively” (Metcalf 2004: 79).

Despite the increasing difficulties to face a situation which was likely to bring the Commission to poor performance, steps to recast the role of the institution and to implement a fully-fledged administrative reform remained small and piecemeal for long. But how had this management deficit developed and why administrative adjustment had nonetheless to be postponed for almost a decade?

First, the increasing management tasks assigned to the Commission were linked to the progressive shift of the European project during the 1980s from negative to positive integration, which entailed not only expertise but a strong capacity to develop and manage administrative partnerships. Second, the absence of public and direct scrutiny did not contribute to sustain momentum and rendered administrative and management reforms a secondary objective on the Commission agenda (Kassim 2004: 26). Moreover, two further reasons can be found inside the Commission itself. The first one refers to the poor definition of responsibilities within the institution, including weak or non-existent evaluation and lack of a coherent policy in contracting out as well as towards external agencies (Kassim 2003: 160). The second – and most important – reason, was the proven reluctance of senior Commission officials to mesh with management issues. Stevens and Stevens argue that senior administrators in charge of developing Community policies “were not expected to bother themselves unduly with the chores of management” (2001: 148). A different accent on capacity – rather than on expectations – had been put by Ludlow ten years earlier, when he had referred to senior Commission staff being “better at defining directives than [...] at implementing them, stronger at planning programs than [...] at administering them.” (1991: 107). The most subtle comment, however, was made by Stevens again, and framed in terms of administrative culture: “Nombreux sont les hauts fonctionnaires qui se considèrent comme des spécialistes de la définition des politiques ou de la construction de l’Europe et non comme des gestionnaires de la finance et des ressources humaines” (Stevens 2000: 376). Thus one of the strongest resistance to change and adaptation to the new reality through a substantive administrative reform had to do

with the fact that *management was not seen as a noble task*. European officials were still ready to “die” for Europe. But who was ready to “die” to manage it?

The main reason for the management deficit and the lengthy absence of administrative reform was thus the result of the scarce capacity of the Commission to think strategically (i.e. in the long run) its role, together with a serious shortcoming in terms of internal innovations and motivation to take on the new challenges. It is also true that the changing role of the Commission was not accompanied by a clear vision of what the Commission stood for, and the direction in which it should evolve. This contributes greatly to explain the poor record and fragmented approach in dealing with management issues: “management issues will be dealt with piecemeal and, usually, inefficiently if those involved lack a clear picture of what the institution’s function within the European polity is” (Ludlow 1991: 123).

#### ***1.2.1.2 Preparing the ground: attempts of administrative reform during the Santer Commission (1995-1999)***

This much awaited and yet always postponed internal reform had become a critical issue by the time Jacques Santer was appointed President of the Commission in 1995. Santer was of the idea of “doing less, doing better”, and his approach did probably fit with the need to consolidate before integrating further. Real efforts were thus made during his mandate to tackle the issue of the Commission internal reform properly. These efforts were to eventually set an important legacy and source of ideas to his successor, Romano Prodi. Under Santer, however, they were not backed with sufficient energy and leadership, and strong ‘corporate’ resistance from the Commission ranks, together with little interest, if not opposition, by many member states, made the task of implementing the reform impossible to pursue.

During the Santer era, two major initiatives were taken, the first relating to management, the second specifically focussed on the modernisation of personnel policy.

In January 1995, the Commission envisaged to take action in the field of financial management, by adopting the Sound and Efficient Management (SEM 2000) programme (Peltonen 1999: 23). Financial management was a top priority because of the pressure coming from the Court of Auditors. Initiative was taken by Commissioner Liikanen,

responsible for the two Directorates-General of Administration and Budget, and Commissioner Gradin, in charge of the Directorate-General dealing with financial control. The programme envisaged three phases, the first and second entailing reform of the internal procedures of the Commission, the third one addressing the financial management operations carried out jointly with member states' authorities. The guiding principles of the measures to be adopted internally were rationalisation and simplification, and were intended to represent a means to enhance cost awareness, particularly by making better links between policies and their financing, and to decentralise responsibility, allowing for the set up of mechanisms for regular evaluation. SEM 2000 also intended to introduce the culture of assessing the resources available before launching new initiatives – which had represented a serious shortcoming feeding the 'management deficit'. More in-house decentralisation was also envisaged, by providing for instance that financial responsibility was transferred to individual Directorates-General, and new posts at the top level for human resource management were to be created in each Directorate-General. As far as shared financial management with member states was involved, the Commission's proposals aimed at preventing fraud, and more generally at enhancing cooperation and sound management on the field. This latter set of measures was central to the success of any reform. 80% of the expenditure was administered by member states, although the Commission was responsible for it. It thus remained vital to ensure proper spending and a sound cooperation between European and national administrations.

Despite such great effort, the SEM 2000 measures on financial management, resources control, budget planning and prioritising, and evaluation benchmarking, were not effective (Levy 2002b: 5). The main reason was probably that the programme failed to develop concomitantly the organisational and personnel infrastructure dimensions of the reform, which were to be addressed at a later stage and would have eventually faced even stronger resistance within the Commission.

In April 1997, the Commission launched the Modernisation of Administration and Personnel Policy (MAP 2000) programme. The guiding principles were again simplification and rationalisation, together with administrative decentralisation. MAP 2000 aimed at empowering administrators at all levels to become agents of their own resource management systems (Peltonen 1999: 27). The programme was complementary to SEM 2000 and envisaged three kinds of reform: 1) transferral of competencies from the Directorates-General for Personnel and Administration to all other Directorates-general,

including appointments to middle management positions (level of head of unit), and incentives to foster internal mobility; 2) an overall modernisation of the administration by streamlining internal procedure; 3) a thorough reform of personnel policy, with the aim to achieve better professional performance by improving skills of the staff and implementing a system based on merit. MAP 2000 did little, however, to intervene on the administrative culture. The sort of ‘silent revolution’ that it intended to bring in could not be achieved by simple implementation. A serious effort should have been made to ensure that the staff did constantly follow suit. It was of little consequence, for instance, to talk about a new merit-based career system if this could in no way change the staff perception that nationally-centred networks mattered more than performance in getting promotions and interesting jobs. In a nutshell, MAP 2000 constituted an important reflection on how to “decentralise and devolve powers, simplifying procedures and identifying and applying new approaches in the administration and management of human resources” (Cini 2001: 6). But the Commission proved better at devising than implementing the reform. The situation worsened in spring 1998, when a report containing a set of possible measures was made public and raised such a strong opposition within the services that a strike was triggered at the end of April of that year. In line with measures introduced in some Anglo-Saxon countries, the Caston report suggested that at managerial level pay could be at least partially related to performance; it proposed renewable contracts at the top level, linked to achievements of objectives set in advance, and a fair method to terminate contracts of underperforming staff (Peltonen 1999: 35-36). Some measures included into the report were going to be picked up again in less than a couple of years, to be eventually integrated into the fully-fledged reform package introduced by Prodi and Kinnock. Times, however, were still not mature enough in 1998, and nobody could expect than in less than one year the most serious crisis since the early days of its inception would have forced the Commission to resign.

Among other factors, failure to achieve reform under Santer was probably due to opposition of a substantial group of senior officials towards the idea of “embarking upon relatively unrewarding managerial responsibilities” (Stevens 2002: 7). Towards the end of the 1990s, the Commission was clearly affected, as Kinnock himself referred to it, by a serious “organisational arthritis” (2002: 23).

The events leading to the resignation of the Santer Commission have been carefully analysed in the literature (Cini 2007: 27-57). The Committee of Independent Experts set up

to report on allegations of mismanagement and fraud concluded in March 1999 that serious shortcomings existed in this respect, including also cases of nepotism. The fact that such shortcomings were found in as many different fields of Commission activity as tourism, Med programmes, humanitarian assistance and the Leonardo programme, was taken as an alarm bell that revealed that a structural problem existed: “[t]he Commission did not resign because of bad policies, policy failures or a dispute with the Council over policy. It resigned because of manifold failure in the management process from the highest to the lowest levels” (Levy 2001: 424). In particular, not only had the Commission political authorities badly managed resources and its “unfortunate by-product” (Craig 2000: 109), i.e. the policy of contracting-out; they had not retained control over the administration they were supposed to run (Committee of Independent Experts 1999b: paragraph 9.2.2). The blatant admission of failure by Commissioners (MacMullen 1999b: 201) could be taken as a valid argument, and the College resigned *en bloc* on the eve of a very uncertain vote of confidence by the European Parliament.

#### ***1.2.1.3 Succeeding the reform: Prodi/Kinnock (1999-2004)***

Despite the great efforts, and the fact that it had been the first one to seriously tackle the issue of management and administrative reform (Stevens 2000: 374), reform under Santer failed. Georgakakis offers an explanation in this respect: the internal reform launched by Santer alienated many officials and gave rise to resistances and in-house frustration, which in turn constituted a “terreau fertile pour la ‘mise en scandale’ du collègue fin 1998” (2001: 267). Starting from this evidence, Kinnock made its own reform process as inclusive as possible, and attached great importance to develop a feeling of ‘reform ownership’ within the Commission services (Kinnock 2004).

A second feature of the new Commission, and a likely element that proved decisive in order to successfully pass the reform, was the remark made by the Committee of Independent Experts’ report, which “assumed that the legal position of Commissioners is comparable to that of ministers in a parliamentary system of government” (Mehde 2003: 429). This interpretation the experts made of the Commissioners’ role was to have serious impact on the possibility of achieving the reform as well as on its likely content. The legal interpretation of the role of the College made in the report had in fact serious implications for the political dimension of the administrative reform, as it was in line with – and used by – the incoming President Romano Prodi, who, from the very beginning, referred to the

Commission as the “European government”, and made the institution more presidential and more ministerial during his tenure (Prodi 2008: 18-21).

When the new Commission was installed, the process of reform was fairly clearly mapped and an explicit mandate was given to Prodi by the European Council to undertake the much awaited internal reform. The most sensitive issue was therefore to secure support by those who had to implement reform in the first place, and thus to secure cooperation of senior officials in individual directorates general (Hine and McMahon 2004: 16). What was to be invented from scratch was thus the *implementation strategy* rather than the content of the reform (Kassim 2004: 33). In this respect a task force was set up under the chairmanship of Claude Chêne. The task force formulated proposals which came to constitute the White Paper published in March 2000 (European Commission 2000a; 2000b). The White Paper reflected many of the proposals of the second Committee of Independent Experts’ report, as well as of SEM 2000 and MAP 2000 and many other documents elaborated over the previous few years. Many lessons learned were also taken from the experience of other organisations and administrations.

The success of the reform was possible mainly due to the elaboration of a comprehensible action plan with timetable, full transparency, staff consultation and discussion with staff unions, thus improving the collective ownership of the reform. It is not by chance that the chapter on human resources and personnel policy was the most sensitive and difficult to handle.

### **1.2.2 Inspiring the content of the reform: the New Public Management**

Administrative reforms can hardly be achieved once and for all. They need to adapt to the ever changing social and political systems. They also have to keep the pace with innovation. This is even more so at the European level, where context and rules changes continuously due to the very nature of the European integration project. This was, at least, the belief of the major actor behind the reform at the time, the Vice-President Kinnock. Towards the end of his mandate, he clearly suggested that “The Commission should never claim that the modernising effort is immaculate and concluded” (Kinnock 2004: 11). Very much in line with the far-sighted opinion put forward by Henry Brugmans, who anticipated almost forty years earlier that “aucune grande entreprise contemporaine ne songerait plus à avoir un

service du personnel qui se contenterait de recruter, de sélectionner, de déplacer et, au besoin, de licencier. A l'heure actuelle, le 'management' administratif veille quotidiennement à la modernisation de l'appareil, à la réforme ininterrompue des services" (1967: 340).

These two comments by Kinnock and Brugmans are particularly useful for introducing the philosophy of the New Public Management (NPM) which inspired the Commission reform.

The NPM is centred around the idea that the public sector has a lot to learn from private management, not only in terms of policy innovations but also in terms of approach that should accompany the reform as well as of permanent process of public administration improvement. The quotations by Kinnock and Brugmans reflect the organisational point of view according to which *institutions require constant adaptation*. The spirit behind the Commission reform – fully in tune with the spirit of changes in the public sector occurred in most Western democracies over the last two decades – is probably best captured by focussing on the “agents of change”. This focus requires looking at those actors who were asked to implement the reform in the first place, and at their capacity to bring forward a managerial revolution. Now, such spirit and this managerial shift are based on a “new look”, and an actor-centred approach. It is not enough to adopt new management practices if this is not accompanied by a corresponding change in rigid bureaucratic institutions. Management is based on the permanent search for the best solution. According to Bresser-Pereira, “[g]ood managers are continually looking for better ways of managing their organizations. [...] One of the most important managerial principles is that there is no steady state growth path or ‘automatic pilot’ mechanism for organisations. It is a false optimism of inexperienced managers – and of bureaucratic officials – to believe that they will find a formula that will stand on its own, valid in all situations at all times” (2004: 188).

In line with this view, we understand why the public service, intended as both personnel and administration on the one hand, and as implementation of programmes on the other, becomes the focus of a new activity *per se*. What was before a simple tool is now regarded through the lens of the NPM as an end in itself, deserving constant investment of resources and attention. If public management was seen in the past as a process through which resources were allocated and programmes implemented, it has now become, with the NPM, a “policy on its own”. Under this perspective, we understand the statement by



Christensen and Lægreid, according to which, “[f]or a reform to be labelled NPM it must constitute an *intentional* effort by central political-administrative actors to change the structure, processes or personnel of the public sector” (2001b: 18, e.a.). Reform is no longer a once-and-for-all push to modernise the public administration, but becomes a fully-fledged policy, which requires commitment over time, strategic vision, and awareness that modern bureaucracies demand continuous adaptation to their changing environments. Thus with NPM, reform is – despite the apparent oxymoron – institutionalised.

The NPM was first developed in countries of Anglo-saxon tradition and has been subsequently “exported” in most western democracies during the 1980s and the 1990s (cf. Gualmini 2008). Globalisation impacted on national administrations, by creating the conditions for these to be more exposed to direct competition, and thus requiring national civil services to become more effective and better adapted to the new international context. In addition, the wide-spread perception was that public sector performance was lower than that of the private sector; that public administrations were growing irrationally and uncontrolled; that the high level of spending – together with national indebtedness – had reached intolerable levels; and that responsiveness to demands coming from both citizens and public sector staff was very low, particularly if measured against increasing inefficiencies and waste of public money.

In this respect, the most relevant change introduced by the NPM has been the radical shift from input to output, and from process to product. Middlemas argue that the common claim of NPM reforms is the “replacement of ‘rules-based, process-driven’ routines by increased emphasis on ‘result orientation’”. The underlying idea [i]s that decreasing emphasis on ex ante and procedural controls over public sector managers would be balanced by increased emphasis on ex post evaluation of results” (1995: 271). The new focus was thus on efficiency rather than legitimacy.

The new approach also implied more competition both between the private and the public sectors and within the public administration itself. The NPM sees competition in the public domain as the key to lower costs and to the achievement of higher standards. The emphasis is all on economic values and principles. In concrete terms, this means that explicit targets and measures of performance are set as a basic precondition for the development of an accountable public sector.

Another major feature of the NPM is decentralisation and devolution, conceived as the process of disaggregating the public authority into smaller and more effective units, as the empowerment of line officials through transferral of competences and responsibilities, or the establishment of implementing agencies as a result of “contracting out” the public sector. The underlining principle of these processes is that complicated formal structures, once distinctive of the public sector, are now signs of – and conducive to – poor management, particularly when underperforming and showing poor results in terms of productivity, efficiency and delivery (Christensen and Lægheid 2001b: 18). This is, in turn, fully in line with the wider principle of parsimony in the use of money and resources which permeates the NPM philosophy.

Finally, one of the most significant consequences of the introduction of NPM measures into the public sector is the impact that reforms have had on the relationship between politicians and senior civil servants. We may think that decentralisation, empowerment to administrative units and the principle of “letting the managers manage” would result into greater bureaucratic power in the hands of public servants, and thus into a parallel reduction of control of the political level onto the administration. The opposite case, however, may be also perfectly true. In this latter case, performance assessment, as well as result-based public management, could weaken mandarins’ position vis-à-vis their political bosses, for the former are more exposed to direct scrutiny from the top, and potentially also to scapegoating in case of policy failure, and thus to transfer or even removal. These alternative scenarios lead us to consider a parallel double development in the relationship between politicians and top officials. On the one side, a sharper distinction between the two categories may be noted; on the other, a much blurred relationship could arise in the post-reform phase. On this very point, Pollitt and Bouckaert argue that these different scenarios are not mutually exclusive: “managers do appear to have gained extra authority in a number of ways but at the same time political control has been vigorously reasserted [...] There is no *necessary* contradiction between these two developments” (2000: 146, e.o.). Other scholars argue along the same lines: “a sharper division between politics and administration [...] would increase both political control *and* administrative discretion at the same time, creating better policies and services in the public sector” (Christensen and Lægheid 2001c: 96-97).

It should also be taken into consideration that the NPM itself has developed in response to the crisis of the state model and the public sector, that was asking for renewed

assertiveness of politics upon bureaucracy. What is certainly true is that the forms of control exercised by elected officials upon public administrations have changed. Christensen and Lægreid (2001c: 109) stress that accountability and control are no longer based on “process, hierarch[y] [...], trust and cultural traditions” but rather on the introduction of contracts based on outputs and competition. In parallel with the conferral of policy discretion onto them, senior servants are now subject to performance appraisal on a regular basis, in general every few years (cf. Baker 1992; Hood 1998b; Heinrich 1999; Christensen and Lægreid 2001d). This appraisal is made on the basis of goals agreed at the beginning of their tenure of office, is regularly carried out, and constitutes the ‘guideline’ for politicians when deciding upon new assignments. From the organisational point of view, this means that incentives and competition are the new factors that allow the wheel to turn. This is so relevant that Bresser-Pereira argues that “when we have a public management system in action, an incentive system is a natural part of it” (2004: 188).

Contracts has also fostered internal mobility, particularly at the time of their periodic renewal (Lægreid 2001: 153-154). In turn, this has led to a progressive transformation of senior servants from specialists (typical for instance of the French administrative tradition), into generalists (typical of the British and Nordic civil services). Some refinement of the points raised so far can be made by focussing on the ‘merit’ dimension. The NPM has introduced performance based on merit and merit-based career in civil services. Contractualism, however, has at the same time provided a tool in the hands of politicians for greater control of top officials, including room for increased politicisation. This means that there might be, potentially at least, the ‘temptation’ for politicians to “increasingly intervene[...] in hiring and firing managers, to avoid what would otherwise [...] be [...] a loss of control over implementation processes” (Middlemas 1995: 270), and thus that merit-based promotions and careers could turn out to be sacrificed to the desire for ever stricter top-down control (Christensen and Lægreid 2001c: 107).

NPM was a source of inspiration for the Commission reform from its design to its implementation. Strong “bureaucratic” resistance within the Commission has been the source of the difficulties faced by the Santer Commission at the time of implementing SEM 2000 and MAP 2000 (cf. *supra*, 1.2.1.2 and 1.2.1.3). The introduction of those measures was required by the need to bring the institution in line with its ever evolving role and in tune with the dynamic development known by European integration over its first forty years of experience. Many of the innovations proposed in the second half of the 1990s were to be

retained by the new Prodi Commission, to become part of the package of reforms. Therefore, it is fair to say that, in a sense, the *attention paid by the Commission to the NPM had begun much earlier than 1999*. If we take this year as a watershed, we see that the main difference in terms of internal reform between the period before and after 1999, is that the years under Santer were characterised by reflection rather than action, whereas in the post-1999 there was more action than reflection. Undoubtedly, however, Levy is right in claiming that the Commission had not remained immune to the NPM, even before 1999, at least in terms of “intention” (Levy 2003b: 83).

### **1.2.3 Reforming the Commission: the main features**

To fully understand the mix of new measures introduced by Prodi and Kinnock, it is not enough to consider the preliminary efforts made by Santer. In addition to that, the second Committee of Independent Experts’ report of September 1999 and the reasons underlying the fall of the Santer Commission provided a strong legacy and the alarm bell for the new Commission. The new provisions to make the Commission administration more internally competitive and decentralised were firmly counterbalanced by the need to avoid any loss of control capacity by the political layer – the college of Commissioners – onto the services – the Directorates-general, for this loss had been considered one of the major loophole and source of blame at the time of the Commission crisis in spring 1999. Therefore, a number of NPM measures and features, together with some more traditional concerns, gives a precise idea of the type of reform that was designed and implemented under the Presidency of Romano Prodi. Kinnock, again, best summarised this twofold concern by claiming that the aim of the reform was to create “an environment, an ethos, of answerability *in* the Commission and *by* the Commission” (Kinnock 2002: 23, e.o.).

The administrative reform concerned three main areas: (1) strategic planning and programming; (2) modernisation of financial control and audit systems, and (3) innovation in personnel policy. In addition, the reform impacted upon (4) the relationship between commissioners and senior Commission officials.

### *1.2.3.1 Matching resources with policies*

The first area to be permeated by the whole modernising effort was strategic planning and programming, where it was felt that a better “matching between resources and policies” had to be addressed. At the beginning of the '90s, former Commissioner Peter Sutherland contested that “[t]he Commission [wa]s not flexible enough in its personnel and human resource management policies to move people into the right places as the pressures of work and policy priorities change[d]” (1992: 4). A new system of Activity-Based Management (ABM) and Annual Policy Strategy (APS) was thus introduced, with the aim of planning Commission activities and the redeployment of its staff on the basis of the working programme of the institution and the political priorities of its leadership.

The idea that resources are distributed according to policy needs is very typical of the NPM, and its fully part of the idea that the new public sector has a “continuous need to monitor, assess and prioritise” (Kinnock 2002: 24), once again tying coherently with the idea that adaptation to change cannot take place once-and-for-all but requires a constant effort. Towards the very end of the Santer Commission, an important exercise named Designing Tomorrow’s Commission (DECODE, from its French acronym) was conducted to “provide Commissioners with up-date knowledge of what the Commission [wa]s actually doing at th[at time]” (Levy 2003b: 86), and thus facilitate decision-taking concerning the reorganisation of the services and reallocation of resources. Almost concomitantly, the Committee of Independent Experts’ report asked for a revision of the number of directorates general and for a new allocation of tasks on the basis of institution’s genuine requirements (1999b: paragraph 6.2.31). The legacy was thus rather consolidated when the new Commission started reflecting on this issue. Notwithstanding this, Levy argued that the new tools were not been fully kept with their intended and original functions, once transposed into the European institution: “ABM is seen [within and by the Commission] primarily as a tool for defining policy objectives and priorities, then selecting the activities necessary to pursue them and allocating resources to the activities” (2002: 10). Another potential black hole into the new strategic planning and programming relates to the policy-formulating and decision-making processes inside the Commission. It may turn out that reform have “added additional tasks to an increasingly heavy workload, and [that] the reform process has developed numerous evaluation mechanisms without simplifying procedures or providing a clearer sense of the demands being placed on the unit or the individual concerned” (Christiansen and Gray 2004: 21). Should this be eventually the case,

one of the most important added value of the NPM could get lost, namely the improvement in efficiency and quality of Commission decisions and management, and its output-based and customer-oriented activities.

All this should be assessed together with the wider developments faced by the Commission. In response to the criticisms that it was facing a serious stalemate due to a chronic problem of understaffing, it was proposed that a fully-fledged policy of externalisation be put in place. It was not just a question of reassigning resources on the basis of policy priorities. In order to refocus the Commission on its core tasks and responsibilities, direct management was also to be outsourced. In Craig's words, "[p]olicy decisions remain with the Commission, implementation is assigned to the agency" (2003: 12). Clearly, the agency would not be empowered to handle tasks requiring discretionary powers, and would be headed by a Community official, so that last control would remain in the hands of the Commission. This sort of approach represents a perfect example of the combination of the NPM philosophy with the need to "steer rather than row", and of the strategy adopted by the political authorities to avoid loss of control over the administrative services. Externalisation, outsourcing and decentralisation towards executive agencies is fully in line with the NPM agenda. At the same time, such an approach would allow the Commission leadership to free part of its human resources and to reallocate them to the task of policy formulation rather than policy implementation, with the consequent strengthening of its capacity to hold a firmer control on the bureaucratic machine. This approach was also put forward by the Commission in the White Paper on governance in July 2000, which aimed at recasting the institution in its original place at the core of the European political and legislative system.

### ***1.2.3.2 Financial control and audit***

The second major area of reform inside the Commission dealt with the modernisation of its financial control and audit systems. Until the reform, the system for financial control was very centralised and organised around a directorate general (former DG XX). Over time, any attempts to transfer the function of authorising expenditures to officers in the spending directorates general had been resisted. The major limit to the system was that DG XX made both the ex ante audit of claims and the ex post audit, thus giving rise to circularity (Levy 1997: 212). In addition to that, horizontal and vertical coordination was weak, as was the link between budgeting and evaluation.

With the reform, ex ante approval of individual transactions has been decentralised to the spending directorates general, and the control function is devolved to those officials who authorise expenditure. This development is consistent with the spirit of the NPM. And once again, the new approach reflects one of the recommendations included in the Committee of Independent Experts' report, according to which "[t]he responsibility for authorization of expenditure should be linked to responsibility for the carrying out of the operation. Responsibility should, in this sense, be 'repatriated'" (cf. Craig 2003: 9). Kinnock has underlined the radical shift that these provisions aiming at decentralisation of financial control were meant to produce for the Commission organisation:

It is hard to think of an operational and cultural change more radical than one that replaces a 40-year-old financial management system in which responsibility could always be passed on to a central authority with a system in which individual responsibility is explicit and subject to continual monitoring and assessment (2002: 26).

This is not to say, however, that the role of the central financial service has diminished. Rather, it has been redefined, and is now centred on the monitoring of Commission-wide internal control standards. The reform has thus empowered line officials and strengthened the capacity of directors general to design their control system and use it according to the specificities of the various services (cf. Craeynest and Saarilahti 2004). As a consequence, each director general will have an internal audit capacity to ensure that his instructions are followed and that risks for which he is ultimately responsible are clearly identified. Moreover, the director general is asked to confirm an annual activity report that includes a chapter on the achievements in implementing the audit and financial control dimensions of the reform. Brian Gray, Accounting Officer of the Commission since 2003, stressed the positive implication that this yearly exercise was likely to have:

The concrete reality of signing an annual declaration, and signing individual transactions in the accounting system, [has] raised to stratospheric levels the awareness by the Director-General and his senior staff of financial management and control standards (2004: 57).

Notwithstanding the important improvements, the new financial control and audit systems were not implemented without costs. There were some concerns that decentralisation prompted a loss of economies of scale and, again, that the new redistribution of functions and responsibilities had hardly been accompanied by a simplification of procedures. In addition to that, better performance and monitoring capacity of the audit and financial control systems do not automatically imply that Commission management is now completely safe from fraud. This issue is central to the entire reform, if we recall that fraud and mismanagement – and to a lesser extent nepotism – determined the fall of the Santer Commission and contributed to the creation of the momentum required to pass and implement a sound internal reform, including in strategic planning and personnel policy, after twenty years of European administrative stalemate. Nevertheless, it cannot be considered that the Commission is now completely risk-free. No reform of whatever kind could actually ensure this. Once again, the simple reason for that is best explained by an observer who was particularly well-placed inside the Commission to comment upon:

The Commission cannot have the ambition of checking on the spot every farmer's aid application or researcher's cost claim. Eighty per cent of aid is managed, controlled and paid out by the member states. [...] There will always be a risk that beneficiaries such as farmers or research institutions will claim money to which they are not fully entitled, by error or by design. The challenge is to *manage the risk*, and to take cost-effective measures to reduce it to the minimum (Gray 2004: 59, e.a.).

### ***1.2.3.3 Personnel policy***

The third major area of reform concerned personnel policy. The most innovative change here aimed at the empowerment of managers and staff. The best definition of what is meant by “empowerment” can be probably found into the Committee of Independent Experts' second report. The definition is worth quoting in full:

Empowerment means enhancing staff members' professional awareness, their attachment to the institution and their feeling of involvement in the life and problems of their own administration [...]. However, empowerment also means making officials clearly and directly responsible for their own activities and for accomplishing the duties allocated to them (1999b: paragraph 6.3.19).



This approach represents a structural change in the institutional accountability system. For the first time since the establishment of the Commission, specific responsibilities would be assigned to all staff individually; there would be a written agreement of what the institution expects from each official and a common understanding that his performance will be measured on the basis of achievements measured against initially-set goals (Kinnock 2002: 24). Such empowerment could only be possible through a more rigorous approach to staff promotions, that was a precondition for allowing the spirit of reform to spread within the institution. In the words of John Peterson:

there is no question that internal Commission selection procedures are undergoing significant change. [...] A new path for career progression within the Commission – far more sensible and flexible than the one it replaces – is being developed. The credentials of candidates seeking posts are being examined far more thoroughly than ever before. Despite the pathologies associated with reform, the spirit of reform within the Commission is undeniable (2003: 23-24).

Empowerment of staff goes hand in hand with a new merit-based career system. The Committee of Independent Experts' second report was clear in stating that "[r]ecognition of merit cannot be a mere slogan with no consequences in practice" (1999b: paragraph 6.3.3). Moreover, effective use of individual merit and of an appraisal system is essential in order to pursue the objective of a new management culture based on output and results rather than input and processes. According to Stevens and Stevens, "[i]f performance is not a key feature in career advancement, management is deprived of one of its major tools" (2001: 36). This new staff appraisal system is based on the "career development review", which consists in an assessment of each official based on three criteria: a) performance relative to objectives; b) demonstration of abilities and c) conduct (Coull and Lewis 2003: 5). A new career system that is more regular and simple, has been adopted in 2004, by amending the Staff Regulations. The old four categories (A, B, C, D) have been reduced to two: administrators, equivalent to the old A grade, corresponding to officials; and assistants, replacing categories B and C (secretaries), while category D has been phased out. Coull and Lewis claim that the outcome of the new grading and career system should be that "an official recruited at a low grade in the new system can, through proven merit, reach a much higher level of pay and responsibility than under the old" (2003: 4).

Finally, empowerment and merit-based career should be considered in parallel to the first objective mentioned above: that of “matching resources with policies”. The traditional French-type Commission administration was based on expertise and staffed with specialists. Ziller pointed out in this respect that “lors du premier élargissement, il était trop tard pour établir l’une des pratiques fondamentales du *civil service*: la mobilité entre services comme condition de l’avancement” (2000: 361, e.o.). But national administrations have begun to be staffed with generalists rather than specialists, as a result of implementation of NPM reforms, in line with the idea of fostering intra-institutional mobility and transforming senior officials in top managers. Similarly – and again in line with the NPM philosophy – the Commission’s attempt to increase intra-institutional mobility can be thus seen as part of its wider effort to institutionalise reform and to promote further transformation from administration to management. In the Commission own words:

[A]fter a certain learning phase new jobholders are highly creative and innovative. Then, after about four years, the job becomes routine, with the danger that motivation and innovative drive will wane. Staff mobility can help the administration to draw on its own resources to maintain dynamism and keep its outlook fresh (European Commission 2002a: 9).

#### ***1.2.3.4 Impact of reform on relationship between commissioners and senior officials***

Finally, the Commission reform may have well impacted on the relationship between Commissioners and senior officials. Peters and Pierre claim that the “NPM [has] downplay[ed] the role and significance of elected officials...[and that] political leadership is tied less to formal elected office and more to matters of political entrepreneurship” (1998a: 227), a situation which is very much the normality faced by European Commissioners. Along the same lines, Mehde argues that in terms of relationship between Commissioners and top officials, “the British model of New Public Management has created a policy-administration-divide that has always been present in the Commission’s organizational framework” (2003: 438), and which has therefore paved the way to the introduction of NPM measures. Another major aspect to be considered is the sort of administrative model that has developed following public management reform. Although it is true that the hierarchical, rule-based administrative system of the Commission was quite at the opposite of the new public sector systems that the NPM intended to give rise to, it cannot be

forgotten that the Commission is at the centre of a wider governance system which has not much to share with the classical government-bureaucracy model, and represents a very fertile humus to sow the seeds of public management reform. This does not clearly imply that a shift away from the “legalism [that] permeates all aspects of the Commission’s work, including its approach to policy, particularly personnel policy and staff-management relations” (Shore 2000: 132-133) has not constituted a strong source of resistance to change and has long remained difficult to overcome.

By comparing the case of the Commission to the tradition of EU member states, Stevens and Stevens noted that the traditional notion of “loyalty to the government of the day” could not be fruitfully transplanted in Brussels:

Within the European Union, the focus for loyalty is less clearly defined. There is...[no] government of the day with a specific manifesto towards which loyalty may be exacted. The statute is clear: there is a formal duty of hierarchical obedience enunciated in Article 21 (2001: 69).

In another passage, the same authors argue that “the ambiguity of the role of the College of Commissioners makes the political oversight of their services a particularly difficult problem” (Stevens and Stevens 2001: 222). This problem was clearly pointed out in 1999, when the Committee of Independent Experts reported that the Commission had essentially “lost control” of its services. It is thus understandable that the new College headed by Prodi was very sensitive to the issue of political control over the upper ranks of the administration, and why such issue became part of the internal reform of the Commission. President Prodi claimed in 2002:

we want to confirm the primacy of the political dimension of this Commission. The portfolios and the conduct of the policy are the responsibility of the [college of the] Commission (European Commission, IP/02/124 of 23 January 2002).

The reform has also supposedly enhanced the clarification of roles and respective responsibilities of commissioners and senior administrators. According to Kinnock:

we have clearly defined the boundaries between political and administrative responsibility; we have asked our top management to take full responsibility for their own performance and the performance of their departments (2002: 27).

The reform of the European public sector has therefore strengthened the control capacity of Commissioners over senior officials and the accountability of these latter vis-à-vis the political layer of the Commission. We need to bear in mind, however, that this has very likely occurred in parallel with the new empowerment of top Commission officials and to the development of the principle of “individual responsibility” for senior staff (Levy 2003: 653-654) that the internal decentralisation process has brought about. Stronger top-down control and greater empowerment are not necessarily contradictory developments of NPM-type reforms (cf. supra, 1.2.2). And the idea of this complementarity as far as the Commission is concerned is maybe best captured by a sentence contained in the second Committee of Independent Experts’ report, that describes decentralisation as “responsibility *for* the tasks allocated to [senior officials] [...] and responsibility *towards* the institution” (1999b: paragraph 6.3.23, e.o.).

#### **1.2.4 Reforming the appointment and management of senior Commission officials**

The literature is rather unanimous in acknowledging that the Commission human resources and personnel policy was the most difficult area to reform. If this is the case, it is very much likely that reform of appointments and management at the top has been the most difficult and delicate part of the whole personnel policy, for both the interests involved and the domino effect that new provisions in this area had on all Commission staff. This special consideration also explains why despite being closely related, “[r]eform of procedures relating to the appraisal, selection and appointment of senior officials was agreed independently of [new appraisal and promotion systems for the Commission staff]” (Kassim 2004b: 54).

It is not by chance, then, that very little had been done in order to change the system of senior appointments prior to 1999. In various proposals on the Commission internal reform, the issue was only marginally considered. Then, at the time of the 1999 crisis, the

issue of promotion to senior ranks came under criticism. Modernisation of personnel policy and of the administration in general required that deep changes were introduced in those areas which had historically been more resistant to innovation. The relevance of the policy of senior appointments was such that it was not treated as one area among others in the reform package. Rather, *senior appointments came to be regarded as a test-case*, for many were reluctant to believe that the old legacy could be seriously and credibly discontinued. Jamar and Wessels had already suggested some fifteen years before that “if [...] the top bureaucratic positions are perceived as national ‘sanctuaries’, then there are small margins for the necessary reforms and adaptation” (1985: 15). The new Commission was probably well aware of that. That is why senior personnel selection and management were put at the core of the new human resources policy, under close scrutiny. It was in this area that the new Commission leadership had to prove that things could be handled differently from how they had always been. The practical as well as symbolic dimension of reform in this area was openly recognised by the Committee of Independent Experts’ report: “It is high time [...] – they wrote in September 1999 – that we reverted to the spirit of European integration and at least attempted to reduce the significance of national balances” (1999b: paragraph 6.2.28).

Reform in this area could no longer be postponed. National quotas and member states’ direct and constant influence on senior appointments might have been functional in the early years of Community activities, when the Commission was in search of legitimisation, and co-optation at the top seemed the best way to avoid marginalisation and ensure bureaucratic interpenetration with national administrations. Over time, the initial practice had evolved only to the extent of adapting the system to successive enlargements and to the expansion of Commission policy scope (cf. supra, 1.1.4.1) Forty years later, however, the “traditional” policy of senior appointments was no longer justifiable on the basis that had brought it about in the first place. There still was the same big concern of the early years, namely, legitimisation, together with good administrative record, but they now required a far-reaching transformation of the old system. In this respect, the best argument is probably found in the European Parliament Report that commented the first Committee of Independent Experts’ first report:

Up to a certain point, [narrow national and partisan political considerations in appointments are] inevitable [...] The current balance, however, appear to be wrong. In particular, the need to find a ‘geographical balance’ between

nationalities of the senior office holders in the Commission appears to be compromising the independence of the European civil service... if left untouched, is likely to become even more acute in the future with a large-scale enlargement of the European Union (quoted in Committee of Independent Experts 1999b: paragraph 6.2.21).

#### ***1.2.4.1 The new procedure for senior appointments in the Commission.***

One of the main innovative feature concerning senior appointments is the publication of vacancies. Publication is aimed at improving the transparency of the selection procedure, but also at ensuring that all candidates are treated fairly and that the Commission does not give up the possibility of attracting the best candidates to fill in senior posts. Publication of the post is compulsory inside the institution, and optional externally. The idea is that all Commission staff with the right qualifications should be allowed to apply, consistently with the wider aim of transforming senior officials into top managers, and thus encouraging intra-Commission mobility and the rise of a class of generalists at the top. These developments might also have an impact on the sense of belonging of senior Commission officials, for they would counter the situation described by Page at the beginning of the 1990s, according to which “the factors reinforcing some degree of identity of senior officials with a European civil service with some degree of career mobility and an emphasis upon versatility rather than specialisation, [we]re weak” (1992: 182).

As far as external publication is concerned, this takes place mostly when the Commission appears to lack internally the expertise to fill through promotion or mobility some particularly technical posts, as well as when it needs to improve competition for that post<sup>4</sup>. The decision to advertise the vacancy externally is taken by the Commissioner in charge of the policy area in which the post is to be filled (‘recruiting Commissioner’), in agreement with the Vice-President for personnel and administration. If the vacancy is for a post of Director general, the agreement of the Commission President is also required. External publications clearly means to potentially open the door to parachutages and direct influences from national capitals. And yet, this is a risk worth running. If parachuting people into top ranks has been a “perversion” of the Commission administrative system,

---

<sup>4</sup> It is also provided that “[w]here the number of internal applicants is limited, the recruiting Directorate-general together with DG ADMIN’s appointments unit and also the permanent rapporteur [...], will search for suitable candidates and where appropriate, encourage them to apply” (European Commission 2002c).

Caremier deems that “cette perversion serait encore plus grande si on s’interdisait, au nom de la défense de l’administration communautaire, tout recours à ces compétences extérieures” (2002: 198). The declared objective of the reform is thus to advertise vacancies externally only when the internal situation so requires, allowing the institution to give strong preference to officials from within its own ranks. Data show that between 1999 and 2002, only 7 out of 40 vacancies for A1, and 10 out of 114 for A2 were published externally, meaning that outside competition was already limited in the early years of the new Commission. Nevertheless, as early as in the 1999, the experts voiced their concern of the old practice of appointing officials to senior posts after the completion of their temporary contracts in the cabinet of a Commissioner, and the new requirement does not probably represent a strong protection against this risk.

Candidates, in fact, are required to have 15 years of professional experience in a post of responsibility, the last five of which must have been in a senior high post highly relevant to the post advertised. According to the Committee of Independent Experts’ report, the requirement had to be made stricter if the system was to be fully insulated from parachutage:

Without wishing to question anybody’s motives, one is obliged to note that such a system is open to the risk of people being “parachuted in”, particularly in view of the fact that the five years’ experience in the specific area correspond exactly to the term of office of a Commissioner and, thereby, the members of his cabinet. At the very last, the five-year period should be extended (1999b: paragraph 6.5.57).

Another important feature relates to the selection process. The application procedure has been standardised. The vacancy note is drafted by the “recruiting Directorate-general”, which is best positioned to know what sort of profile, experience and expertise are needed within its services.

Applications are then received by the Commission and a very first screening of potential candidates takes place. This preliminary assessment is aimed at finding out which candidates fulfil the basic technical expertise and possess the skills that are expected by the future jobholder. A rapporteur is also assigned to the individual appointment procedure,

with the task of following its development from the initial publication to the final decision (European Commission 2002c: 18-19).

The new role given to the rapporteur is another key innovation of the reform of senior appointments. The role of the rapporteurs is to oversee that candidates are treated fairly and that the appointment procedure is regularly and fully respected by all the actors involved. Rapporteurs are designated to assist the process of identifying the most suitable candidates for the specific posts under examination. An important aspect of the role of the rapporteur deals with the relationship he maintains with the recruiting Commissioner. A rapporteur's tasks include consultation with this latter on the required profile of candidates as well as on the candidatures that have been received and their preliminary assessment. This pre-selection procedure is conducted entirely in-house and represent a way of "keeping things within the family" (Committee of Independent Experts 1999b: paragraph 6.5.51).

Once the technical evaluation is completed, the relevant Unit of DG ADMIN submits the files of successful candidates to the rapporteur, who in turn recommends to the CCN which of these candidates should be interviewed. The rapporteur also informs the CCN about the recruiting Commissioner's views before a shortlist is drawn by the Committee, and possibly assists the Chair of the CCN in debriefing the recruiting Commissioner on the reasons behind the CCN decisions to shortlist some candidates or not. The Rapporteur thus represents the link between the pre-selection phase and the CCN, and between the CCN and the recruiting Commissioner who will take the final decision. In a nutshell, the Rapporteur is the "guardian of the appointment" and guarantees the continuity of the selection procedure. The Rapporteur himself is assigned to a specific appointment by DG ADMIN, that chooses from a very limited pool of serving directors general (in case of selection for A1 posts) and directors (rapporteurs for A2 grades) nominated by the Commission<sup>5</sup>.

The main task of the new CCN is to advice the College on senior appointments. It acts as panel for interviews and assessment, and recommends a shortlist of candidates to the recruiting Commissioner, who is the responsible for the final decision on appointment.

---

<sup>5</sup> The first pool of rapporteurs for A1 appointments was composed by Edith Kitzmantel, Robert Verrue and José Silva Rodriguez, and their mandate expired in May 2004. Rapporteurs are appointed for a three-year term and their mandate can be renewed once.



These shortlists are established on a number of criteria, including technical competence, political judgement, managerial capacity and interpersonal skills (European Commission 2002c: 21). The CCN is composed by the Commission Secretary General, the Director general for Personnel and Administration, the head of Cabinet of the Commissioner responsible for Personnel and Administration, the Rapporteur chosen to follow the specific appointment, and the Permanent Rapporteur, a new figure introduced with the reform.

In addition, two other members sit in the CCN: the head of cabinet of the Commission President, but only when the selection concerns the appointment of directors general; and the recruiting director general, when selection concerns the appointment of a deputy DG or a director who is going to work for him. The Secretary general is the chairman of the CCN. With the exception of selection procedures for the appointment of directors general (and head of services), a deputy Secretary general can replace him. In this case, the director general for Personnel and Administration holds the chair of the Committee (European Commission, SEC(2002)301/8 of 17 April 2002). The CCN can be assisted in the accomplishment of its tasks – interviews and evaluation of candidates – by human resources experts, or other experts of international reputation in the policy area in which the appointment is to be made. External experts have no voting rights in the CCN. In any event, the CCN normally tries to reach consensus decisions, but a vote can be cast at any time at the request of one of its members. In this case, decisions are taken by simple majority and the vote of the Chair decides in case of parity.

Once these steps have been taken, the CCN presents a shortlist to the recruiting Commissioner. This step is probably the most sensitive of the entire appointment procedure for it comes just before the final decision is taken. A proper and professional work of the CCN is a precondition for a proper and professional choice of the recruiting Commissioner. According to Marina Manfredi, who acted as first Permanent Rapporteur to the CCN<sup>6</sup>, these short-lists generally comprise a number of candidates between two/three and four/five. In very few cases, there have been short-lists with more than six candidates. More frequent however, have been the cases in which the CCN had to face the situation of just one or two – or even none – qualified candidates who had successfully passed through

---

<sup>6</sup> Ms Marina Manfredi was Permanent Rapporteur from 2002 to 2005. She was succeeded by another woman, Ms Emer Day, previously Director of Resources of DG ADMIN. Due to the sensitivity of this key post, this senior appointment took place as a result of internal transfer, and has not been subject to a CCN procedure itself!

the selection procedure and were considered good enough to be validly recommended to the recruiting Commissioner. Shortlists sometimes contain indication of those candidates who have performed particularly well compared to others, and thus present elements of hierarchisation based on merit.

Reform has deeply changed the role of the CCN. Before 1999, it mostly dealt with appointments at middle management level. Now, its advisory functions are essentially concentrated on senior appointments<sup>7</sup>. This is the result of both the process of decentralisation of middle management appointments to the respective Directorates general, and the importance attached to the new procedure for appointments at the top. In this latter respect, the CCN has greatly come to resemble, in both operative and ideal terms, the Senior Appointments Selection Committee (SASC) set up in the United Kingdom at the end of the 1960s in order to assist the Head of the Home Civil Service to put forward recommendations to the British Prime Minister to fill in senior vacancies. The following comment made for the SASC perfectly applies to the general philosophy inspiring the work of the CCN, which “reflects the confidence of the civil service as profession in its own judgement about its own future and about the [supra]national interest, and about the congruence between the two” (Richards 1996: 665). The new central role of the CCN in senior appointments is also an indicative sign of more professional and autonomous Commission decisions. In the visionary words of Coombes:

A significant stage in the development of any public administration is reached when selection and administration of personnel are entrusted to a special organ within the administration itself. [...] The object of a transfer of functions like this is to limit political or personal influences on the appointment of personnel, and to establish and maintain objective standards of recruitment and advancement within the service” (1970: 150-151).

On the basis of the shortlist submitted by the CCN, the recruiting Commissioner decides whom he wants to appoint, and normally invites candidates for an interview before taking a final choice. According to Egeberg, “[a]pproximately 95% of those interviewed by the commissioner are from the list” (2003a: 15). In case of appointments to A1 grades, short-listed candidates may be interviewed by the President as well. The Commissioner for

---

<sup>7</sup> “[T]he CCN would continue to screen candidates in view of their potential in becoming future Directors”, (European Commission, IP/00/1539 of 22 December 2000).

Personnel and Administration, in agreement with the recruiting Commissioner and the President, is then responsible for making a proposal to the College, which is the formal Appointing Authority. A very important consideration here concerns the “freedom of choice” of the recruiting Commissioner on the person to appoint. If the expected behaviour would probably be to appoint somebody from the short-list, the recruiting Commissioner is not formally bound to the CCN recommendations and can decide to appoint somebody who was not short-listed, or somebody who was not even interviewed.

It could also happen that once the interviews of the candidates by the CCN were over, the recruiting Commissioner found the shortlist unsatisfactory. In this case (and always in agreement with the Commissioner for Personnel and the President), he could interview candidates who had applied but had not passed the filter of the CCN. At that point, it could also be decided to go for a new publication of the post, internally and/or externally, in order to start back the whole selection procedure.

#### ***1.2.4.2 Once the appointment is made: appraisal of senior staff.***

The reform of the selection procedure for senior appointments must be assessed within the wider context of new provisions of regular appraisal for all Commission staff and the new type of relationship envisaged between Commissioners and top officials (cf. supra 1.2.3.4). It is therefore not surprising that all candidates appointed to senior posts are subject to initial test periods before a final confirmation is made. The Committee of Independent Experts had expressed a strong reservation on this point:

the idea that provision may be made for a probationary period [for senior officials] is also rather puzzling. In the case of internal appointments, to subject an official who has been in the administration for many years to a probationary period would be quite absurd; to subject external candidates to one would be [...] downright dissuasive, in view of the career risks this would force them to take (1999b: paragraph 6.5.58).

On the basis of this critique, the reform has retained the idea of a probationary period of nine months – which might be extended by further six months – for external appointments exclusively. It is expected that this period would allow for a thorough assessment of how the official responds to his new tasks and responsibilities. At the expiration of the

probationary period, a final assessment is carried out, based on the methodology for the regular appraisal of all A1 and A2 officials. If this final assessment is unsatisfactory, the contract “w[ould] normally be terminated” (European Commission 2002a: 17). Despite the risk of being dissuasive, the probationary period has been retained, mostly on the basis of the unspoken argument that it is important to keep a sort of “safeguard” against the potential that non-qualified officials from the new member states might get the job. National governments of new EU member states could for instance exert a special leverage to make pressure by claiming that minimum thresholds of representativeness have to be respected in staffing the Commission, particularly at the most senior levels.

When the appointment of a director general is made on the basis of an internal promotion or transfer, candidates would pass their performance appraisal after completion of the first year. If this assessment gives indication of any problems of underperformance, a dialogue is established between the official and the Commissioner. If this dialogue does not allow to remedy the underperformance of the official, then the Commission can choose to either transfer the official to another post at the same grade, or to downgrade the official to the previous grade. As a third option, the Commission could also decide to apply article 50 of the Staff Regulations and retire the official in the interests of the service.

In addition, there is also regular appraisal of all senior officials, which aims at assessing the matching between objectives and achievements. As far as directors general are concerned, their appraisal take place every two years at least, and includes both human resources and financial management skills. Appraisal thus focuses as much on *what* as been achieved as on *how* it has been achieved (cf. European Commission 2002c: 25). The introduction of the new appraisal system for senior managers has been tested via a pilot project that involved 25 A1 and A2 volunteers, between April and September 2002 (European Commission, SEC(2002)301/8 of 16 April 2002). The first full appraisal of all A1 and A2 officials was completed by April 2003 (European Commission, IP/02/573 of 17 April 2002). The methodology for such appraisal was based on best practices from both private and public sector (European Commission 2002a: 16) and was designed to include, inter alia, a “360 degrees” assessment process in which inputs from staff members and peers of the appraised official are taken into great account.

### *1.2.4.3 Mobility of senior officials*

Provisions on staff mobility in general, and on mobility of senior officials in particular, probably constitute the most innovative part of the entire administrative reform (Wallace 2004). As part of the new management policy inside the Commission, senior officials are expected to leave their post after five years, a period that can be extended to seven under exceptional circumstances. The Commission explicitly admits that this permanent mobility exercise works as a means to prevent bureaucratic stasis and resist national influence. Mobility and change allow top officials to gain broader experience and knowledge (European Commission 2002a: 10). At the time of “selling” the new top management policy to its own staff, and in perfect tune with the NPM language, the Commission posted in its intranet that:

Mobility of senior officials broadens their experience and skills and provides them with the motivation of new management and policy challenges. It also tend to stimulate new thinking and improved performance within the service (2002c: 23).

Such mobility is a rather simple concept. At the end of the five years’ period (or seven in case of extension), the official is in principle assigned to another post.

The official can also be assigned to a post aside the main line of command, as an Advisor hors classe directly attached to the director general. The post of Advisor hors classe may serve two different – and indeed rather opposing – needs, the first being the case of an appointment taking place before the expiration of the contract relationship between the official and the institution, the second representing the temporary relocation of a senior official to “facilitate transition” (European Commission, IP/02/124 of 23 January 2002), as in the case of a post for which the official under mobility is highly qualified and that it is likely to become vacant soon. In this latter case, the appointment to the post of Advisor hors classe can be useful in ensuring job continuity. It is however the former situation which is by far the most common one. Commenting on Advisers hors classe, Hooghe stated clearly that “to be sidetracked to an advisory position off the normal hierarchical line usually means premature career death” (2001: 21). Both these rather opposite situations explain why Advisors hors classe’s work assignment is limited to a non-renewable period of

six months. This prevents a temporary and transitional situation from becoming *de facto* transformed into a permanent one.

At the end of the five years period, senior officials can be also appointed to another post without passing through a new selection procedure, if agreement is reached between the Commissioners responsible for the two policy areas affected by the transfer.

If no new post can be found, and the senior official is not successful in finding a new assignment, he can very likely see his contract terminated “in the interests of the service”, on the basis of article 50 of the Staff Regulations (cf. *infra*, 2.3.2.1). The internal competition at the top to which mobility gives rise generates “redundancy” constantly. Mobility is not, in fact, harmless and zero-cost. If we consider that a number of appointments are made from outside, mobility at the top resembles the well-known game of musical chairs: people sit down, then music plays; people start dancing and a chair is taken out. When the music stops, dancers have to sit down again, but there is no chair for the dancer who is the slowest to sit, and who thus remains out the game.

Historically, recourse to article 50 was taken as a legal basis to justify dismissal of senior officials in case of “difficultés relationnelles internes” (Maggi-Germain 2004: 540). Article 50 was thus a “tool to balance permissive authority in senior appointments” (Stevens and Stevens 2001: 83). The concrete use of article 50 was however somehow different. Most of the time retirements in the interests of the service occurred when new posts were to be made available for nationals of newly acceding countries. It thus had very little to do with the “interests of the [Commission] service” and very much with the interests of member states. Moreover, it was not used as a tool in the hands of Commissioners to steer Commission activities and their relationship with the upper echelons of the administration. In this latter respect, the Committee of Independent Experts’ report recommended that a “genuine early retirement measures, similar to those used when new Member States join the EU” could be considered in the future (1999b: paragraph 6.3.33).

A further step in this direction was the intention of the Commission to make it “easier to send senior officials into early retirement [by abolishing] [t]he requirement to check whether assignments to another post is possible for A1/A2 officials before a decision is taken on their early retirement” (European Commission 2002a: 38). Early retirement and the rise of the class of Advisors hors classe should be considered jointly. Their concomitant

development is the result of the Commission's attempt to reduce the number of advisory positions (European Commission 2002a: 19) that had become unsustainable by the end of the Santer Commission's term of office, when there were 15 Principal Advisors and 167 Advisors with rather limited activities to undertake (Stevens and Stevens 2001: 172). As a matter of fact, increasing resort to article 50 may therefore take place for it is "not desirable to create or maintain posts with no real responsibilities (or corresponding workload) [for] deputy directors general and advisers" (Committee of Independent Experts 1999b: paragraph 6.3.23; cf. also *infra* 2.3.2.1 and 4.2.2).

#### ***1.2.4.4 A new place for nationality in senior appointments?***

The official claim the Commission put forward was that national flags were dismantled with the reform. The Commission also claimed that influence coming from national governments had been seriously reduced, if not virtually nullified. The "spirit of reform" permeated the entire Commission, including the upper echelons, and increased flexibility at the top worked to the advantage of a more merit-based system of senior appointments. All this could not – and cannot – take place overnight. Two insiders of the Kinno's cabinet commented in this respect:

A major challenge for the Commission will be entrenching a culture of promotion based on merit whilst the nationality of senior officials remains both a politically important issue and an explicit factor in senior personnel decisions. Whilst, it is true that no geographical quotas exist, geographical balance is important and high-level political lobbying from Member States is far from unheard of. More positively, reform is countering the establishment of national fiefdoms, as staff can normally only be in a post for a maximum of five years. But so long as Member States view senior posts in the Commission as advantageous, fully embedding a meritocratic system both in perception and reality will be troublesome (Coull and Lewis 2003: 5).

It should also be pointed out that the fact that the reform of senior appointments and management was implemented, in itself represents a very important step and even more so when this is considered against what Michelmann stated at the end of the 1970s, i.e. that "[t]he quota, alternation of nationalities in the hierarchy, member state claims on strategic positions for their nationals, restriction of promotion prospects [are] a consequence of the

overemphasis on nationality [...] Realistically, there is *no viable alternative*” (1978a: 495, e.a.). It also represents an impressive development if we consider that the practice of member states sharing out Commission management posts among themselves had gone so far as to “even reach[...] the stage where member states were almost claiming certain posts as being theirs *by right*” (European Commission 2002a: 20, e.a.).

It was possible to start with implementation because the goal of “freeing posts” from “national reserve” was a crucial part of the firm commitment to the reform that the new Commission political leadership wanted to show. In this way, it could be achieved that “[b]y the end of 2002, with only one exception, there were no Directors general or Deputy Directors-General who had been in the same post for longer than seven years” (Kassim 2004b: 54). At the same time, it also seems that the removal and change of assignments led to something more than simple reshuffles or swaps, which would have probably left untouched the logic behind the national quota system. The risk was in fact that, with the end of national flags, “redeployment on the basis of nationality [...] [has become] far more difficult and, paradoxically, less transparent” (Vinas 2001: 127). In order to link mobility and the end of “reserved posts”, the Committee of Independent Experts’ report had already suggested – but the proposal was not to be upheld – that the incoming top official could not have the same nationality of the predecessor.

It is also important to point out that resistance against national pressures, the end of flagged posts and of a strict national quota system, do not mean that the Commission does not continue to pay some attention to balance among nationalities. This is necessary since the set up of a merit-based system could easily create strong imbalances in geographical terms, amounting to a net loss for some countries and a net gain for others. That is, some member states may have increased “their” national representation inside the Commission as a result of dismantling the old fixed-quota system, whereas others could have been significantly disadvantaged. This immediately translated into the fact that “some governments have been unhappy at the removal of a quota system” (Kassim 2004b: 57).

On the basis of this uncontrollable outcome, it becomes clear why the commitment to “review the geographical imbalance of all A1 and A2 appointments every six months” (European Commission, IP/02/124 of 23 January 2002) has remained dead word. The reason that helps to explain why the Commission itself was not interested in precise figures on geographical balance in senior posts is because there was a risk that underrepresented



member states might exercise, on the basis of these figures, undue pressure to promote national candidates at a time in which the new merit-based system has not been fully embedded into a new Commission administrative culture<sup>8</sup>.

If the influence from member states on senior appointments has diminished – if not disappeared at all – as the Commission officially claimed, influence from Commissioners has concomitantly increased and the new system now gives to the political level inside the Commission full control of the selection procedure. Opposing this view, Egeberg doubts whether the situation is one in which “recruitment of senior personnel has not only become insulated from pressure from *national governments*, but from the *political level* of the Commission as well” (2003a: 16, e.o.). To support the opposite argument, it may be enough to recall the establishment in 2002 of a Forward Planning Panel, consisting of the President and the two Vice-Presidents, and assisted by the Secretary General and the DG for Personnel, with the task of assisting the College with forward planning of decisions on senior management, and whose works upstream that of the CCN (European Commission, SEC(2002)301/9 of 23 April 2002)<sup>9</sup>.

Going *beyond Commission official claims*, however, it is important to understand why, how, and to what extent nationality and member states have come to play such a limited role in senior appointments and whether this is indeed the case. What really matters is to assess what influence on senior appointments national governments played after the implementation of the reform, and whether their role has indeed changed, together with changes in the relevance attached to nationality of candidates.

---

<sup>8</sup> Sim Kallas, who is in charge of the personnel and administration portfolio in the Barroso Commission, has been very much keen to continue with the implementation of the reform and thus resist any attempts to revert to anything resembling an informal national quota system. In response to former Commissioner Markos Kiprianou (in charge of health and consumer affairs from May 2004 to February 2008, when he resigned to become Foreign Minister of Cyprus), who was complaining that for the second time a Czech candidate was on the point to be appointed to the post of DG, while no Cypriot had been appointed yet to any comparable position, Kallas made clear in the early days of the Barroso Commission that the ratio of “at least one Director general each for the new member states” was a target, not a rule, and that it could in no way prevail upon considerations of merit and competence (interview n. 2, March 2005).

<sup>9</sup> The Forward Planning Panel provides the political input and informally prepares Commission’s decisions on senior personnel policy. In particular, it advises the College on how to publish posts (internal, external, but also interinstitutional); on possible “mobility packages” at A2 level; on measures required to reach a better gender balance.

Most authors agree that the reform – and particularly some of its features, such as the introduction of limited tenure of office or publication of vacancies – has “inflected but not abolished [the] understanding” of holding a national quota system and of listening to national “opinions” when filling senior positions (Stevens 2005). The new procedure has probably internalised senior appointments and does not certainly provide any formal points of access to member state governments and their permanent representations. But it is also true, however, that “[n]otwithstanding this, [governments] could of course try to intervene informally at different stages in order to push ‘their’ candidates forth” (Egeberg 2003a: 14). *Understanding these new dynamics, and the role played by nationality and member states in senior Commission appointments and management will be exactly the goal of this thesis.*

## PART II

## CHAPTER 2

# Theoretical framework and hypotheses on the appointment and redeployment of senior Commission officials

After a detailed analysis of the administrative reform and an account of the background information needed to recast the scope and interest of the research (Chapter 1), the theoretical framework and a few hypotheses on the likely impact that the introduction of new rules has had on the selection, appointment and redeployment of senior Commission officials are presented in this chapter.

Principal-agent theory is introduced first, together with some mention of its relevance and use for the study of European integration (2.1). Then three hypotheses address member states' influences and the role of the nationality criteria in senior appointments (2.2), and mobility (2.3). For each hypothesis, indicators used to empirically assess whether such influence and role have changed following the implementation of the Prodi/Kinnock administrative reform will be also presented. Finally, two short sections present the summary, i.e. an overall, concise view of hypotheses and indicators (2.4), and some remarks on methodology and method (2.5).

## 2.1

### INTRODUCTION. PRINCIPAL-AGENT THEORY AND THE STUDY OF THE EUROPEAN UNION

An overall view of principal-agent theory is provided, before making reference to relevant cases in which it has been used so far to study a number of different features of European integration.

#### 2.1.1 Short introduction to principal-agent theory

Principal-Agent theory originates from the “new economics of organization” and the first robust case for its application to political sciences was made by Moe (1984) some twenty-five years ago. Over the 1980s and 1990s, principal-agent theory has been widely applied, particular in the US, to study the logic of delegation (Kiewiet and McCubbins 1991), in particular to assess the role, performance and independence of executive agencies, a quite common feature in the American political landscape, as well as delegation by the US Congress (McCubbins and Schwartz 1984; Weingast 1984; McCubbins and Sullivan 1987; Bawn 1995; Ferejohn and Shipan 1990; Woolley 1993; Hammond and Knott 1996).

The main idea is that a principal mandates an agent to perform a task on its behalf. In the political arena, this delegation may take place for several reasons, including to enhance the credibility of policy commitments, to bind other partners to contractual obligations and sets of rules, to reduce the costs of decision-making, to insulate from public scrutiny and avoid blame for unpopular choices, to perform managerial and enforcement functions, or even for symbolic reasons, to reassure and appear to act.

The act of delegation – and the relationship that develops out of it – may however give rise to a number of problems, due to the behaviours of the actors involved. The agent, for instance, may have different preferences from those of the principal, thus developing its own agenda and following the mandate insofar as behaving opportunistically (so-called “shirking”) does not make him better off and cannot be sanctioned by the principal. According to Kiewiet and McCubbins (1991: 5), “[a]gents behave opportunistically,

pursuing their own interests subject only to the constraints imposed by their relationship with the principal”. In other cases, regardless of the willingness of the agent to deviate from the terms of the delegation, “unintended consequences” may develop, that were (and could) not be taken into consideration at the time of setting up the principal-agent relationship. The principal thus needs to monitor (and, in some cases, sanction) non-conforming behaviour of the agent, but it faces the problem of how monitoring should be carried out. The Principal-Agent model posits, in fact, that some kind of information asymmetries develops between the principal and the agent, and that it is not always clear to the principal what the agent is actually doing, for reasons related, for example, to expertise or to the agent’s better knowledge of the tasks entrusted to him. The principal can in fact quite readily observe the outcome of delegation but hardly the action(s) of the agent leading to that outcome (Miller, 2005: 205). These information asymmetries – among other factors – have a direct impact on the capacity of the agent to shirk and determine the level of control the principal can be reasonably able to exercise. They are therefore a “source of power” for the agents. Across all theoretical approaches, there is a common wisdom that this is particularly true for international organisations. According to Barnett and Finnemore (1999: 709):

information is power. As [International Organizations (IOs)] create transparencies and level information asymmetries among states [...] they create new information asymmetries between IOs and states. [...] [In case] IOs have no goals independent of states, such asymmetries are unimportant; but if IOs have autonomous values and behavioral predispositions, then such asymmetries may be highly consequential.

In parallel to this, the degree of autonomy enjoyed by the agent depends on the nature of the delegation. If the delegated task is purely technical and expertise-based, the agent is likely to be given more autonomy than in the case in which the delegation still maintains some degree of discretion on the agent’s side. In all cases, however, the delegation will be incomplete (“incomplete contracting”) and aim at fixing the frames of the relationship, rather than at prescribing types of behaviour to be followed in any possible specific and contingent event which might take place in the future. Clearly, the less complete the “contract” between the principal and the agent, the greater the flexibility granted to the

agent, but also the greater the room for potential intrusion by the principal in the post-delegation phase<sup>10</sup>.

This latter case is of particular relevance. In addition to the terms of the delegation, principals attempt in fact to “invade” the sphere of the agent, for instance by threatening to revise the terms of the agent’s mandate, removing the officials in charge of the agency or cutting specific budget allocations. Moreover, they can at any time introduce incentives into the principal-agent relationship to encourage more responsiveness from the agent. These tools reflect the exacerbation of traditional means through which principals exercise their controls, such as, for instance, the limitation of the scope of the contract with the agent, the maintenance of the power of periodical appointment or the exercise of political influence over the bureaucracy.

A particularly interesting case of the theoretical model involves the presence of *multiple principals*, that decide to delegate an agent to perform specific tasks in order to reduce high transaction costs that they would face in case of non-delegation, and thus to “overcome barriers to collective action” (Doleys 2000: 537). In presence of multiple principals, the agent can exploit not only information asymmetries and communication flows but also possible divergences of preferences (over outcomes) between the principals, in order to widen its scope for action and follow a complementary or even alternative agenda (cf. Karagiannis 2007b: 16). Among the recent theoretical developments dealing with the case of multiple principals is the “venues-of-influence theory” (Waterman, Rouse and Write, 1998), which posits that agents do not necessarily perceive their principals as separate and distinct actors but may also tend to “regroup” them according to the type of influence they exert. Agents therefore perceive that subsets of principals have similar characteristics and behave following different, standard patterns (“venues”) of influence. In the words of the proponents of this new theoretical approach, “bureaucrats [...] perceive that influence

---

<sup>10</sup> Throughout this chapter, I refer to a rather consolidated body of literature that has widely applied principal-agent theory to political science, as much as I refer to some of the main theoretical findings resulting from such application. It should be noted, nonetheless, that Yannis Karagiannis (2007a; 2007b) has recently contested the uncaredful theorizing that scholars have made while transplating economic theories in political science, arguing against the mixing of several theories: principal-agent, positive theory of agency, transaction costs economics, and incomplete contracts theory. As far as principal-agent is concerned, he has contested in particular that agents may have their own agenda-setting (2007a: 6), or that this theory may be used to study ex post contracting issues (2007a: 12; 2007b: 2, 18).

emanates from various groups of principals with a shared type of perceived influence” (Waterman and Rouse, 1999: 528). This theory sheds new light on some preliminary work that had already highlighted how different “masters” influenced the bureaucracy and the factors on the basis of which officials could be influenced or not (Furlong 1998).

Following a preliminary application to the study of independent regulatory agencies in the US, principal-agent theory has known a remarkable growth in other fields of political science investigation as well, such as the relationship between politics and bureaucracy, in particular since the spreading out of New Public Management-based administrative reforms. In addition to that, principal-agent theory has caught the attention of scholars of international organizations (Trondal, Marcussen and Veggeland 2005; Reinalda and Veerbek 2004; Hawkings, Lake, Nielson, and Tierney 2006). It has also been used, in particular, to theorise important aspects of the most relevant and important case (although *sui generis*) in this latter field, which is the European Union.

Potentially, the whole history of European integration could be (re)written using principal-agent theory. Why did six European governments decide to establish a supranational community, if not to solve a problem of credible commitment to peace in conditions of mutual distrust? What is the Treaty of Rome – an “outline-treaty” in the words of the first President of the European Commission (Hallstein 1965: 727) – if not an incomplete contract between the member states (principals) and the newly created supranational institutions (agents)?

Throughout the rest of this chapter, this historical view will be left aside and reference to principal-agent theory from a political science perspective will be made to show how this theoretical approach and many of its insights may be fruitfully used to frame my research.

### **2.1.2 The relevance and use of principal-agent theory for the study of the European Union**

Principal-agent theory was first applied to study the European integration process in the second half of the '90s. Mark Pollack (1997a, 1997b, 2003) is the leading scholar in this respect. In a seminal article published on *International Organization*, Pollack (1997b: 130) suggested that a “fruitful agenda for empirical research” could be based on hypotheses



derived from the application of principal-agent theory to the study of EU supranational institutions. Borrowing Tallberg's words (2002: 23), the "overarching question [wa]s why, how, and with what consequences national governments delegate political authority to the supranational institutions of the EU".

In light of principal-agent theory, the relationship between member states and the European Commission has thus been reconsidered under the terms of a collective (or multiple) principal delegating an agent, and has allowed to "reconcile" the two traditional schools of thought that have always been used to explain the beginning, developments and further accommodations of the European project, i.e. intergovernmentalism and neofunctionalism. Intergovernmentalism basically argues in favour of member states' dominance in European policy-making and consider the Commission to be an "obedient servant". Quite on the contrary, neofunctionalists underline the success of the Commission (and the Court) as a "runaway bureaucracy" in acting beyond member states' will in limiting the scope of its action. Whereas intergovernmentalism claims the predominance of member states as driving forces of European integration and argues that they have always been the ultimate actors behind everything substantial and relevant taking place at the EU level, neofunctionalism contends, on the other hand, that supranational actors, such as the Commission or the Court, were purposeful actors able to advance European integration beyond – and sometimes even *despite* – the activity and interests of member states.

With the introduction of principal-agent theory to the study of the EU and the development of a "new look" based on the key components of this theoretical model, academic debate has moved from clash between two apparently irreconcilable models to attempts to understand *under what conditions* either member states or the Commission are more influential in European policy-making, and therefore under what conditions either intergovernmentalists or neofunctionalists are right.

The major value of applying principal-agent theory to the study of the EU has thus been the increased capacity to explain variation in supranational influence (Tallberg 2000). In Doleys' (2000: 534) own words, "[t]he key analytical question is thus transformed from *whether* member governments are dominant to *how* and to *what degree* member governments exercise control over their supranational agents". Principal-agent theory would thus be useful to formulate hypotheses that can equally explain when either principals are successful to exercise their control and influence, or the agent can count on substantive

autonomy, is likely to succeed in advancing its own agenda, and shirk vis-à-vis the principals. I will thus try to contribute to this “key analytical question” by formulating and empirically assessing a number of hypotheses dealing with the EU administration (cf. Trondal 2007), and while keeping in mind Shore’s words on the overall relevance that this may have:

the way the Commission selects, trains and manages its staff – how it reproduces itself over time – can reveal much about the mechanics and micro-politics of integration. More importantly, most of the major tensions and cleavages in the integration process, particularly those arising from the encounter between intergovernmental and supranational visions of Europe, are played out in the Commission’s staffing and management practices (2000:132).

About half a decade after Pollack’s seminal work, Kassim and Menon (2003a: 133) suggested that the “promise of the principal-agent model in the study of the EU ha[d] not yet been fulfilled”. Despite this claim, it is important to acknowledge that principal-agent theory has become to date one of the most relevant theoretical approach in the study of European integration. In addition to the already mentioned works by Pollack (1997a, 2003), Doleys (2000) and Tallberg (2000), over the last few years some of the most significant studies considering principal-agent analysis and the theory of delegation have included Shapiro (1997) on the prospects of agencification in the EU; Majone (2001) on the two different logics of delegation; Thatcher and Stone Sweet (2002) on the theory and practice of delegation to non-majoritarian institutions; Wilks and Bartle (2002) on competition agencies in Europe, and Wilks (2005) on the modernization of competition policy; Ballman Epstein and O’Halloran (2002) on the comitology system; Krapohl (2003) on comitology and risk regulation; Franchino (2000a, 2000b) on comitology and the oversight procedures concerning the Commission; Thatcher (2001) on telecommunication policy; Steunenberg (1996) on agency discretion and regulatory policymaking; Egan (1998) on regulatory strategies and the common market integration; Stetter (2000) on migration; Elgie (2002) on the European Central Bank; Magnette *et al.* (2003) on diffuse democracy in the EU and the pathologies of delegation; Jun (2003) on the dynamics between euro-parliamentarians and the Commission; Bauer (2001) on the management of structural funds; Blom-Hansen (2005) on the implementation of EU cohesion policy; Coen and Héritier (2005) on the regulation of markets and network industries; Larsén (2007), Elsig (2007), and Damro

(2007) on EU trade negotiations; Wonka (2007) on the appointment of European Commissioners.

In addition to this brief (and incomplete) mention of the literature that has used principal-agent theory to study European integration, a few other studies deserve a particular mention. Kelemen (2002) focused on the proliferation of European agencies, and started applying the logic of “chains of delegation” to the EU. Adding on the rather row distinction between principals (member states) and agents (Commission, Court, ECB), Kelemen contended that with agencification, the Commission itself acted as a principal, since it influenced the design of the new bureaucratic structures that are established. Kelemen maintains that to avoid additional transfer of power and resources to the Directorates-General of the Commission, member states agreed to set up the agencies, “but limited the scope of their authority and demanded that they be *controlled by member states appointees*” (2003: 95, e.a.), thus reducing the capacity of the Commission to act autonomously. Since this process has taken place throughout the 1990s, it is significant (and relevant for my research) for it shows the willingness of the member states to retain control of EU top appointments well beyond the post of commissioners. At the same time, the decision to create new agencies rather than further empower the Commission is a sign that the Commission could not always be strictly controlled or monitored, and that member states’ capacity to influence appointments at the top level had very likely already been challenged.

More recently, Thatcher (2005) has shown in a rather comprehensive comparative study that elected politicians did not use their powers to make partisan appointments – or force early departures of members – to national independent regulatory agencies, thus substantially accepting agency autonomy. So, what is the attitude of the national leaders at the EU level? Is there a general trend to delegation in the European Commission? Are Kelemen’s or Thatcher’s findings closer to what has happened with the selection and appointment of top Commission officials since 1999?

Finally, in his article on delegation to supranational institutions in the EU, Tallberg (2002: 29) maintained that agents have a greater degree of discretion when delegation of powers is aimed at reducing problems of credible commitment rather than building policy expertise. Of special relevance for my research, he maintains that “[s]upranational institutions may [...] engage in detailed rule making [...] even in the presence of some form of institutional

control”, and that there may be case of “deliberate abstention from intrusive control instruments” (33); these two considerations are both to be kept in mind when considering the likely outcome of the Commission internal administrative reform and its possible impact on the selection and appointment of top officials.

Such rather rich literature is illustrative of the extent to which principal-agent theory has reached all aspects of the EU.

It should be also mentioned that some other authors have contested the general applicability of principal-agent inspired models to the EU (cf. also *supra*, footnote 1). In a study on the EC’s Integrated Mediterranean Programme, Smyrl (1998) found that the preferences of the member states were exogenous and could be altered by reasoned arguments presented by Commission experts. In addition, in a most recent article Woll (2006: 53) argued that the classical analytical framework of principal-agent theory is not apt to fully grasp the Commission capacity to expand its competence in foreign policy beyond member states’ preferences. These (few) cases, however, are rather exceptional, and do not certainly invalidate the many more numerous cases in which principal-agent theory was indeed relevant and useful to better understand the European integration process and policies.

## 2.2

### HYPOTHESIS ON THE SELECTION AND APPOINTMENT OF SENIOR COMMISSION OFFICIALS (H-1)

The first hypothesis (out of the three derived from principal-agent theory and presented in this chapter) refers to the impact of a more fragmented, rule- and merit-based appointment procedure on the place reserved to nationality and the capacity of member states to influence Commission’s senior personnel decisions.

## 2.2.1 Hypothesis formulation

The administrative reform has made the procedure of selection and appointment of top Commission officials more fragmented and decentralised. In addition, there is an official claim that merit and competence are now the first and foremost criteria for appointment (Egeberg 2004: 214).

As far as *fragmentation/decentralisation* is concerned, a number of actors, from the *rapporteur*, to the members of CCN and the recruiting Commissioner are now involved at different stages and with different tasks into the procedure. The procedure of senior appointments has in a sense been decentralised, although the final choice remains fully with the recruiting Commissioner and formally with the entire college which is the official Appointing Authority. Decentralisation should not, however, be taken as lack of central monitoring or coordination. Rather, it should be looked at from the perspective that *no single actor on his own can take a decision to fill a senior position*, and that the number of official “voices” involved in the process has increased since the implementation of the reform. The candidate going through the new selection and appointment procedure is now expected to pass successfully through several “tests” in order to be appointed to the vacant position. Those various actors involved at different steps of the procedure have all an informal veto power that allows them to stop unfit candidates at any stage of the procedure. As a result, it is virtually impossible for an external actor such as a member state to push for a favourite candidate unless it is ready (and able) to exert pressure on all these “soft veto players”.

What has changed is thus that member states do no longer have single points of access to influence senior appointments, i.e. single special interlocutors that were in the past the only people to be “persuaded” in order to get the expected outcome, since those “inside special interlocutors” (i.e. Commissioners) have lost, in the first place, full and exclusive control over senior appointments (due to rise in power of other actors inside the institution)<sup>11</sup>.

---

<sup>11</sup> Although the recruiting Commissioner retains the “last word” and the power to appoint whoever he wishes regardless of the previous outcomes of the selection procedure, including a candidate who has not passed one or several “tests”, some “fairness” on the Commissioners’ side can be expected. On the one hand, the blatant lack of respect for the “due process” of the new selection and appointment procedure of top Commission officials would contradict the fact the Commissioners themselves were the authors and supporters of the new measures in the first place; on the other, a sort of “peer mechanism”, on the basis of which each Commissioner comes to constitute a check (or at least a potential check) upon the behaviour of his colleagues, has been implicitly established.

In theoretical terms, principal-agent theory tells us that “the greater the centralisation of the agency decision-making processes, the greater the executive control over bureaucratic outputs” (Wood and Waterman 1991: 822). As a consequence, we can *prima facie* expect that the opposite is also true, and that decentralisation would therefore enhance the autonomy of the agent (the Commission) and reduce control by the principal(s) (member states). The capacity of the principal to exercise control, influence and monitor the agent depends on the level of information available, and decentralisation has increased the number of decision-shaping actors, thus widening the information gap (higher information asymmetries in favour of the agent), and thus reducing the controlling capacity of the principal. Along the lines of what Shapiro (1997) argued for the creation of independent agencies in the EU, the claim here is that information is a key element in policy controversy and political monitoring and thus more important information asymmetries are conducive to more serious problems of control. In Pollack’s (1997b: 129-130) own words:

The role of incomplete information or uncertainty in principal-agent relationship can hardly be overstated. [...] the autonomy of a supranational institution is greatest when it has more information about itself than do others and when member states have difficulty monitoring its activities.

It thus seems that by changing the *procedure* of senior appointments, the *politics* of senior appointments has changed accordingly.

This is anything but the specific application of a general law, on the basis of which “politics is defined by the *process* involved” (Pollitt and Bouckaert 2000: 135). Confronted with the impossibility to stop external pressures, the administrative reform of the Commission has therefore multiplied the venues where these external pressures will have to apply in order to obtain the same outcome as in the past, and has better “internalised” within the Commission machinery the procedure of senior appointments, thus reducing the “degree of exposure” to the external environment. These two transformations have burdened enormously the task of member states potentially interested in influencing senior appointments. Apparently, the Commission has implemented what Peterson (1971: 136) had clearly envisaged already some thirty-five years ago:

[p]ersonnel decision-making is not a simple, centralized administrative process that can be directly controlled. It is a complex, decentralized pattern of political interaction with a variety of participants who have a variety of goals. The fact that decisions are partially made in different centers of decision-making [...] reduces the ability of the member-states to influence decisions.

These remarks on the likely effect of fragmentation and decentralisation are also consistent with the *new relevance given to merit and competence* as the (almost) unique criteria for senior appointments. The absolute prominence of merit and competence, in fact, means that no single post can be attributed or even “reserved” on the basis of a different criteria as it was in the past. In particular, the administrative reform has brought in the idea that external political considerations should have no impact in the final choice of senior officials, and that the more “objective” criteria of merit should have primacy over considerations of nationality. “More objective criteria” means that senior appointments made on the basis of the new procedure are open to *less* discretion on the side of the Commission itself. Again, Peterson (1971: 122) had already suggested in the early ’70s that the relation between the degree of discretion of the Commission in personnel policies and the degree of intervention by member states were positively correlated: “[t]he procedures themselves are flexible enough to give the Commission substantial discretion. The existence of this discretion could in theory facilitate member-state attempts to influence these personnel decisions”. Now, the new merit requirements acknowledge that this positive correlation was true and represent an attempt to reduce the second term (degree of intervention from member states) by reducing the first (degree of discretion of the Commission).

The reduction of the level of political and “policy” discretion granted to the agent in the conduct of its mandate (in our case, due to the rise of the more objective merit criteria) is in fact likely to reduce the scope for potentially intrusive behaviours of the political principals and thus enhance – once again – the agent’s autonomy. The principals have less room for manoeuvring and intervening in the agents’ decisions precisely because these decisions have a more limited scope for discretion and are taken on rather objective criteria. The issue of merit and objective criteria can also be seen in terms of “incomplete contracting” between the principal and the agent.

The Commission will be able to claim that the influence is not legitimate in the light of the new system of senior appointments, consistently with the argument that – following the

reform – the new “contract” between the principals (member states) and the agents (Commissioners) is more “complete” than the previous one (applied before 1999), that delegation has been narrowed, and that the new “contract” does no longer “authorize”, not even informally, any such kind of post-delegation intervention by the principals. Control, in fact, can be more intrusive when “principals are *authorized* to interfere in the operation of the agent even within its contractually defined sphere of competence” (Kassim and Menon 2003a: 125, e.a.).

In addition, merit-based appointments and the end of reserved posts imply a higher degree of competition for senior posts and that this competition displaces influences from member states, reducing their effectiveness. Increased competition, in fact, impedes collusion between member states, which are then forced to compromise on some middle-ground positions, giving up their preferred choices. In the words of Miller (2005: 211), “competition between ‘principals’ inevitably results in the appointment of relatively centrist, pragmatic [officials] dedicated to professionalism”. Now, in Miller’s analysis, the term ‘centrist’ refers to a mid-range position on the left-right political continuum. In the case of the Commission, where principals are member states and not political parties, competition between candidates – and thus indirectly between states-as-sponsor-of-candidates – would very likely translate into the appointment of median (“centrist”) officials, i.e. in the appointment of officials than are not overtly and immediately associated with any of the member states.

Insulation from member states has thus been strengthened by the (supposedly) proper working of the merit principle and by a fair application of the procedure of selection and appointment for senior officials. How? Magnette *et al.* (2003) argue that the agent may choose to enhance its own internal control when feeling that its independence is threatened. In particular, they mention that “controlling agencies have initially been set up by the agents themselves in order to avoid control by the principal [...]. The creation of OLAF was clearly a response by the Commission to the crisis of trust that affected it, while protecting it from any further interference from member states as regards the functioning of the European institutions” (Magnette *et al.* 2003: 837). If the same reasoning is applied to my research, it could be conceived that the strengthening of the CCN has followed a similar logic as the establishment of OLAF, and that it operates *inter alia* as a sort of “quality filter” internal mechanism.



Applying all these considerations to the administrative reform of the Commission, it seems that (a) the decentralisation and fragmentation of the selection procedure of top officials is likely to result in more dispersed information and in the multiplication of actors and venues which contribute to the shaping of the final decision on the senior appointment. These changes in information availability do have consequences for the autonomy of the agent. Similarly, (b) the rise of merit and competence as the main criteria for selection is likely to insulate (from outside the Commission, but also from internal high-level pressures) the process of selection and appointment from concerns such as political criteria, and to reduce the impact of nationality, thus making the whole procedure more competence-based, i.e. more professional. Theoretically, both these likely developments towards higher information asymmetries (decentralisation and fragmentation) and reduced scope for principals' intervention due to more complete contracting (merit and professionalisation), go into the direction of *enhancing the insulation of the Commission, and thus the autonomy of the agent vis-à-vis the principals*. Therefore, they both go in the direction of reducing the principal's capacity to influence the agent on the issue of senior appointments.

Member states have (very likely) lost the possibility to impact on senior appointments not only because their capacity to access the "right actors" inside the Commission has been impaired due to the multiplication of the key actors involved in the process (*decentralisation*), but also because the scope for external interventions has been further narrowed down by the new merit requirements and by ensuring fair competition (*professionalisation*). It can thus be hypothesized that:

***(H-1) decentralisation and professionalisation of the selection and appointment procedure of top Commission officials have reduced the influence of member states in senior appointments<sup>12</sup>.***

Senior appointments in the Commission have always been made through decisions and acts taken by the College of Commissioners as the Appointing Authority. In case of national flags or "advice" tendered from capitals, the Appointing Authority acted however as a rubber stamp. For this reason, it makes more sense to talk about "pressures" and "influences" rather than "decisions" and "acts". According to Calvert, McCubbins and

---

<sup>12</sup> In the rest of the thesis I will also refer to H-1 as to the "decentralisation and professionalisation hypothesis".

Weingast, “concentrating on *acts* of decision making rather than on *influences* over decision making is a kind of myopia that can lead to false conclusions about where the responsibility for policies lies” (1989: 590, e.o.).

If H-1 was confirmed, it would mean that decentralisation and professionalisation, as key features of the administrative reform, have reduced, not to say completely eliminated, the capacity of member states to successfully make pressures to have their preferred candidates appointed, and have allowed to credibly discontinue the legacy of attaching “national flags” to specific Commission positions. My approach would thus follow in this respect Pollack’s view that “any test of principal-agent hypotheses should [...] be attentive to and control for [...] explanations [...] *internal to the agency itself*” (2002: 204). Somehow, the agent (Commission) would have increased its autonomy vis-à-vis the principals (member states) by multiplying its own internal delegation chains between different sub-units.

At the same time, it is unlikely that I could attribute the possible outcome highlighted in H-1 exclusively to the direct capacity of the agent to insulate. Rather, it is clear that the new mechanisms have also indirectly changed principals’ cost-benefit analysis in terms of own benefits and agency losses. The new procedure for selection and appointment of top Commission officials has certainly burdened the former, and it may be that the principals have now less “desire and energy to use controls” (Thatcher 2005: 350).

Other useful insights would come out of confirmation of H-1. In overall terms, Harold Seidman (1980: 252) observed, almost thirty years ago, that the internal structure of an agency determined the extent of its independence from political control, and H-1 is perfectly consistent with this observation: a new organization in terms of bodies and actors involved in the internal procedure of selection and appointment has supposedly allowed a higher degree of insulation from the political principals, thus affecting directly the extent of independence of the agent.

Confirmation of H-1 would also shed a different light on some conventional wisdom in principal-agent theory. First, Epstein and O’Halloran (1994: 702) include “informal rule making” among the possible discretionary actions that can be permitted to the agent to fulfil its mandate. My hypothesis – and research – starts on the contrary from the idea that the *informal* national quota system in senior appointments was a tool in the principals’ (not the agents’) hands and was thus used to *limit*, rather than widen, agency discretion.

Thatcher and Stone Sweet (2002: 17) have argued that “[i]nformal norms grow up that may alter or subvert formal arrangements [between the principals]”. If H-1 was confirmed, my argument would be rather the opposite, that is one of a *formal* arrangement within the agent (i.e. new rules on selection and appointment of top officials) that alters an *informal* norm originally agreed between the principals (system of national flags and other off-the-record agreements among member states).

Second, “less uncertainty” would not be readily synonymous with greater control of the principal over the agent, therefore going against a principle of “common wisdom” in principal-agent theory. The new system reduces uncertainty by clarifying and making more rigorous the criteria for appointment, and the claim is that this has *enhanced* the agent’s autonomy vis-à-vis the principal.

Third, if my decentralisation and professionalisation hypothesis was confirmed, it would mean that the strengthening of administrative procedure does not necessarily reduce the agent’s autonomy (McCubbins, Noll, and Weingast 1987). If clearly a tighter administrative procedure reduces the scope of action of the agent and represents a constraint on this latter’s behaviour, the overall consequences of the administrative measure have to be assessed against its impact on the information asymmetries as well as the “completeness” of the contract between the principals and the agents. If this information asymmetries increase as a result of more stringent and less flexible administrative measures, then these administrative measures might also lead to *more* autonomy of the agent. Equally true, if the contract becomes more complete, whereas before the reform autonomy [of the agent] was impaired by intrusion from the principals in the post-delegation phase, then these administrative measures might lead – again – to *more* autonomy for the agent. Therefore, ex ante typical control mechanism, such as administrative procedures, can be “altered in response to agency loss” (Kassim and Menon 2003a: 124), but not necessarily in a way that reduces agency’s independence or even the latter’s scope for discretion.

Finally, confirmation of H-1 might be significant in order to understand the kind of resources available to an agent willing to reduce its principals’ control capacity. Bendor, Glazer and Hammond (2001: 245-246) argued that:

a common mode of delegation [...] a large problem is broken down into several pieces that are doled out to different subunits of the organization [...] Each

subunit makes what it perceives as the best choice on its own part of the problem, and then the subunits' decisions are aggregated by higher officials into an overall choice. Because each piece of the problem is assigned to just one subunit, shirking [...] may be avoided.

In my case, the opposite would be rather true. I have argued above how the “breaking down” of all senior appointments into different subunits (rapporteur, CCN, recruiting Commissioner, etc.) has supposedly *enhanced* – rather than reduced or avoided – shirking, in the sense that it has provided the agent(s) with larger scope for autonomous decisions and acts (cf. also Balla 1998). Once again, confirmation of H-1 would provide an insight pointing towards a direction that is *opposite* to conventional wisdom in principal-agent theory.

### **2.2.2 Operationalisation of variables: indicators for the empirical assessment of the “decentralisation and professionalisation hypothesis” (H-1).**

The claim of the first hypothesis (H-1) is that decentralisation and professionalisation of the selection and appointment procedure of top Commission officials have reduced the political influence of member states in senior appointments. Clearly, the analysis involves two different periods, the first referring to the Santer Commission, the second to the Prodi Commission. This is necessary for the decentralisation and professionalisation of the selection and appointment procedure are outcomes of the administrative reform carried out in the aftermath of the fall of the Santer Commission. The two periods are therefore necessary in order to have variation on the independent variable side. Now, how can the two outcomes of decentralisation and professionalisation, and member states' influence, be measured?

On the *independent variable side*, the decentralisation of the appointment procedure means that there is now a more fragmented process of decision-making concerning senior appointments. Fragmentation means that a multiplication of these loci constituting together the “venue of the appointment” now existing. This fragmentation also has

implication for the flows of information, and for the degree of insulation and secrecy vis-à-vis the “external” environment by which the appointment procedure is now characterised (cf. Richards 1996: 669). Principal-agent theory posits that “the organizational characteristics of a bureau can affect communications and are potential explanation for variation in agency response” (Worsham and Gatrell 2005: 366), and my argument is that fragmentation and insulation are exactly the result of a re-organization of the “bureau” and of the new procedure of senior appointments. More specifically useful for my analysis, Moe (1995: 145) argues that “insulating strategies are designed [...] not simply to shield the agency from its political environment, but also to shield it from the very appointees who are formally in-house leaders.” Along the same lines, Egeberg (2003a: 10) has argued that the administrative reform has insulated senior Commission appointments not only from member states but also from the college of Commissioners itself. It is clear that this possible relative *internal* insulation would be one of the most important indicators of the loss of control of member states of the entire procedure and thus of the reduction of their influence on senior appointments. Therefore, a qualitative assessment of communication flows between administrative units and actors directly involved in the selection and appointment procedure and Commissioners will be required.

Professionalisation, on the other hand, refers to the criteria for senior appointments and to the strict respect of the new procedure. If merit has become the (almost) only relevant criteria, consideration given to the professional background of the appointed senior official into the selection and appointment process, particularly balanced (if at all) against nationality criteria, is a good indicator which can reveal a shift from a potentially different situation of the past. Assessing qualitatively, for instance, *to what extent* and *how* the recruiting Commissioner takes into consideration the short-list submitted to him for the final choice, is likely to provide evidence of the real degree of professionalisation.

Moreover, in some cases in the past, some senior positions were long kept vacant (with Directors or DGs *faisant fonction*) due to lack of good candidates of the “right” nationality, or maybe in presence of changing preferences among member states, prior to reaching new “balance”. If merit has become the unique criteria for appointment, qualitative assessment of vacancy duration as well as of unsuccessful attempts to fill them, could be a good indicator of change. In some cases the post may remain vacant to resist national pressures, in other to avoid appointment of non-full satisfactory candidates.

In addition, professionalisation would imply that we can trace a “chain of answerability”. Dunn (1997: 35) defines answerability as “justification for the action” and we can expect that the application of standard criteria would imply that all different actors involved in the selection and appointment process provide arguments to support and justify their choices, as a way to show that due respect to the procedure has been paid. Evidence (or lack) of this answerability mechanisms could be well indicative of a relevant change in the functioning of the procedure under consideration. In parallel to this, another significant indicator to measure professionalisation might be record-keeping of the selection and appointment procedure (cf. Dimitrakopoulos and Page 2003: 346), again with an aim at ensuring “due process” and process of tracing-back. If anything “goes wrong” different actors will want to prove their “good”/“proper” behaviour and this implies both answerability and record-keeping of the different tasks performed and decisions taken throughout the procedure.

In terms of respect of the new selection and appointment procedure, Commissioner’s behaviour would be very telling of the role of merit and professionalisation of the new procedure. I will consider the “time of personal involvement”, i.e. whether the recruiting Commissioner (or his cabinet) attempts to intervene in the initial phases of the procedure of selection and appointment or “jumps in” only at the very last, when his final decision is required. In parallel, I could also assess what is the role of non-recruiting Commissioners’ cabinets in specific senior appointments’ procedure, with an aim to consider whether they try indeed to sponsor specific candidates. Moreover, it would be worth considering differences in the initial selection of the candidates, both in the pre-reform phase where the publication of vacancies was particularly limited. These indicators should try to measure possible answers to question such as: which candidates participate in the selection and appointment procedure? How did they get to know about the vacant post? Were some of them particularly encouraged to apply? Why?

Concomitantly, the analysis will consider for the pre-1999 period the old system of senior appointments and assess through the same indicators whether decentralisation and professionalisation have indeed introduced those new features, criteria and behaviours that have supposedly impacted on member states’ influence. The indicators referred above will in fact allow me to see what supposedly was the situation before the implementation of the new rules (e.g. non-standard, non-scrutinised decisions; non-exclusive consideration of the merit criteria) which were particularly “favourable” to member states willing to exercise their pressures on choices concerning senior appointments.

As far as the *dependent variable* is concerned, I need to measure the degree of successful influence exercised by member states on senior Commission appointments. Two conditions have to be present to reasonably claim that member states have been influential on specific senior appointments. First, the “pressure” of the member state has to pass through the political level of the Commission. Member States’ governments have to voice their preferences through Commissioners, and most of the time through the Commissioners of their nationality. In this operation, a predominant role is played by the cabinets. Thus, traces of contacts between the member states (and Permanent Representations in Brussels) and cabinets and/or directors general prove *prima facie* that the senior appointments did not occur in full autonomy by the Commission. However, this indicator does not in itself say much. Contacts with cabinets to voice national preferences directly from the capitals are necessary but not sufficient condition to establish successful influence. It says little, in fact, about *the kind of follow-up that is given to pressures received from outside*. Another important element is the “degree of proximity” of the appointed candidate with the public authority and the government of the supposedly influential member state (origins, length of service in the Commission, professional background in general and type of professional relationship with national authorities before being appointed to the new job). These two conditions both have to be there. If not, we could end up with cases which do not fit neither confirm the hypothesis. For example, if only the contact with the cabinet is present, it might well be that the member state has tried to exercise its influence, but without great success. (This indeed would be a very interesting case, because it would show the capacity of the Commission to act in a “sovereign” way not only when member states are “indifferent”, but also when they have other preferences and when they have an interest in opposing some other candidates).

Moreover, the claim here is *not* that member states have necessarily stopped pushing for their preferred candidates in the post-1999 period, but rather that their chances of being successful have largely decreased. This is why for both periods of reference it is essential to assess which candidates have been appointed. Equally important is a qualitative analysis of the nationality factor. Nationality cannot be taken as a clear evidence of the successful influence by member states, for there have been cases of relevance given to the nationality criteria but not necessarily in a perfectly overlapping and consistent way with the wishes of the member states (cf. *supra*, 1.1.4.2). In considering possible successful pressures by member states I will also refer to a qualitative assessment of their preferences, that is, I will

also investigate whether specific appointments are somehow “consistent” with substantive interests, both historical and contingent/specific, of any member state in a given policy area.

Another potentially important indicator for the assessment of both the impact of decentralisation and professionalisation as well as of member states attempts to make pressures is linked to the press. Professionalisation, for instance, has reduced the legitimacy of senior appointments based on criteria other than merit. Member States’ interference as well as national flags have been declared unacceptable and their legacy discontinued. It is therefore likely that, on such a delicate issue of senior Commission appointments, newspapers will be well-disposed to report and blame non-legitimate practices in the selection and appointment procedure. In this process, decentralisation and fragmentation of sensitive information is likely to create more favourable conditions for journalists to collect news scoops. Qualitative analysis of the press is therefore a good indicator to contribute to the study of the variation on the dependent variable side (member states’ influence), but potentially also on the independent variable side (e.g. professionalisation and merit-based appointments).

In parallel to this “public disclosure”/leakages, I could expect that a more subtle and indeed common attitude could be that of creating “internal disclosure”. It can be expected, for instance, that the agent will have an interest in developing a strategy to “play its principals off against one another” (Moe, 1987: 482). As Pollack (1997a: 112) argues, in fact, “clashes of interest among [...] principals can be exploited by an agent to avoid sanctions and maintain a considerable degree of autonomy”. The Commission could for example spell out and “inform” other member states of the manoeuvring that some of them are trying to achieve through informal agreements. Therefore, the agent may choose to “alert” some of the principals to activate an informal system of peer review among them (cf. Van der Meulen 1998). In the case of the Commission, such a mechanism, if detected, is expected to work at the highest level of informality, that is officials and members of cabinet would “circulate information” on national pressures to activate reaction from other cabinets or commissioners or even member states directly and thus start a process of “informal” peer pressure to stop the “unfair” behaviour. Such a behaviour would represent agent’s possible response to a principle trying to intrude into Commission’s single choices but also to *some* of the principals trying to constitute an *ad hoc* venue of influence, and could



thus be referred to an empirically assessing both H-1 and the two hypotheses on senior mobility (H-2a and H-2b) presented below.

## 2.3

### HYPOTHESES ON THE REDEPLOYMENT OF SENIOR COMMISSION OFFICIALS (H-2A AND H-2B)

The decentralisation and professionalisation hypothesis (H-1) “covers” all Commission decisions dealing with senior appointments. These decisions, however, do not exhaust *all* Commission measures on the allocation of posts to senior officials, as they do not consider (horizontal) redeployments. In order to complete the picture and have a clear view of all possible senior personnel measures adopted by the Commission in terms of assignment and redistribution of posts, it is therefore important to assess what happens in this latter case when top officials are reallocated within the institution by simple transfer, that is, to assess the impact of internal mobility on the relationship between member states and the Commission in terms of senior personnel decisions.

#### 2.3.1 Hypotheses formulation

As was the case before the reform, a number of assignments of posts in the upper echelons of the Commission administration are made on the basis of article 7(1) of the Staff Regulations, that is, through “transfer in the interests of the service”. For these transfers to take place, the agreement of the two commissioners responsible for the Directorates general of origin and destination of the concerned official is required, together with the consent of the President and the Vice-President in charge of the personnel portfolio. Few actors are thus involved. Apart from the necessary “political will”, decisions of redeployment are rather easy to adopt. They can be taken at any time, and do not require particular “justification”. In general, these decisions are punctual and not submitted to much scrutiny. Quite clearly, these transfers are *de facto* appointments which are neither

made on the basis of a vacancy publication, nor are the result of an open competition. They respond to a different logic and take place outside the standard procedure.

It is precisely due the fact that these measures are not taken following the strict, standard procedure that is now in place for regular promotions and appointments of senior officials, that a detailed analysis of the impact that these measures may have had on the overall senior staff policy of the Commission is appropriate. As a preliminary step, however, it is important to clarify *why* these measures may be decisive to understand the Commission senior personnel policy. Two arguments can be offered in this respect.

First, the total number of decisions on allocations of senior posts based on article 7(1) is significant both in absolute and relative terms. Under the Prodi Commission, there were 92 such measures, against a total of 208 appointments made on the basis of the standard procedure over the same period. In relative terms, redeployments therefore represented around 30% of all senior personnel decisions adopted between 1999 and 2004 (cf. *infra*, 3.1.1 and 4.1.1.1).

Second – and even more important – it seems that the number of transfers in the interest of the service has *increased quite significantly* since the adoption of the reform. Cases of senior redeployments have more than tripled from Santer to Prodi (cf. *infra*, 4.1.1.1).

How can this development be explained? Some considerations may help understanding this relevant increase in number of senior redeployments. A first *partial* explanation to be offered can be the following. More appointments took place under Prodi than under Santer. It can thus be easily argued that such a higher number of decisions concerning allocations of senior posts has “naturally” lead also to a higher number of decisions on senior redeployments as well. In other words, the Prodi Commission would have been simply more proactive than the Santer Commission in taking decisions regarding senior staff. A second *partial* explanation would consider the new mandatory mobility policy for senior officials. The new requirements introduced with the reform establish that no senior official can stay in his post for more than five years (exceptionally seven). After that time, he *can* be offered another post at the same level within the institution, but can also be retired in the interests of the services or be temporarily “moved” as adviser *hors classe* outside the strict hierarchical line, this last case representing most of the time an intermediary step preceding formal exit.

The possibility to transfer a senior official in the interests of the service has always existed in the Staff Regulations since their first adoption in the early 1960s, and is still disciplined under article 7(1). During the Santer Commission, a rather limited number of senior officials were transferred on the basis of this provision, and senior posts were rather “permanent”. According to a senior official, “many Directors general were practically untouchable. Once appointed, they could remain in office for almost their entire life” (interview n. 5, April 2006). Things, however, were to change under Prodi.

The new rules on mobility have introduced an additional strong justification to transfer senior officials. It is not a new tool that has been introduced, since the legal basis to operate redeployments has remained unchanged. Rather, the introduction of the principle of mandatory mobility has created a new *political basis*. The administrative reform has therefore *transformed an occasional legal basis (“transfer in the interests of the service”) into a fully-fledged Commission policy (“senior mobility”)*.

As a matter of fact, these new mobility provisions have required, all else equal, the adoption of additional measures of transfers of senior officials that have certainly contributed to explain the overall increase in the number of redeployments. As a result, it might well be the case that these two partial explanations – “natural propensity” of the Prodi Commission, and new mandatory mobility – are enough to explain the substantive increase in number of redeployments.

It may also be, however, that they do not. In this case, it would certainly be worth *exploring whether a third explanation exists*. This is precisely the purpose of the two competing hypotheses on senior Commission mobility that are derived below.

\* \* \*

The *first of these two hypotheses (H-2a)* posits that the higher number of mobility measures is due to the need to respond to some pressures from member states. The main idea is that transfers in the interests of the service represent a means that is indeed functional to member states to influence senior appointments and to have a say on whom to select for specific posts.

If member states have lost their capacity to influence senior appointments as hypothesized with the decentralisation and professionalisation hypothesis (H-1), it may well be that they have “redirected” their attentions and pressures in a way that allows them to fulfill the same goal. They could have found a new “window of opportunity”, i.e. a way to bypass the new selection and appointment provisions and the spirit behind their adoption.

Rather than applying pressures on promotions, member states would try to influence and exploit the possibility for redeployment to get to (almost) the same results. This hypothesis, to be assessed empirically, would be perfectly consistent with H-1, at least from a theoretical point of view. I have hypothesized in fact that the reduced *margin of manoeuvre* of member states was due to the new multi-step, merit-based, fragmented procedure for the selection and appointment of top officials. But decisions on redeployment are much easier to implement, as they essentially require the agreement of two commissioners. In addition, they can be taken at any time and do not require much “justification”. Therefore, these redeployment decisions *do not meet the conditions* that were hypothesized under H-1 to have allowed for the reduction of the influence of member states.

As a consequence, it could well turn out to be that even after the implementation of the reform, there are *de facto* appointments – made under the form of redeployments – that are actually anything but a hidden way used to counter the new standard procedure of selection and appointment of senior officials. Member states may have a strong interest in disposing of such a “safety valve” to intervene in very specific situations where they deem that their interests are seriously at stake. In those cases, transfers and mobility requirements may well provide the legal as well as the political justification for actions fulfilling their own – rather than Commission’s – ends. Paradoxically, it may also be the case that the room for manoeuvring implicit in article 7(1) had been kept under-exploited before 1999, as it was less valuable than other rules and means through which member states could have their voices heard, and that it has become more relevant after the reform, as a second best solution, when a nationality-unfriendly system for senior appointments has been introduced.

In more general theoretical terms, new mandatory mobility requirements as well as the old provisions of article 7(1) may be seen as granting additional, rather regular (and maybe unique) “windows of opportunity” for principals to intervene directly in order to influence agent’s behaviour in the post-delegation phase. The overall increase of measures

concerning senior mobility has therefore enlarged, at least theoretically, the number of “occasions” in which the principals can try to exercise their influence on outcomes, by (and while) avoiding to resort to a new procedure that has supposedly empowered the agent.

Whenever a member state is not fully “satisfied” with the situation in terms of senior officials, it could always try to resort to an “article 7(1)” decision, that is to transfer an official in the interests of the service, so as to get to a new configuration that matches – or at least corresponds better to – its preferred outcome. Mandatory mobility and redeployment decisions could thus be potentially seen as a well-crafted device through which member states are still able to support their preferences and views and thus resist, on occasional but specific cases, the impact of the “normal” procedure. Principals would not have lost their capacity to impinge on the agents’ decisions, but would have just *changed* the tool to exercise their last resort control.

I have hypothesised above (cf. *supra*, 2.2.1) that the new procedure of senior appointments has reduced, through fragmentation and the multiplication of different actors involved in a merit-based procedure, the chances for direct and successful pressure from outside the Commission. At the same time, it can now be expected, on the basis of what has been argued above, that member states would try to “exploit” the *combination of the old legal basis* (still available) granting the possibility for senior officials’ redeployment in the interests of the service, *with the new policy approach* to senior mobility, to exercise pressure on direct re-allocation of senior staff within the Commission, and therefore to counter-act the new trend towards progressive internalisation of senior personnel decisions.

In purely theoretical terms, the principals (member states) would keep their capacity to remedy particularly uncomfortable decisions taken by the agent (the Commission), and would use it only if, and insofar as, agents’ decisions go beyond a certain threshold of political acceptability. Faced with an agent adopting multiple and reiterated decisions, shirking will be tolerated but only to a limited extent. Beyond that, the principals would “advocate” for themselves the right to decide in the place of the agent.

Furthermore, there is an additional theoretical argument that suggests that transfers in the interests of the service may offer opportunities to member states to exercise their

influences. It may happen, in fact, that a mobility exercise involves not just one but few or several top officials in a rather limited time-span. Since the theory tells us that “*some* principals [can] act in consort, as part of a coalition or a group of actors” (Waterman, Rouse and Wright, 1998: 17, e.a.), it can be expected that *some* member states may find compromises on *some* redeployments at the top and try to impose their “gentlemen’s agreements” onto the agent by exploiting the mobility policy. Again, this sort of pressures would be definitely much harder – if not impossible – to succeed in cases of single successive appointments based on vacancy publication leading to multiple applications and several degrees of assessment (i.e. when new standard procedure applies). Such theoretical possibility to exploit instrumentally redeployment and mobility may well be the temptation of a number of member states, particularly those which were most attached to the traditional principle of national flags. It might also be the case that some member states are tempted to apply logics of “mutual non-interference” – of the kind “I do not oppose/veto your candidate there, you do not oppose/veto my candidate here”, that were quite common prior to the reform, at least between commissioners but also within the CCN (interview n. 5, April 2006). That is, member states might be tempted to support the application of logics incompatible with the value of open competition for all senior positions, which is one of the key features of the post-reform senior appointments’ system. Again, this could be expected to occur irregularly, but very likely on occasions when member states feel that important interests are at stake and that their preferred outcomes are not being considered adequately.

On the basis of these considerations, it can be hypothesised that:

***(H-2a) the new senior mobility policy has reduced the impact of the internal reform by providing member states a “last resort” opportunity to (continue to) exercise influence in senior appointments.***

In case of confirmation of H-2a, the outcome would be that personnel decisions leading to redeployment and mobility of senior officials can be easily biased by member states direct intervention and may not always reflect purely internal Commission decisions. It would thus mean that the new provisions on mandatory mobility, and in general resort to article 7(1), represent a sort of “Trojan horse” of the administrative reform. A number of

decisions concerning allocation of senior servants would be made *in the interests of member states*, rather than in the interests of the service, as officially claimed.

It is important to restate that confirmation of H-2a *is not incompatible* with the possible confirmation of the decentralisation and professionalisation hypothesis (H-1, on impact of new procedure). On the contrary, the way in which it has been theoretically derived suggests the following clear conclusion in case they were both confirmed: member states would have lost their general capacity to influence *standard and regular* senior appointments made through the full procedure, and would have rather retained (or gained) new room for their manoeuvring through the new approach/policy of senior redeployment and mobility, when *ad hoc and occasional* distribution of senior posts take place.

It is clear, however, that hypotheses 1 and 2 point towards two rather opposite directions. In case of confirmation of both of them, a relative balance of the overall senior allocations made, respectively, on the basis of redeployment in the interest of the service and mobility, or following the competitive procedure, would give us a picture of the *extent* to which decisions concerning senior personnel are actually taken internally and in full autonomy by the Commission or not.

\* \* \*

In parallel to H-2a, *a different, competing hypothesis (H-2b)* on the use of redeployments can be derived starting from the same premises. According to this hypothesis, the new provisions on mandatory mobility would have *strengthened*, rather than impaired, the capacity of the Commission to fix and conduct a fully autonomous senior personnel policy, thus reinforcing the logic and outcome that have been illustrated above in paragraph 2.2.1.

In theoretical terms, the reasoning can be framed by recalling that the independence of the agent depends, all else being equal, upon the presence of multiple principals (Knott and Hammond 2003: 144). Multiple principals are likely to represent different interests, which is why they “will likely seek to influence an agency’s policy choices in different directions” (McCubbins, Noll and Weingast 1987: 248). If principals’ preferences diverge, the agent will have more leeway and greater chance to profit from the interstices created by this divergence of preferences and interests. Disagreement among principals (or simply inability to reach a necessary set of consistent instructions) enhances the agent’s room for

manoeuvring, which will have greater freedom of action and capacity to fulfil its goals and policy choices. In the case of the Commission, such “policy choices” would be decisions taken in terms of senior mobility, and disagreement among principals would consist of the inability to reach an agreement in terms of senior post-sharing.

The same argument of “disagreement among principals” can also be seen from a different angle. Among the reasons why principals decide to delegate an agent in the first place is the interest to *reduce the transaction costs* that they would face in order to find an agreement in the absence of delegation. In the case of the Commission, the regular redeployment of senior officials, introduced with the new mandatory mobility policy, raises the potential transaction costs that member states would face if they wanted to retain for themselves the search of agreements on appointments acceptable and satisfactory to all of them. It is therefore quite reasonable to expect that raising these transactions costs has potentially allowed for more delegation (and thus autonomy) to the advantage of the agent (Commission).

Under H-2b, mobility would thus be a tool in the hands of an agent facing multiple principals. I have just mentioned the arguments supporting the possibility that the newly introduced mandatory mobility policy and a new specific use of transfer in the interests of the service have strengthened member states’ ability to put pressure on the Commission (H-2a).

It is important to recall, however, that mandatory mobility implies a (quite) regular reshuffle of senior positions. This means that positions considered to be key by the member states that “own” them, may be lost after a few years to the advantage of a different nationality. In general, the inability to keep a national flag on a senior post makes particularly difficult, in front of multiple principals, to keep an adequate balance among member states. Any kind of such balance would be continuously altered by the successive redeployments, not to include the outcomes of the appointments made under the standard procedure, and all this would inevitably “interfere” with any sort of agreement implemented on the basis of reallocation and simple transfer of top officials. If posts were indeed rather “fixed” prior to the reform, it was also because the search of this balance among principals was a quite complicated exercise.



I have already mentioned (cf. *supra*, 1.1.4.1) how the fair-sharing of senior positions took place only rarely, i.e. at the time of, first, establishing the Commission – with only six member states and nine directorates-general to “fill in” – and on the occasion of successive enlargements, where some accommodations were to be found, not rarely after painful efforts. The legacy of national flags and thus the decade-long petrification of the initial (and few successive) repartition of higher administrative offices can be interpreted as the result of this immense difficult renegotiation that would have been needed to accommodate the successive arrangements in a way that was satisfactory to everybody in terms of post-sharing.

We can expect that this game could not – and cannot – be played anymore in a Union of 15 (Santer and Prodi until May 2004) or 25, and now 27 member states, with a Commission of thirty-seven between Directorates general, general services and internal services, and tens of directorates. It is nowadays impossible that member states are able to find, on a regular basis, satisfactory balances in terms of senior posts. It is very likely that principals would indeed succeed in influencing decisions on appointments and redeployments if these agreements could be easily and regularly found. But this is no longer the case precisely because such agreements are nowadays very much beyond their reach.

The introduction of the principle of mandatory mobility has provided a first concrete opportunity to reshuffle senior officials, and it is now impossible to bring the pieces back to either the old or to a new alternative *order* that is satisfactory to all member states. The balance has been broken and member states are simply collectively unable to find a new one, even more so given that the Commission is now endowed with a policy orientation and a political willingness favourable to regular rotation. The difficulty for member states would not be simply to play the game, but *to play it regularly and in a reiterated way*.

As a consequence, it can be argued that the new senior mobility policy – and the overall set of article 7(1) measures – does not represent a (new) window of opportunity for member states to influence allocations of top positions in the Commission. On the contrary, since mobility makes all member states potentially involved in senior officials’ reshuffles made under the new policy, or in any event on the basis of the transfers in the interests of the service, and since member states have diverging preferences and are thus unable to instruct the agent (the Commission) coherently and consistently, it can be expected that mandatory mobility and a greater use of redeployment in the interests of the services have *enhanced*

Commission's autonomy vis-à-vis member states in terms of senior personnel policy. It can be hypothesised that:

***(H-2b) the new senior mobility policy is a tool that the Commission has used to enhance its capacity to internalise and render more autonomous, vis-à-vis member states, its personnel decisions in terms of appointments and further reshuffles of senior officials<sup>13</sup>.***

H-2b is clearly incompatible with H-2a and they could not be both confirmed. Since they have the same variable on the independent variable side and point towards two opposite outcomes, I can reasonably expect that either one or the other is confirmed. It might also happen that none of the two is *fully* confirmed (or disconfirmed) and in that case they will be both functional, together, to understand the circumstances under which influence by member states, as well as relative autonomy by the Commission, is predominant in cases of mandatory mobility and redeployment of senior appointments.

New rules on mobility have then to be studied in parallel to the likely influence that a more fragmented, competitive, multi-step and merit-based procedure has exercised on member states' overall ability to determine appointments at the top (H-1). There can be in fact various combination of confirmation/disconfirmation of the first three hypotheses. It might be the case, for instance, that H-1 and H-2a are both disconfirmed and that H-2b is the only hypothesis confirmed. In this case, the conclusion would be that the new procedure does not insulate very much the Commission from "advice" tendered by national capitals on senior appointments, but that the Commission has become rather autonomous on specific and ad hoc decisions concerning the allocation of senior posts, i.e. in transferring and rotating top officials between the different senior posts. In this configuration, the new mobility policy would be the tool in the hands of the Commission to periodically discontinue a legacy that the reform of the selection and appointment procedure has failed to change.

Another possibility might be that H-1 and H-2a are both confirmed (while H-2b is not), and this would bring us to conclude quite the opposite, i.e. that the new procedure allows the Commission to make its senior appointments in full independence, but that at the same

---

<sup>13</sup> In the rest of the thesis I will also refer to H-2a and H-2b as to the "senior mobility hypotheses".

time member states exploit redeployments and the rules on mandatory mobility to partially rearrange decisions on allocation of top officials in ways that better suit their own interests

Last, it could be that H-1 and H-2b are both confirmed (and H-2a is not), and in this case I would conclude that the regular procedure as well as the new mobility policy mutually reinforce each other in reducing, if not completely impeding, member states' intervention in decisions regarding promotion and rotation of senior Commission officials. That would thus mean that since the administrative reform, senior personnel decisions always reflect Commission's fully autonomous choices. It would thus mean that member states have lost their capacity to influence allocations of senior posts *regardless* of whether they take place through the regular and standard appointment procedure or on the basis of redeployment in the interests of the service. The conclusion would be that a compulsory mobility scheme and a decentralised/fragmented merit-based system of promotion are the key features of a personnel policy aiming at a true "decoupling" of supranational senior appointments from state-sponsoring.

These possible different (combined) outcomes explain why I have used different hypotheses to assess the impact of decentralisation/professionalisation on the one hand, and mobility on the other. It cannot be taken for granted, in fact, that the new features of the senior Commission personnel policy have produced changes that point into the one and same consistent direction.

### **2.3.2 Operationalisation of variables: indicators for the empirical assessment of the "senior mobility hypotheses" (H-2a and H-2b).**

In parallel to decentralisation and professionalisation of the appointment procedure, mandatory mobility is the third major innovation introduced with the implementation of the new set of rules concerning senior personnel policy in the European Commission. Its impact may eventually reveal that it is even the single most important one. If the legacy was one of national flags and discrete "capture" from member states, rigorous implementation of a policy of mandatory mobility should have *prima facie* altered, if not completely countered, this trend, by imposing periodical re-allocation of senior posts among top officials.

I have just mentioned (2.3.1) how the new mobility rules and the concrete post-reform use of provisions contained in article 7(1) of the Staff Regulations may have produced two opposite outcomes. The first of these two competing hypotheses (H-2a) posits that the sets of rules going under the label of “senior mobility” create new occasions for member states to influence Commission decisions on allocation of senior posts, whereas the second of these two hypotheses (H-2b) posits, on the contrary, that mobility has further contributed to weaken national governments’ capacity to influence the Commission senior personnel policy in terms of appointments and redeployments.

In order to make the empirical assessment of these two competing hypotheses, I select *all* cases of senior mobility occurred under Santer and Prodi, so as to assess what main reasons(s) underlied the adoption of these redeployment decisions and thus to check for possible national interventions. In this way, I will be able to see why and how article 7(1) was used prior to 1999 and to explain the reasons behind the relevant increase in its use since the adoption of the reform.

Variation on the *independent variable* side will thus be given by redeployments occurred under *either* Santer *or* Prodi. Although the “legal basis” for redeployment has remained the same – article 7(1) of the Staff Regulations – these transfers have occurred in two different overall contexts (especially if we consider the impact of the new procedure for senior appointments) and in fulfillment of different personnel policies (mandatory mobility since the adoption of the reform). It can thus be expected that the same legal basis included in the Staff Regulations served more than one purpose for the two periods respectively before and after the reform.

The selection of case studies on the independent variable side can be made quite easily. The Prodi Commission always specified in the minutes when a decision was based on article 7(1) and/or was made as a fulfilment of its mobility policy. For the Santer period, the minutes are quite clear and cases of transfers in the interests of the service are again rather easy to isolate.

On the *dependent variable* side, variation of member states’s influence will be, *mutatis mutandis*, the same considered in assessing H-1 (impact of new selection and appointment procedure), that is autonomous vs. nationally “biased” senior redeployments. That is why I

will refer to some of the indicators used previously, in particular contacts between cabinets and member states (in this case, on the occasion of redeployments), and “proximity” of officials with national capitals.

Moreover, reference will also be made to six additional indicators. These indicators will all provide a detailed account of the context, reasons, and conduct of the different actors for each of the redeployments, that is, for each of the selected cases. They will therefore be useful for retracing the “life” of every decision and to make the qualitative assessment required to determine when and whether the decision under scrutiny can be considered to confirm either H-2a (backdoor influence of member states) or H-2b (enhanced autonomy of the Commission).

The first indicator has to do with a careful *analysis of the posts of origin and destination of the transfer*, as this information is definitely relevant to understand the personal, institutional and/or possible national relevance of these two senior posts involved.

The second deals with the *timing of the decision*, and consequently with the relevant decisions on allocation of senior posts taken by the Commission *at the same time* of the decision under scrutiny. Cases of decisions taken at the same time than other senior appointments, but also of other decisions based on article 7(1), may *prima facie* suggest deals and payoffs between the actors involved, and may therefore hide informal agreements for post-sharing between member states. Some sort of “post-trading” or other similar arrangements could therefore be detected. This is clearly only one hypothetical reason behind time coincidence in senior personnel decisions, but it is enough to justify further consideration and adequate empirical assessment. The empirical assessment will in fact reveal under which circumstances, and for what purposes, several decisions on allocation of senior posts take place at the same time, when this is not just for procedural coincidence.

Another important source of knowledge, to be taken as a third indicator, will come from the assessment of the *(degree of) viscosity of the transfers*, that include both potential resistance to move (from the official, but also from other “forces” within and outside the Commission) and difficulties in finding the “appropriate” post in which to effect the redeployment.

A fourth indicator would consist in the assessment of the *source of the decision* concerning the transfer of the senior officials. On the basis of article 7(1), in fact, not only the institution has the right to redeploy, but the official himself can ask to be transferred to another post. Clearly, these two cases may potentially reflect different interests and pressures. A senior official exposed to excessive pressures may be tempted to ask for redeployment, but he could also feel likely to change his post for exclusively personal reasons. At the same time, the Commission may decide to transfer an official for reasons of pure efficiency and internal institutional economy, but also, again, in response to an external input. Incidentally, the use of this indicator will also allow me to figure out whether decisions based on mobility have served, under specific circumstances, to remove officials from key positions, or, on the contrary, to fill in some specific posts by bypassing the open, standard, competition based on the regular vacancy publication.

The fifth indicator refers to the *number of actors involved* in the specific decisions. The extent to which few actors decide on the redeployment may signal targeted influences by member states, but may also reveal the need to keep a high level of insulation as a means to remain protected against these very same influences. The assessment of the number of actors involved has therefore to be interpreted in terms of *circulation of information* concerning the senior personnel measure *prior* to its adoption.

The sixth and last indicator would focus more specifically on the *specific role and personal involvement of two major actors*, the Vice-President in charge of the personnel portfolio, and the Commission Secretary-General (plus the role of a third major actor, the Commission President himself). These two actors have a rather clear picture of the overall situation concerning senior appointments and redeployments, and have a rather significant role, both formally and informally, in decisions concerning senior personnel. They could use their knowledge as a source of pressure or for justifying certain decisions. But above all, they are likely to represent, for their institutional position within the Commission, venues for multiple pressures.

A final consideration concerns transfer of senior officials at the end of a standard procedure. It may well be, for instance, that an official applies for a vacancy for a post at an equivalent level. This could be the case when posts carrying great prestige or powers are involved, or any time an official is particularly unhappy with his current job. In case the same-grade official is the winner of the selection procedure, the move does not imply

promotion and technically corresponds to a simple transfer. It will thus be worth taking into considerations these cases as well.

### *2.3.2.1 Retirements in the interests of the service.*

In addition to all that, I will also pay special attention to assess decisions adopted on the basis of *article 50 of the Staff Regulations*, as a key, major indicator to empirically assess my two senior mobility hypotheses. Article 50 grants the Commission the possibility to retire an official in the interests of the service. Its use should therefore be closely examined in combination with article 7(1). To some extent, the decision to retire in the interests of the service can in fact be seen as a “special case” of redeployment in the interests of the service. When redeployment is needed and a new suitable post for the senior official is not available, the latter can in fact be offered a post of advisor hors classe (generally a form of pre-retirement) outside the hierarchical line of command, or can be retired directly. Decisions adopted on the basis of article 50 can thus become, under special conditions, decisions falling under the same mandatory policy of senior rotation. A scrupulous analysis of the “story” behind the adoption of such decisions, to identify whether they are indeed linked to decisions based on article 7(1), may thus lead to discover cases of special interests and influences by actors external to the Commission.

In specific circumstances, it could well be the case that one or several member states influence the use by the Commission of article 50 with respect to a senior official for one reason or the other. At the same time, in other circumstances, the opposite may also be true. The Commission could in fact use article 50 to discontinue legacies such as the national flagging of specific senior posts, or in any other case considered appropriate, and for which it would not have been possible to retire an official, had the old system remained into force.

Since the new rules on mobility have increased the number of decisions based on article 7(1), a greater use of article 50 can also be expected. Only the empirical assessment, however, will tell whether this expectation is correct, and, more importantly, what use is made of the possibility to retire in the interests of the service and whether this is preliminary to redeployment. In Chapter 4, I will empirically assess and present the findings on my two hypotheses on redeployments of senior officials, and a special section (4.2.2) will be devoted to assess the use of article 50.

## 2.4

### SUMMARY OF HYPOTHESES AND INDICATORS

What follows is a summary of the three hypotheses derived in this chapter (Table 2.4.1). Table 2.4.2 and Table 2.4.3 then present a concise view of, respectively, the independent and dependent variables, and the indicators used to empirically assess the hypotheses.

TAB. 2.4.1. *Summary of three hypotheses.*

paragraph	hypothesis	
2.2.1	H-1	decentralisation and professionalisation of the selection and appointment procedure of top Commission officials have reduced the influence of member states in senior appointments
2.3.1	H-2a	the new senior mobility policy has reduced the impact of the internal reform by providing member states a “last resort” opportunity to (continue to) exercise influence in senior appointments
	H-2b	the new senior mobility policy is a tool that the Commission has used to enhance its capacity to internalise and render more autonomous, vis-à-vis member states, its personnel decisions in terms of appointments and further reshuffles of senior officials

TAB. 2.4.2 *Independent and dependent variables.*

paragraph	hypothesis	independent variable	dependent variable
2.2.1	H-1	procedure/criteria for appointments	influence of member states



2.3.1	H-2a	rules on senior mobility (transfer in the interests of the service + compulsory mobility)	influence of member states
	H-2b	Idem to H-2a	Idem to H-2a

TAB. 2.4.3 *Indicators.*

paragraph	hypothesis	independent variable	dependent variable
2.2.2	H-1	<ul style="list-style-type: none"> <li>- assessment of vacant position</li> <li>- answerability</li> <li>-insulation: inform. flows/n. of actors involved</li> <li>- preliminary selection</li> <li>- time of involvement of actors</li> <li>- record-keeping</li> </ul>	<ul style="list-style-type: none"> <li>- contacts between commissioners' cabinets and member states</li> <li>- proximity</li> <li>- substantive interests of member states</li> <li>- public and/or internal disclosure of pressures</li> </ul>
2.3.2	H-2a	<ul style="list-style-type: none"> <li>- decisions based on article 7(1) &amp; new senior mobility policy (+ decisions based on article 50)</li> </ul>	<ul style="list-style-type: none"> <li>-contacts between cabinets on redeployments</li> <li>-contacts between cabinets and member states on redeployments</li> <li>- analysis of post of origin and destination</li> <li>- proximity</li> <li>- degree of viscosity</li> <li>- timing of the decision</li> <li>- source of the decision</li> <li>- role played by vice-President and Secretary-general</li> </ul>
	H-2b	Idem to H-2a	Idem to H-2a

## 2.5

### ON METHODOLOGY AND METHOD

Some remarks on methodology and method are presented in this section. In particular, they will address a) case selection (2.5.1), b) the way I will proceed in the next two chapters to make the empirical assessment and present the findings (2.5.2), and c) the sources to which I will make reference in order to empirically assess my three hypotheses (2.5.3).

#### 2.5.1 Case selection

The cases I will select for the empirical assessment of my hypotheses are tens of *appointments (or redeployments) of one official to one senior position*. Once the mapping of all senior appointments and redeployment from 1995 to 2004, during the terms of Santer and Prodi is completed, I will choose a number of cases sufficiently high so as to generalise the findings.

In particular, in assessing the decentralisation and professionalisation hypothesis (H-1), empirical assessment will focus on different years and policy areas. In addition, attention will be paid to appointments to posts that occurred under Prodi that had already been vacant once under the Santer Commission. These cases might be particularly telling to assess what differences in senior appointments have been brought in by the new rules implemented since 1999.

In parallel to this, it may be worth examining the attitudes, preferences and behaviours of some of the Commissioners (e.g. Franz Fischler, Mario Monti) who have been members of the two different Commissions headed by Santer and Prodi. How did they behave confronted with one senior appointment during the Santer's mandate? And after the implementation of the reform? Potential differences of their behaviours and attitudes *before* and *after* 1999 would be very telling of the real impact of the administrative reform and more specifically of the impact of those features concerning senior Commission appointments, for they would eliminate all other possible intervening variables linked – for instance – to the personality and roles of two incumbents running the same office at two

different periods in time. That is why case selection (when assessing senior appointments in specific policy areas) will be based also on considerations related to the recruiting Commissioners.

For both senior appointments and redeployments, qualitative analysis and process-tracing will matter definitively more than pure quantitative data. Process-tracing, for instance, will be essential to “capture [within each case study] the presence or absence of hypothesised casual mechanisms in operation” (Pollack 2003: 70).

### **2.5.2 Making the empirical assessment and presenting the findings**

The assessment of my hypotheses clearly requires a pre/post reform comparative analysis. Reference will thus be made to a number of senior appointments and redeployments that took place under both the Santer and the Prodi Commissions.

As far as H-1 is concerned, variation on the independent variable side is based on the decentralisation and professionalisation of the appointment procedure. These features have entered the practice of senior Commission appointments since the reform, that is why variation on the independent variable side can be reduced to *time variation*, i.e. to considering appointments occurred respectively prior to, or after, the fall 1999. Once I have regrouped the cases on this temporal basis, I will understand whether the first hypothesis is confirmed or not through different partial assessment (cf. infra, 3.1.2) and by using the indicators presented above (cf. supra, 2.2.2). A qualitative and detailed analysis will be required for each of the appointments, in order to retrace what occurred, and thus to capture the influences and pressures at stake.

On the basis of these indicators and the qualitative assessment, each appointment considered for the assessment of the decentralisation and professionalisation hypothesis will be included within one of the following four categories – helpful for a clear presentation of the findings:

1. made without specific consideration to nationality
2. sensitive to national considerations /influence
3. sensitive to some member states’ pressures

4. responding to strong member states' pressures

At the end of any (partial) empirical assessment, the relative percentages of these four categories will give an immediate overview of whether the first hypothesis is confirmed or not. The combined outcome of the different assessments will be used to confirm/disconfirm my decentralisation and professionalisation hypothesis (H-1).

As far as the two *senior mobility hypotheses* (H-2a and H-2b) are concerned, indicators (cf. infra, 2.3.2) and qualitative analysis will be used to regroup all cases of senior redeployments assessed into one of the four categories<sup>14</sup>:

1. “normal” senior personnel management
2. poor performance
3. incompatibility
4. nationality / member states' concern

Clearly, the empirical assessment of the three hypotheses is based on the assessment of *effective* appointments and redeployments. This, however, should not be taken as automatically implying that under specific circumstances no external pressures were made to *avoid* appointments in the first place, or cases in which senior officials could not be removed from their post by the Appointing authority due to the “good offices” of their national capitals. Similarly, the empirical assessment may reveal cases of termination of service due to pressure from member states. These (possible) cases will be considered any time this is relevant to make a proper empirical assessment.

For the sake of confidentiality, the results will not be presented for each and every appointment or redeployment, but under the form of *aggregate data*. Nonetheless, specific narratives will be provided whenever possible, and particularly when useful to show the main features of the system and its possible internal variety.

---

<sup>14</sup> Cases of retirements in the interests of the service (article 50 of the Staff Regulations, cf. supra, 2.3.2.1) will be regrouped in the same four categories used to empirically assess the senior mobility hypotheses (H-2a and H-2b), with the exception of the first one, which is “normal senior personnel management” for redeployments and will be “requested by senior official” for retirements (cf. infra, 4.2.2.1).

### 2.5.3 Sources

In order to conduct my empirical assessment, I have analysed internal documents of the Commission, and in particular hundreds of *minutes of the College weekly meetings*. These minutes report all decisions concerning senior officials' promotions, redeployments and retirements. They are not always fully accurate for the period from 1995 to 2004. In addition, not all minutes were available: those referring to Commission's meetings after 2002 could be easily and directly accessed on the website; as for those before 2002, I had to submit an official request of access to documents to the Commission. Access was authorised, but the documentation I received was not complete and a few minutes, most of which referring to the year 1999 (both Santer and Prodi Commissions) were missing. This is why the figures and numbers on senior officials presented below (cf. *infra*, chapters 3 and 4) may not always be fully exhaustive, and some senior decisions may be missing. It is also true, however, that on the basis of my own calculations, such missing information amounts to less than 3% of the overall data, which is thus unlikely to invalidate the research or change any possible findings<sup>15</sup>.

In addition to minutes and other Commission internal documents, *37 interviews with relevant actors* have been key to assess empirically my hypotheses<sup>16</sup>. In particular, they were essential to make a qualitative and detailed account of the intensity of pressure from member states on single cases of senior appointments or redeployments, and in order to understand the degree of success achieved through such pressure. Interviews were conducted, in particular, with members of Commissioners' cabinets, top Commission officials (including many of those involved in the selection and appointment procedure, such as rapporteurs, members of the CCN, etc), and people from the Directorate general for Personnel and Administration (DG ADMIN)<sup>17</sup>.

Officials were asked questions of three kinds: first, on administrative reform and the new rules in place; second, on their personal relevant experience as candidates in selection procedures or as member of panels etc; and third, on specific appointments or redeployments of their colleagues (cf. Annex 2). In particular, questions were asked to

---

<sup>15</sup> I have also asked the Commission to be granted access to the archives and documents of the CCN. Access was this time denied for reasons of privacy.

<sup>16</sup> Two people were interviewed two times, and one person was interviewed three times.

<sup>17</sup> The full list of these people interviewed for my thesis is provided in Annex 1.

understand – for each of the appointments and redeployments (including retirements based on article 50) assessed in the next two chapters – what were: the features of the vacancy; the number and kind of the actors involved; the contacts among cabinets and permanent representations; the proximity between candidates and members of the panel/other key people for the appointment; the time of involvement of different actors; the length of the procedure and possible reasons for delay; the public disclosure of pressures; the source(s)/main initiator(s) of the decision; the role of Secretary-general and Vice-president (plus President when relevant), and so on. That is, through *questions on indicators* (cf. supra, Tab. 2.4.3), I have collected the quantitative and qualitative information necessary to measure the value of my independent and dependent variables, and thus understand the dynamics and sources of influences present during any of the cases of senior appointments and redeployments selected for the empirical assessment.

Lastly, I was particularly interested in *narratives*, that is, in hearing the stories behind the specific senior appointments or redeployments (including their own) that the interviewed officials were willing to tell. The detailed assessment of these narratives proved extremely useful and relevant, not only as many indicators were *de facto* reported in these stories, but also to double-check the (quantitative) assessment coming out of the joint analysis of the indicators with the more (qualitative) wider picture illustrated by the full story. Some of these narratives are quoted below in the two chapters presenting the findings of my empirical work.

Since the topic is one of particular sensitiveness and confidentiality, I must stress that very special attention was paid to make a rigorous bilateral and/or trilateral control of information coming from different sources (i.e. different interviews), so as to have a reliable assessment of preferences and interactions. People tend to forget details after some time. People can also base comments, and report facts, adjusted or influenced by impressions and feelings, including when they are in absolutely good faith. People may hide information, or even lie, due to embarrassment or any other reasons. That is precisely why I have made sure that all insights I obtained were not only simply consistent and coherent with each other, but also came always from more than one source – and often from several different sources – possibly not directly connected to each other. Any time information on cases of senior appointments or redeployments was not enough, or sufficiently reliable, I have decided to mention it explicitly when presenting the findings, and not to take those cases into account for the empirical assessment.

Finally, an analysis of other possible sources, including the press, was helpful in highlighting contentious cases of selection and appointment of top Commission officials, and provided important information in terms of contested/non-contested senior personnel decisions. Clearly, the analysis of the press or other sources was secondary to interviews, that remain the only source with the potential to reveal dynamics behind – and leading to – senior Commission appointments and redeployments.

## **PART III**



## **CHAPTER 3**

# **Selection and appointment of senior Commission officials**

The results of the empirical assessment of my decentralisation and professionalisation hypothesis (H-1), concerning the impact of the administrative reform on the role played by nationality and by member states in senior Commission appointments, are presented in this chapter. A brief overview of all senior appointments that occurred in the European Commission between January 1995 and October 2004, that is under the two presidencies of Jacques Santer and Romano Prodi, together with case selection for my empirical assessment, are given in the first section (3.1). Then, the findings are presented (3.2).

### **3.1**

#### **OVERALL DATA ON SELECTION AND APPOINTMENT OF SENIOR COMMISSION OFFICIALS**

An overall view of senior Commission appointments is given first (3.1.1). Then, all cases selected to empirically assess the decentralisation and professionalisation hypothesis are

presented in detail (3.1.2), according to three categories based on a) the timing of appointment; b) the policy area in which the appointment took place; and c) whether the senior post was subject to more than one appointment during both the Santer and the Prodi Commissions (“same appointments”). The empirical assessment will be made by referring to a number of indicators that were presented above (cf. supra, 2.2.2) and relating to – on the *independent* variable side – assessment of the vacant position, answerability (justification for the action), insulation of decisions concerning senior appointments, selection process (particularly in the preliminary phase), time of involvement of different actors, and record-keeping; and – on the *dependent* variable side – to contacts between cabinets and member states, proximity between successful candidates and national authorities, substantive interests of member states, and internal as well as public disclosure of pressures on senior appointments.

TAB. 3.1.0 *Indicators for empirical assessment of decentralisation and professionalisation hypothesis (extract from Tab. 2.4.3).*

hypothesis	independent variable	dependent variable
H-1	<ul style="list-style-type: none"> <li>- assessment of vacant position</li> <li>- answerability</li> <li>-insulation: inform. flows/n. of actors involved</li> <li>- preliminary selection</li> <li>- time of involvement of actors</li> <li>- record-keeping</li> </ul>	<ul style="list-style-type: none"> <li>- contacts between commissioners’ cabinets and member states</li> <li>- proximity</li> <li>- substantive interests of member states</li> <li>- public and/or internal disclosure of pressures</li> </ul>

### 3.1.1 An overall view of senior appointments in the European Commission (1995-2004).

Between 23 January 1995, when the Santer Commission first met, and the 26 October 2004, when the last meeting chaired by Romano Prodi took place, a total of 347 senior appointments were made. Interim appointments as well as redeployments are clearly not counted in these figures.

Table 3.1.1.a and Table 3.1.1.b present an overall view of the respective number of senior appointments that took place over the decade in which Santer and Prodi were Commission's Presidents, on the basis of (a) the level of the appointment, and (b) the policy area in which they occurred.

TAB. 3.1.1.a *Senior appointments in the Santer Commission.*

DG		Director General	Deputy DG	Director	Principal Adviser	<i>head of delegation</i>	TOT
I	Relex (Trade)			8	1	4	13
IA	Relex (PECO, PEI, PESC)		1	4	2		7
IB	Relex (Méd, Latin America, etc.)		1	3			4
II	Ecfin			1			1
III	Industry		2	2	1		5
IV	Competition	1	2	6			9
V	Empl, industr. relations, social aff.	1		4			5
VI	Agriculture		2	7			9
VII	Transport			5	1		6
VIII	Development	1	1	3		(+Soubestre)	6
IX	Personnel and Administration			5			5
X	Audiovisual, communic, culture	1		1			2
XI	Environment	1	1	3			5
XII	Science, Research and Develop.	1		2	2		5
JRC		1	1	2			4
XIII	Telecoms, Infso	1			1		2
XIV	Fisheries			1			1
XV	Internal Market		1				1
XVI	Regional policy and cohesion			3			3
XVII	Energy	2		1			3
XVIII	Credit and investment						0
XIX	Budget		1	3	5		9
XX	Financial control	1		1			2
XXI	Customs, and indirect taxation	2		2			4
XXII	Education, training and youth			1			1
XXIII	Enterprise policy, tourism, etc	2		2			4
XXIV	Consumer policy	2		3			5
	Task force Enlargement	1		3	1 (grade A3)		4
SG	Secretariat general	1	1	2			4
	Legal Service				6		6
	Inspectorat						0
	Scic						0
	Eurostat						0
	Translation						0
	Informatics			1			1
	ECHO			1			1
	OPOCE – Publication office			1			1
	Securité						0
	Forward studies Unit				1		1
<b>TOT</b>		<b>19</b>	<b>14</b>	<b>81</b>	<b>20</b>	<b>5</b>	<b>139</b>

Source: Commission' minutes, 1995-1999.

TAB. 3.1.1.b *Senior appointments in the Prodi Commission.*

<i>formerly DG(s)</i>	DG		Director General	Deputy DG	Director	Princ Adv.	<i>head of delegation</i>	TOT
<i>I, IA and IB</i>	RELEX	External relations		4	9		8	21
<i>I and XXIII</i>	TRADE	Trade	1	1	6			8
<i>Task force and IA</i>	ELARG	Enlargement			4			4
<i>II</i>	ECFIN	Economic and Financial Affairs	2	1	7			10
<i>III, XIII and XXIII</i>	ENTR	Enterprise	1	1	2	1		5
<i>IV</i>	COMP	Competition		2	4	3		9
<i>V</i>	EMPL	Employment and social affairs		1	6			7
<i>VI</i>	AGRI	Agriculture	1	6	6			13
<i>VII and XVII</i>	TREN	Energie and Transports			4	1		5
<i>VIII</i>	DEV	Development	2		1			3
<i>IX</i>	ADMIN	Administration and Personnel	1		13			14
<i>X and XXII</i>	EAC	Education and culture	1	1	2			4
<i>XI</i>	ENV	Environment	1		5			6
<i>XII</i>	RTD	Research		1	5			6
<i>JRC</i>	JRC	Joint Research Centre	1	1	6			8
<i>X and XIII</i>	INFSO	Information society		1	4	1		6
<i>XIV</i>	FISH	Fisheries	1		2			3
<i>XV</i>	MARKT	Internal Market		2	6			8
<i>XVI</i>	REGIO	Regional policy	1	2	1			4
<i>XIX</i>	BUDG	Budgets	1	2	3	1		7
		Financ. control (puis supprimé)			1			1
<i>XXI</i>	TAXUD	Customs union and taxation			2			2
<i>V, VI, XI, XXIV</i>	SANCO	Health & consumer protection	1	1	3			5
<i>new</i>	JAI	Justice and Home Affairs			3			3
	SG	Secretariat General		2	5			7
		Legal Service	1	2		5		8
		Audit		1	1			2
<i>new</i>	IAS	Internat. Accounting Standards	1		1			2
	PRESS	Press et communication			1			1
		Scic	2		3			5
		Eurostat		1	10			11
	DGT	Translation	1		2			3
	DIGIT	Informatics		1				1
	AIDCO	EuropeAid		1	4			5
	ECHO	Humanitarian assistance			1			1
		OPOCE						0
		Securité						0
		Task Force Future of the Union						0
<i>Forward Studies Unit</i>		Conseil économ. et politique						0
	<b>TOT</b>		<b>20</b>	<b>35</b>	<b>133</b>	<b>12</b>	<b>8</b>	<b>208</b>

Source: Commission' minutes, 1999-2004.

The first and most visible difference between the two periods of reference concerns the overall number of appointments. This number rose by fifty percent from Santer to Prodi, that is to say that every two appointments occurred between 1995 and 1999, there were

three appointments made between 1999 and 2004. Although Prodi remained in office a few months more than Santer, this is hardly enough to explain such development.

Another remark concerns the rather substantial *increase in appointments to the post of Deputy DG*, which rose by 150% – from 14 under Santer to 35 under Prodi. These data are particularly significant if compared to those referring to appointments of Directors general, where figures remained substantially the same from Santer to Prodi.

In terms of *policy areas*, important developments from Santer to Prodi in terms of senior appointments concerned in particular Economic and Financial affairs, Personnel and Administration, and Eurostat. In DG ECFIN (formerly DG II), only one appointment, at the Director level, took place throughout the whole mandate of President Santer, whereas the number of senior appointments in the same DG rose to 10 during the following five years, including the appointments of two successive directors general. A similarly impressive growth in the number of officials appointed to posts of responsibility in one and the same DG concerned the Directorate general in charge of Personnel and Administration (DG ADMIN). Under Santer five appointments took place in DG IX, while they almost tripled during the mandate of Prodi. Finally, Eurostat proved to be a rather “unstable” Commission service during the years of the Prodi mandate (Cini 2007: 81-107; interview n. 39, Janvier 2007). In July 2003 the Commission decided to transfer all Directors in Eurostat to newly created posts of chief advisors as part of his attempt to handle a potential disruptive crisis<sup>18</sup>. Eleven officials were then appointed to senior positions within Eurostat at different times between 1999 and 2004, a net increase if compared to the lack of appointments under Santer.

Posts of *head of delegation* were also subject to important developments. Appointments to Commission delegations doubled from Santer to Prodi and this was due in particular to the upgrading of a few key delegations towards the end of the Prodi Commission. A number of particularly sensitive posts in some countries had acquired a relevant role over time, due to the increasing presence of the Commission on the global stage, as well as to the tightening of the Union’s bilateral relations with other major world or regional partners. These posts included the delegations of the Commission to the United States, Russia, Japan

---

<sup>18</sup> Commission’s PV 1620 of 9 July 2003.

and China, but also the Commission's "embassies" in Egypt, Brazil, India or Indonesia<sup>19</sup>. A confirmation of the relevance of these posts is for instance the move in 2000 of the Commission Secretary-general to head of the delegation in Geneva dealing with the WTO, or – even more so – the appointment in 2004 of a former Irish prime minister to the post of Commission ambassador in Washington.

Finally, some mention should be made of senior appointments concerning *enlargement(s)*. Both Santer and Prodi were confronted with enlargement to new member states, and therefore with the issue of how to integrate officials from the newcomers into the Commission administration, including at the senior level. The approaches by the two Commissions differed quite substantially. Santer respected the traditional way of dealing with similar situations, therefore reserving specific posts to senior officials with the *specific* nationality of one of the new member states. Prodi (and Kinnock) decided to hold competitive selections between *all* the ten new acceding countries, and this contributed to both limit national influences and raise the quality of candidates: "nobody could afford sending anybody but the best candidate. Another new member state would have otherwise profited to have one of its nationals appointed" (interview n. 4, February 2006).

### 3.1.2 Case selection

In order to empirically assess the decentralisation and professionalisation hypothesis, I proceed as follows through three different but complementary assessments.

First, I make a *temporal comparison*, to see whether any development and difference in practice can be detected when senior appointments are considered purely on the basis of the time at which they were made. I therefore do not discriminate on the basis of the grade/level or the policy area, and I consider *all* top appointments made within two time periods of the same length (1996-1997 vs. 2002-2003), respectively under Santer and Prodi.

As for the second empirical assessment, I focus on *five policy areas*, and I therefore consider potential differences between the two Commission occurred in senior appointments within those policy areas.

---

<sup>19</sup> Cf. for instance Commission's PV 1616 of 11 June 2003 for upgrading of post of Head of Delegation in India and Brasil.

Finally, as a third empirical assessment, I consider “*same appointments*”, that is, appointments to specific posts that became vacant and were subsequently filled through competitive selections during *both* the Santer *and* the Prodi terms. The aim of this third assessment will be to consider the attitude and behaviour of the two Commissions confronted with exactly the same senior vacant post.

The combined empirical findings of these three assessment will allow me to draw rather clear conclusions on the decentralisation and professionalisation hypothesis.

**3.1.2.1 First empirical assessment: 1996-1997 versus 2002-2003**

In order to make the empirical assessment for H-1 dealing with the impact of decentralisation and professionalisation on the role played by nationality and member state on senior Commission appointments, I start by comparing two reference periods, 1996-1997 and 2002-2003, each made of two years, and *all* senior appointments (level of Director general, Deputy DG, Principal Adviser and Director), which are the result of one of the three following cases: 1) internal promotion; 2) redeployment (“mutation”) to posts with the same grade but as a result of open competition<sup>20</sup>; 3) appointment from outside. The lists of these appointments are presented below in Tables 3.1.2.1.a and 3.1.2.1.b. They amount to 73 for the period 1996-1997, corresponding to 52,5% of all senior appointments under Santer, and to 84 for the period 2002-2003, corresponding to 40,4% of all senior appointments under Prodi.

TAB. 3.1.2.1.a *Senior appointments in the Santer Commission, years 1996 and 1997.*

	1996	Kind of app.	Post	DG	Directorate	Appointed official
1	25-Jan	mutation	Director Director	XVI	C REGIO (Interventions regionales en ES, IRL, IRL du Nord, IT)	CARPEGNA
2	8-Feb	promotion	General	XXI	(Douane et fiscalité)	CURRIE RIERA
3	8-Feb	promotion	Director	V	C EMPL (Mise en oeuvre du FSE) REGIO (Coordination et evaluations des	FIGUERAS
4	8-Feb	(external)	Director	XVI	G interventions)	HELANDER

<sup>20</sup> These appointments, which are *de facto* redeployments at the same level, must not be confused with “redeployments in the interests of the service” based on article 7(1) of the Staff regulations, which will be assessed in chapter 4.

5	29-Feb	mutation	Director	III	A	INDUSTRIE (Politique industrielle)	AYRAL
6	2-May	(external)	Director	XXI	A	DOUANE ET FISC. (Affaires generales)	KOMAZ
7	2-May	promotion	Director	XII	AG	SCIENCE, R&D (Affaires générales et administratives)	LIBERALI
8	10-May	promotion	Deputy DG	JRC	-	-	RICHARDSON
9	10-May	promotion	Director	I	C	RELEX politique commerciale, americque du nord, extreme orient, etc	NEUMANN
10	10-May	(external)	Director	V	A	EMPL (Emploi et marché du travail)	LONNROTH
11	10-May	promotion	Director	XI	B	ENV (Instruments environnementaux)	ADINOLFI
12	10-May	promotion	Director	XI	E	ENV (Industrie et environnement)	FROMMER-RINGER
13	10-May	promotion	Director	XVII	A	ENERGIE (Politique energetique)	RISTORI
14	22-May	promotion	Princ. Leg. Adviser	LEGAL SERVICE	-	-	DURAND
15	22-May	promotion	Princ. Leg. Adviser	LEGAL SERVICE	-	-	MARENCO
16	30-May	promotion	Director	I.B	E	RELEX(South Med, Middle East, Latin America, etc)	WEBER
17	30-May	mutation	Director	II	G	SCIENCE, R&D (Action de recherche: capital humain et mobilité)	MITOS
18	19-June	promotion	Director	XVII	-	ENERGIE	BENAVIDES
19	19-June	promotion	General Deputy Head of	I		RELEX (Washington)	RICHARDSON
20	19-June	mutation	Head of Delegation	I.A		RELEX (Moscow)	HAHN
21	19-June	(external)	Director	XX	A	FINANC CONTROL controle des	PETTERSSON
22	30-July	promotion	Deputy DG	IV	-	depenses de fonctionnement, etc COMP	ROCCA
23	12-Sep	promotion	Director	IX	B	ADMIN (Droits et obligations)	EVANS
24	10-Oct	promotion	Director	IA	F	RELEX Ressources humaines et financieres et coordination	O'ROURKE
25	17-Oct	promotion	Deputy DG	VI		AGRI	BROUWERS
26	17-Oct	promotion	Deputy DG	IB		RELEX	HEINE
27	17-Oct	promotion	Director	IA	D	RELEX (Relations avec les autres pays europeens)	GOMEZ-REINO
28	17-Oct	promotion	Director	V	B	EMPL (FSE: developpement politique)	DAY
29	17-Oct	(external)	Director	XII	D	SCIENCE, R&D (Actions de recherche...: environnement)	O'SULLIVAN
30	23-Oct	mutation	Director General	I		RELEX (politique commerciale, relations avec NORTH AMERICA, etc)	PATERMAN
31	31-Oct	promotion	Director	III	D	INDUSTRIE Affaires industrielles II - biens d'equipment	BESELER
32	31-Oct	promotion	Director	XIX	A	BUDG (Depenses)	SCHMITT VON
33	21-Nov	mutation	Director	IB	A	Med, Middle east...	SYDOW
34	21-Nov	(external)	Director	VI	AI	AGRI (Administration et affaires générales; relat budgetaires...)	GUTH
35	5-Dec	mutation	Director	XXIII		ENTREPRISE + COMMERCE + TOURISME + ECON. SOCIALE	ZANGL
36	5-Dec	promotion	Principal	XIX		BUDG	HOLMQUIST
							VANDEN
							ABEELE
							WRIGHT



37	5-Dec	(external)	Advisor						ROMERO
38	19-Dec	promotion	Principal Advisor	XIX	BUDG				REQUENA
39	19-Dec	promotion	Deputy DG Principal Advisor	III	INDUSTRIE				CRAUSER
40	19-Dec	(external)	Principal Advisor	IA	RELEX (Europe et nouveaux etats...: Protocole)				BURATTINI
41	19-Dec	promotion	Director Principal Advisor	ECHO					NAVARRO
				XII	SCIENCE, R&D				GONZALEZ
	1997	Kind of app.	Post	DG	Directorate				Appointed official
42	9-Jan	mutation	Director General	X	DG Information, Communication, Culture et Audiovisuel				PAPPAS
43	24-Jan	mutation	Director Director		“poste de Directeur de l'Informatique” SANCO politique des consommateurs et				DE ESTEBAN
44	14-Feb	promotion	General	XXIV	de la protection de la santé				ALONSO
45	28-Feb	promotion	Director	I	E	Defense antidumping; autres instruments			REICHENBACH
46	28-Feb	promotion	Director	XIV	A	Actions horizontales et marchés			ABOU
47	26-Mar	promotion	Principal Advisor	LEGAL SERVICE					FARNELL
48	26-Mar	promotion	Director	IV	B	TF Controle des operations de concentrations entre entreprises			BOOSS
49	26-Mar	mutation	Director	VII	C	Transports aeriens			DRAUZ
50	26-Mar	promotion	Director	VIII	C	Relations avec ACP			AYRAL
51	3-Apr	mutation	Principal Advisor	XIX	-	-			BONACCI
52	3-Apr	(external)	Principal Advisor	XIX	-	-			CHANTRAINE
53	2-May	(external)	Principal Advisor	VII	-	-			LIUKKONEN
54	19-June	(external)	Director	V	E	Politique et action sociale			STERNER
55	25-July	promotion	Principal Advisor	XII		DG Science R&D			CLOTUCHE
56	30-July	(external)	Deputy Sec- Gen						MARCHIPONT
57	30-July	promotion	Deputy DG Principal	VI					SILVA
58	30-July	promotion	Advisor	LEGAL SERVICE					RODRIGUEZ
59	30-July	(external)	Director	OSCE	D	Statistiques des entreprises			CAEIRO
60	3-Oct	n.a.	Director General	XI					DIAZ MUNOZ
61	3-Oct	n.a.	Director General	XXI					CURRIE
62	3-Oct	promotion	Director	IA	D	Relations avec les autres pays européens			VANDEN
63	3-Oct	promotion	Director	IB	B	Amérique latine			ABEELE
64	3-Oct	promotion	Director	XXIV	A	Actions communautaires en faveur des consommateurs			BARBASO
65	9-Oct	promotion	Director	VIII					DA CAMARA
									GOMES
									MANFREDI
									LOWE

66	31-Oct	promotion	General Director	X	B	DG de l'Information, Direction "Réseaux d'information"	VALE DE ALMEIDA
67	6-Nov	mutation	Director General Principal	XXIII	-	DG Pol. de l'entreprise, Commerce, Tourisme, Econ. sociale	CRAUSER
68	27-Nov	promotion	Advisor	IA		Questions commerciales sectorielles,	DE LANGE
69	11-Dec	promotion	Director	I	D	accès aux marchés	CARL
70	11-Dec	promotion	Director	I	G	OMC, OCDE, quest. commerciales AGRI e FISH, crédits à l'export	JOUANJEAN
71	11-Dec	n.a.	Director	VI	G	Affaires budgétaires et financières agricoles	DEMARTY
72	11-Dec	promotion	Director	XXIV	C	Coordination des questions horizontales	LENNON
73	11-Dec	promotion	Director	VI	BII	Santé publique, animale et des végétaux	CHECCHI LANG

Source: Commission's minutes, 1996-1997.

Notes: not included in the list appointments of Wenzel to post of Principal Advisor (January 1996); Draxler to post of Director (June 1996); Grasserbauer to post of Director (October 1996); Madelin to post of Director (July 1997); Trojan to post of Secretary-General (May 1997).

TAB. 3.1.2.1.b *Senior appointments in the Prodi Commission, years 2002 and 2003.*

	2002	Staff Regulat. basis	Post	DG	Directorate		Appointed official
1	15-Jan	29(1)(a)	Princ. Leg. Adviser	LEGAL SERVICE	-	-	JONCZY-MONTASTRUC
2	15-Jan	29(1)(a)	Princ. Leg. Adviser	LEGAL SERVICE	-	-	KUIJPER
3	15-Jan	29(1)(a)	Director	INFISO	D	Info technologies	FORSTER
4	15-Jan	29(1)(a)	Director	MARKT	B	Public Procurement Policy	BERARDIS
5	30-Jan	29(1)(a)	Director General	ENV	-	-	DAY
6	30-Jan	29(1)(a)	Deputy SEC GEN	SEC GEN	-		MOAVERO-MILANESI
7	30-Jan	29(1)(a)	Director	RELEX	B	Multil relations & human rights	SMADJA
8	30-Jan	29(1)(a)	Director	RELEX	F	Mediterr Headquarters, info, interinst	LEFFLER
9	30-Jan	29(1)(a)	Director	RELEX	I	relat	LIPMAN
10	30-Jan	29(1)(a)	Director	RELEX	K	External Service	FALKOWSKI
11	13-Feb	29(1)(a) e 29(1)(c)	Director	BUDG	B	own resour., evaluat, financial progr.	BACHÉ
12	13-Feb	29(1)(a), 29(1)(c), 29(2)	Director	RESEARCH	F	Life Sciences: Research for health	QUINTANA TRIAS
13	13-Feb	29(1)(a), 29(1)(c), 29(2)	Director	RESEARCH	H	Research for Transport	METTHEY FERNANDEZ
14	13-Feb	e 29	Director	RESEARCH	J	Research for Energy	RUIZ
15	13-Feb	29(1)(a)	Director	ECFIN	A	Economic studies and	KROEGER

				research			
16	13-Feb	29(1)(a)	Director	ECFIN	D	International questions	ITALIANER
17	12-Mar	29(1)(a)	Director	ADMIN	D	Resources	VERLEYSEN
18	17-Apr	29(1)(a)	Deputy DG	JRC	-	-	SCHENKEL
19	17-Apr	29(1)(a)	Deputy DG	LEGAL	-	-	MARENCO
20	17-Apr	29(1)(a)	Director	SERVICE	-	-	MULLER
21	24-Apr	29(1)(a)	Director	AIDCO	D	Asia	SOARES
22	30-Apr	29(1)(a)	Director	RESEARCH	L	Resources	BONUCCI
23	30-Apr	29(1)(a)	Director	ENLARG	E	Resources & Finances	DE SAINT MAURICE
24	22-May	29(1)(a)	Deputy DG	AIDCO	H	General Affairs	CABRAL
25	22-May	29(1)(a)	Director	ECFIN	-	-	MCGLUE
26	22-May	29(1)(a)	Director	ECFIN	L	Financ Operat., Progr Manag., EIB	MINGARELLI
27	28-May	29(1)(a)	Director	RELEX	E	East. Europe, Caucaus, Central Asia	LANGEHEINE
28	28-May	29(1)(a)	Director	INFSO	A	Communic. services: Policy and Regul Fram.	LIBERTALIS
29	19-June	29(1)(a), 29(1)(c), 29(2)	Deputy DG	INFSO	R	Resources	HUSU-KALLIO
30	19-June	29(1)(a), 29(1)(c), 29(2)	Director	SANCO	-	Food Safety, Animal and Plant Health & Welfare	GAYNOR
31	26-June	29(1)(a)	Director General	SANCO	F	Food and Veterinary Office	ROMERO
32	2-July	29(1)(a)	Director	BUDG	-	-	REQUENA
33	10-July	29(1)(a)	Director	COMP	D	Services	EVANS
34	24-July	29(1)(a)	Director General	FISH	B	External Policy and Markets	DEBEN
35	24-July	29(1)(a)	Deputy DG	FISH	-	-	ALFONSO
36	24-July	29(1)(a)	Deputy DG	TRADE	-	-	HOLMQUIST
37	24-July	29(1)(a)	Deputy SEC	COMP	-	State Aid Directorates	DEFRAIGNE
38	24-July	29(1)(a)	GEN	SEC GEN	-	-	CHENE
39	24-July	29(1)(a)	Director	ECFIN	R	Resources	GUTH
40	24-July	29(1)(a) e 29(1)(c)	Director	SDT	TR	Translation	CAS GRANJE
41	28-Aug	29(1)(a)	Director	BUDG	C	Budget Execution and Comm Accounting Officer	VLACHOPOULOS
42	2-Oct	29(1)(a)	Director	TRADE	E	Sectoral questions and market access	OOSTEN
43	9-Oct	29(2)	Director	ENV	F	Resources Management	WILKINSON
44	16-Oct	29(1)(a)	Director	JRC	E	Institute for Transuranium Elements (Karlsruhe)	GROEBNER
45	16-Oct	29(1)(a)	Director	AGRI	J	Audit of agricultural expenditure	LANDER
46	6-Nov	29(1)(a)	Deputy DG	AGRI	A	Interinst. Relations, informat policy, representations	HEBETTE
47	19-Nov	29(1)(a)	Deputy DG	PRESS	-	-	CARVOUNIS
48	19-Nov	29(1)(a)	Deputy DG	BUDG	-	-	GRAY
49	27-Nov	29(1)(a)	Deputy DG	AGRI	-	-	AHNER
				MARKT	-	-	BARBASO
							STOLL

50	4-Dec	29(1)(a)	Director	ECFIN	C	Economy of the eurozone and the Union	DEROOSE
51	17-Dec	29(1)(a)	Director	ENV	C	Environment & Health	DELBEKE
	2003	Staff Regulat. basis	Post	DG		Directorate	Appointed official
52	8-Jan	29(1)(a)	Director	DEV	C	Horn of Africa, East and Southern Africa, Indian Ocean, Pacific	HENRIKSSON
53	8-Jan	29(1)(a)	Director	AIDCO	C	Africa, Carribean, Pacific	NAQVI
54	14-Jan	29(1)(a)	Director	TREN	I	Nuclear Inspections	CLEUTINX
55	14-Jan	29(1)(a)	Director	EMPL	B	National employment and social inclusion monitoring	JORGENSEN
56	21-Jan	29(1)(a)	Director	ADMIN	B	Staff Regulations: policy, management and advice	JACOB
57	21-Jan	29(1)(a)	Principal Legal Adviser	LEGAL	-	-	GRUNWALD
58	21-Jan	29(1)(a)	Principal Legal Adviser	LEGAL	-	-	HARTVIG
59	11-Feb	29(1)(a), 29(1)(c), 29(2)	Deputy DG	RELEX	-	-	LEIGH
60	5-Mar	29(1)(a)	Director	ADMIN	-	Office for Infrastructure and Logistics	VERLEYSEN
61	5-Mar	29(1)(a)	Director	ADMIN	-	Office for Infrastructure and Logistics (Luxembourg)	REICHERTS
62	26-Mar	29(1)(a)	Director	MARKT	A	Administrative support and communication	MINOR
63	2-Apr	29(1)(a)	Director	ENV	E	International affairs	SORENSEN
64	8-Apr	29(1)(a)	Director	EAC	C	Culture, Audiovisual policy, sport	PAULGER
65	23-Apr	29(1)(a)	Director	SG	G	Resources & general matters	HARFORD
66	21-May	29(1)(a)	Director	ADMIN	C	n.a.	DE SOLA DOMINGO
67	11-June	29(1)(a), 29(1)(c), 29(2)	Director	MARKT	C	n.a.	POST
68	18-June	29(1)(a)	Director	ADMIN	IDOC	Investigation and Disciplinary Office	VAN LIER
69	1-July	29(1)(a)	Director	ENLARG	A	Estonia, Latvia, Lithuania, Poland	MEGANCK
70	9-July	29(1)(a), 29(1)(c), 29(2)	Deputy DG	RELEX	-	Latin America and Asia (except Japan and Korea)	JOUANJEAN
71	9-July	29(1)(a), 29(1)(c), 29(2)	Director	DGT	A	n.a.	KAISER
72	16-July	29(1)(a)	Director	ADMIN	D	Resources	DALY
73	16-July	29(2)	Chief Economist	COMP	-	-	ROLLER
74	23-July	29(1)(a)	Director	COMP	A	Policy development & coord	PAULIS
75	23-July	29(1)(a)	Director	FISH	C	Fishing structure	VERSTRAETE
76	23-July	29(1)(a) and 29(2)	Director	ECFIN	B	Economies of the member states	BUTI
77	23-July	29(1)(a)	Director	ENV	G	Sustainable dev. & integrat	MAKELA
78	10-Sep	29(1)(a)	Deputy DG	AGRI	-	-	TILGENKAMP
79	17-Sep	29(1)(a), 29(1)(c), 29(2)	Director	ADMIN	DS	Security	ASBECK

80	8-Oct	29(1)(a)	Director	SG	B	Relations with civil society	NYMAD CHRISTENSEN
81	18-Nov	29(1)(a)	Director General	DGT	-	-	LONNROTH
82	16-Dec	29(1)(a)	Director General	JICS	-	Joint Interpreting and Conference Service	BENEDETTI
83	16-Dec	29(1)(a)	Director General	SANCO	-	-	MADELIN
84	16-Dec	29(1)(a)	Director	ELARG	C	Wider Europe	WISSELS

Source: Commission' minutes, 1999-2004.

Notes: not included in the list appointments of Juul Joergensen to post of Chief Advisor (June 2002); Lowe to post of acting Deputy Secretary-General (July 2002); Halskov to post of Director of EPSO (March 2004). Also not included cases of a) officials on leave reintegrated to posts of Principal Advisor; b) appointments to posts of Advisor hors classe.

Table 3.1.2.1.c presents a summary view of the level at which these appointments took place. The two years included in the Santer mandate show a higher number of appointments in terms of Directors general and Principals advisors, whereas the years referring to the Prodi Commission present higher figures for senior appointments at the level of Deputy DGs and Directors.

TAB. 3.1.2.1.c *Senior appointments for years 1996-1997 and 2002-2003, by level of responsibility*

	1996	1997	TOTAL		2002	2003	TOTAL
Director general	4	6	10		3	3	6
Deputy DG	5	2 (a)	7		12 (b)	3	15
Director	26 (c)	17	43		34	24	58
Principal Adviser	6 (d)	7	13		2 (e)	3 (f)	5
<b>TOTAL</b>	41	32	<b>73</b>		51	33	<b>84</b>

Source: Commission' minutes, 1996-1997 and 2002-2003.

Notes: (a) of which one deputy Secretary general; (b) of which two Deputy Secretary-General; (c) of which two Heads of delegation; (d) of which two Principal Legal Advisors; (e) both are Principal Legal Advisors; (f) two Legal Principal Advisors and one Chief economist.

The following tables (Tab. 3.1.2.1.d and Tab. 3.1.2.1.e) provide an account of these senior appointments on the basis of whether they were internal to the Commission or not. Under both Santer and Prodi, these tables show that the vast majority of senior appointments concerned Commission career officials.

TAB. 3.1.2.1.d *Senior appointments for years 1996 and 1997 by kind.*

	1996	1997	TOTAL	%
Internal promotion	26	20	46	63
Redeployment at the end of open competition	7	7	14	19,2
External	8	5	13	17,8
<b>Total</b>	41	32	<b>73</b>	<b>100</b>

Source: Commission' minutes, 1999-2004.

TAB. 3.1.2.1.e *Senior appointments for years 2002 and 2003 by legal basis.*

	2002	2003	TOTAL	%
29(1)(a) – Internal	43	26	69	82.1
29(1)(a) and 29(1)(c) – Internal or interinstitutional	2	0	2	2.4
29(1)(a) and 29(2) – Internal or external	0	1	1	1.2
29(1)(a), 29(1)(c) and 29(2) – Internal or interinstitutional or external	5	5	10	11.9
29(2) – External	1	1	2	2.4
<b>TOTAL</b>	51	33	<b>84</b>	<b>100</b>

Source: Commission' minutes, 1999-2004.

Table 3.1.2.1.d presents data relative to *final* decisions on appointments. It therefore means that during the two years 1996-1997, 82,2% of all Commission decisions on reallocations of senior posts concerned career officials. On the contrary, Table 3.1.2.1.e presents a synthetic view of the basis of the Staff regulations used to *open* competition for senior vacancy. It does not say much however about the individuals who were concretely appointed at the end of the procedure. At the same time, however, since article 29(1)(a) limits competition to officials of the institution, we can be sure that *no less than* 82.1% of senior appointments occurred in 2002-2003 were made through internal promotion or redeployment at the end of an open competition (not in the interests of the service). For the rest of the cases in which the vacancy was published also externally, it is not clear at this stage who was eventually appointed. It can be fairly expected, however, that a substantive part of posts advertised on the basis of articles 29(1)(a), 29(1)(c) and 29(2) were filled through the appointment of a Commission career official, and that the overall percentage of appointments made through internal promotion or redeployment has therefore *increased* in 2002-2003 as compared to the period 1996-1997.

*Interim appointments* were not included in the tables presented above, as they are subject to specific considerations that do not follow the general and regular trend. Member states, for instance, may tend to attach little importance to interim appointments and therefore to disregard them. The exclusion is also possible as their overall number is rather limited. In relative terms, they represented around 15% of personnel decisions concerning senior officials occurred between 1996 and 1997, and around 22% for the period 2002-2003<sup>21</sup>. At the same time, however, they will be taken into account in the empirical analysis any time they contribute to providing useful insights on one or the other of the regular appointments included in the tables presented above. A full picture of interim appointments is presented in Table 3.1.2.1.f.

TAB. 3.1.2.1.f *Senior interim appointments for the years 1996-1997 and 2002-2003.*

	1996	Post	DG	Directorate		Appointed official	Interim period
1	10-May	Principal Advisor	LEGAL	-		BOOSS	until post is filled and for 12 months max. from 1 November 1996 for 12 months max.
2	23-Oct	Deputy DG Director	-	-	RELEX (in charge of directorates B and F)	DEPAYRE	max.
3	19-Dec	General			DEV	SOUBESTRE	n.a.
4	19-Dec	Director	JRC		Institut des materiaux... WTO and OECD	DERUYTTER	from 5 October 1995 to 4 October 1996
5	19-Dec	Director	I	G	coordination	JOUANJEAN	from 1 November 1996 until post is filled
	1997	Post	DG	Directorate		Appointed official	Interim period
6	24-Jan	Director	V	G	Resources Economic analyses & forward studies	PRADO	from 1 February 1997 for 12 months max.
7	24-Jan	Director	VI	A		AHNER	from 1 February 1997 for 12 months max.
8	14-Feb	Director	VI	A	n.a.	GRAY	from 7 October 1996 to 31 January 1997
9	14-Mar	Director	XI	E	Industry and Environment	DEL BINO	from 1 September 1995 to 31 May 1996
10	10-Apr	Director	VIII	E	East and Southern Africa	PILEGAARD	from 1 September 1996 to 31 January 1997
11	7-May	Director	V	E	Social Policy and Action	DEVONIC	from 2 May 1996 to 1 May 1997
12	19-June	Director	III	D	Industrial affairs II: capital goods industries	CARVALHO	From 1 February to 16 November 1996
13	31-Oct	Director	III	E	Industrial affairs III: consumer goods industr	BARBASO	from 23 October 1995 to 22 October 1996

<sup>21</sup> Redeployments and retirements not included.

	2002	Post	DG	Directorate		Appointed official	Interim period
1	9-Apr	Director	ENV	C	Environment & Health Regional operations in	KAISER	from 24 September 2001 until new Director takes post
2	9-Apr	Director	REGIO	C	D,DK,FIN,IRL,UK,SW ISPA and pre-accession	BESCHEL	from 1 August 2001 to 31 January 2002
3	9-Apr	Director	REGIO	F	measures Middle East & South	SEYLER	From 1 June 2001 to 15 February 2002
4	9-Apr	Director	RELEX	F	Mediterr Headquarters, info,	VAN DER MEULEN	From 1 June 2001 to 15 March 2002
5	9-Apr	Director	RELEX	I	interinst relat	HACK	From 16 March 2001 to 28 February 2002
6	30-Apr	Director	RELEX	K	External Service	VAN DE CALSEYDE	From 15 September 2001 to 1 April 2002
7	28-May	Director and Comm Account Officer	BUDG	C	National employment;	TAVERNE	temporarily until post of Accounting Officer is filled
8	11-Sep	Director	EMPL	B	ESF operations I	HATT	Immediate
9	9-Oct	Director	ECFIN	F	n.a. Horn of Africa, East Africa and Indian	KOLLIAS	from 1 February 2001 to 31 January 2002
10	30-Oct	Director	DEV	C	Ocean Resources and General	MOORE	(cf. Moore 2003)
11	6-Nov	Director	SG	G	Matters	HARFORD	1 Sept, until Ms Evans resumes her duties
	2003	Post	DG	Directorate		Appointed official	Interim period
12	8-Jan	Director	SANCO	F	Food & Veterinary Office (Dublin)	REINIUS	from 1 August 2001 to 31 July 2002
13	5-Feb	Director	ADMIN	IDOC	Investigation and Disciplinary Office	DE SOLA DOMINGO	immediately
14	19-Feb	General Director	REGIO	-	-	MEADOWS	From 1 March until post is definitely filled
15	5-Mar	General	PRESS	-	-	CARVOUNIS	From 16 March until post is definitely filled
16	2-Apr	Chief Adviser	FISH	-	-	LAUREC	16 April 2003 for 12 months
17	23-Apr	Director	JAI	C	Resources management, communication, informat network	EDWARDS	From 16 June 2003 until new Director is appointed
18	13-May	Director	ADMIN	DS	Security	ASBECK	from 1 March 2002 to 28 February 2003
19	1-July	Director	AIDCO	H	General Affairs	HAIK	from 1 February to 30 June 2002
20	9-July	Director General	DGT	-	-	THURMES	(cf. Thurmes October 2003)
21	23-Jul	Director	SG	B	Simplification of procedures and working methods, openness	AHRENDT	From 1 April 2003 until new Director is appointed
22	8-Oct	Director	PRESS	C	Resources	HASSON	From 1 November 2002 until new



23	26-Nov	Director	SG	D	Relations with the Council Institute for Prospective Technological Studies	BURGHELLE- VERNET	Director is appointed from 1 May to 31 August 2003
24	26-Nov	Director	JRC	-		SORUP	from 1 Nov 2002 to 31 October 2003

Source: Commission' minutes, 1996-1997 and 2003-2004.

Notes: include all interim appointments decided by the Appointing Authority for temporary occupations of senior posts during (or overlapping with) the two 2-year periods of reference, and taken in those same years. Not included following cases: Souka (October 2003); Manfredi (November 2003).

In terms of the years selected, 1996 and 1997 represent, respectively, the second and third year of the Santer Commission, whereas 2002 and 2003 represent the third and fourth year of the Prodi Commission. Unfortunately, due to limitations in data availability, it was not possible to select the same couple of years for the two Commissions. Data – namely Commission's minutes – was in fact unavailable for a few weekly meetings of 1998 and 2001. This does not represent, however, a strong limitation on the empirical assessment, as in neither case the first or the last year will be considered. The comparison would have been, potentially unrepresentative, had either the first or the last year of the mandate of one or both the two Commission been retained for the analysis. Both for Santer and Prodi, the analysis will thus consider *central years* of their mandates.

### ***3.1.2.2 Second empirical assessment: sectoral comparisons***

In addition to the cases selected on a temporal basis and presented in Tables 3.1.2.1.a and 3.1.2.1.b, the decentralisation and professionalisation hypothesis will be assessed on the basis of a sectoral comparison. I select *all* senior appointments occurred in five policy areas during the mandate of Santer and Prodi, in order to see whether major differences can be detected between pre- and post-reform practices. For the five policy areas selected, the entire period of reference, that is the full decade 1995-2004, will be covered. This second assessment will be complementary to the first one, as well as to the third assessment discussed further below (3.1.2.3). In a very limited number of cases, some senior appointments will be considered under two – or even three – of these (partial) empirical assessments.

The areas selected for this second (partial) assessment are agriculture and fisheries (24 cases), external relations (including trade and enlargement, 60 cases), competition (19 cases), health and consumer protection (10 cases), and justice and home affairs (3 cases).

Each of these policy areas is likely to provide specific insights on the development of senior appointment rules and practices over the period going from 1995 to 2004, and will thus contribute to empirically assess whether decentralisation and professionalisation of the selection and appointment procedure of senior Commission officials have reduced the role of nationality and the scope for member states' intervention.

### *Agriculture and Fisheries*

“Agriculture and Fisheries” is of special relevance for at least three reasons. First, it is undoubtedly one of the most relevant policy area within the Commission, in terms of treaty competence and budget. It is therefore one of the area where member states are more willing to orient and influence decisions, and thus to keep a close eye on those officials who are put in command of it.

Second, it is a rather insulated policy area. As a senior official put it, “within the Commission agriculture is seen as a rather technical area, where managers need to be part of the family if they want to advance with their career. I have the impression that it is an area definitely less porous than most others to top appointments from other DGs” (interview n. 5, April 2006). As a consequence, an in-depth, overall, and “targeted” analysis may be needed to reveal special geographical balances – and their possible change over time – within agriculture.

Third, between 1995 and 2004, one and the same Commissioner, the Austrian Franz Fischler, had the portfolio for agriculture. His head of cabinet, the Italian Corrado Pirzio-Biroli, remained in office for the same time span. This continuity deserves to be studied closely, for it surely tempting to see how the behaviours of the same key actors confronted with essentially the same decisions have – or have not – changed to keep up the pace with changes in rules and practices and with the implementation of the reform. As far as Fisheries is concerned, it was under the responsibility of Commissioner Emma Bonino during the Santer years and was then passed to Fischler when Prodi took office. I will therefore have an additional chance to assess possible differences in behaviours in the Fisheries area during the Santer and Prodi Commission and see, against the empirical findings in the agricultural area, whether specific attitudes were due to the personality and political standing of the incumbent commissioners or to the general impact of the administrative reform.

During the period 1995-1999, nine senior appointments were made in the DG VI (Agriculture), seven at the Director level and two for posts of Deputy DG. The Director general of DG VI, the Frenchman Guy Legras, remained in office throughout the entire period. Only one senior appointment took place during the same period as far as DG XIV (Fisheries) is concerned. The list of the senior appointments in agriculture and fisheries under Santer is presented in Table 3.1.2.2.a.

TAB. 3.1.2.2.a *Senior appointments in DG VI (Agriculture) and DG XIV (Fisheries), Santer Commission.*

	1995	Post	DG	Directorate	Appointed official
		no appointments			
	1996	Post	DG	Directorate	Appointed official
1	17-Oct	Deputy DG	AGRI	AGRI	HEINE
2	21-Nov	Director	AGRI	AI AGRI (Administration et affaires générales; relat budgétaires...)	HOLMQUIST
	1997	Post	DG	Directorate	Appointed official
3	28-Feb	Director	FISH	A Actions horizontales et marchés	FARNELL
4	30-July	Deputy DG	AGRI		SILVA RODRIGUEZ
5	11-Dec	Director	AGRI	G Affaires budgétaires et financières agricoles	DEMARTY
6	11-Dec	Director	AGRI	B-II Santé publique, animale et des végétaux	CHECCHI LANG
	1998	Post	DG	Directorate	Appointed official
7	26-Mar	Director	AGRI	A Analyses économiques - Prospective Organisation des marchés des produits	AHNER
8	18-June	Director	AGRI	D animaux	MINCH
	1999	Post	DG	Directorate	Appointed official
		no appointments			

Source: Commission' minutes, 1995-1999.

For the period 1999-2004, the data changes quite significantly. First of all, after fourteen years of office, the Director general of DG Agriculture was removed and a new appointment was made. After the short interim appointment of Joachim Heine, the Spanish José Silva Rodriguez, Deputy DG, was appointed to replace Legras. This appointment took place at the very beginning of the Prodi Commission (December 1999) and represented probably one of the major signals that the new Commission wanted to send in terms of the new policy for senior appointments. In overall terms, between 1999 and October 2004, a total of 14 senior appointments occurred in DG AGRI (including appointment of Director general). Of these, five at the level of Deputy DG, and five at the level of Director. Fabrizio Barbato was appointed twice to the post of Deputy DG, in September 2000 and November 2002 (cf. infra 3.2.2.1). Quite significantly, during the same

period there were no allocations of senior posts in DG AGRI that occurred through redeployment in the interests of the service.

As far as Fisheries are concerned, three appointments were made during the same period of reference, two at the director level, and one being the appointment in July 2002 of the new Director General, the Swedish Jorgen Holmquist, in replacement of Steffen Smidt, in office since his transfer to the post in September 1999, on the occasion of the first Commission mobility round.

All these appointments in agriculture and fisheries during the Prodi Commission (with one exception) were based on article 29(1), i.e. on internal promotion. The full list is presented in Table 3.1.2.2.b.

TAB. 3.1.2.2.b *Senior appointments in DG Agriculture and and DG Fisheries, Prodi Commission.*

	1999	Post	DG	Directorate	Appointed official
1	9-Dec	Director General	AGRI	- -	SILVA RODRIGUEZ
2	23-Dec	Director	AGRI	B Legislations économiques agricoles	BURTSCHER
	2000	Post	DG	Directorate	Appointed official
3	24-Feb	Director	AGRI	F.1 Rural Development I responsible for coordination of directorates C, D,	PASCA-RAYMONDO
4	14-Sept	Deputy DG	AGRI	E responsible for coordination of directorates F.I	BARBASO
5	14-Sept	Deputy DG	AGRI	and F.II	DEMARTY
	2001	Post	DG	Directorate	Appointed official
6	28-Nov	Director	AGRI	F Horizontal aspects of rural develop; SAPARD Budgetary and financial matters relating to Agri;	SIVENAS
7	28-Nov	Director	AGRI	G IT	DE WINNE
	2002	Post	DG	Directorate	Appointed official
8	10-July	Director	FISH	B External Policy and Markets	DEBEN ALFONSO
9	24-July	Director General	FISH	- -	HOLMQUIST
10	16-Oct	Director	AGRI	J Audit of agricultural expenditure	HEBETTE
11	19-Nov	Deputy DG	AGRI	- -	AHNER
12	19-Nov	Deputy DG	AGRI	- -	BARBASO
	2003	Post	DG	Directorate	Appointed official
13	23-July	Director	FISH	C Fishing structure	VERSTRAETE
14	10-Sept	Deputy DG	AGRI	- -	TILGENKAMP
	2004	Post	DG	Directorate	Appointed official
15	9-Feb	Director	AGRI	AII International affairs I: multilateral negotiations	PACHECO
16	9-Feb	Director	AGRI	G Horizontal aspects of rural development	BENSTED-SMITH
17	28-Apr	Deputy DG	AGRI	- -	HOELGAARD

Source: Commission' minutes, 1999-2004.

### *External relations (including trade and enlargement)*

External relations is another highly relevant area. Again, it is a particularly attractive area for member states, as it is linked to foreign policy, which is salient, prestigious and had long remained exclusively in the realm of intergovernmental cooperation. Moreover, it is probably one of the policy areas “closest” to the member states. It is a question of competence, as EU external relations simultaneously involve member states, the Council and the Commission. Brussels is still in great part a world of ambassadors and diplomatic relationships, and it might thus be relevant to assess the extent to which key Directorates general of the Commission dealing with external relations have represented a gateway where national influences could be exercised relatively easily and with more convincing arguments by the member states.

Senior posts in charge of the EU enlargement policy as well as trade (external economic relations) have also been included under the heading “External relations”. These areas were managed under different DGs during the Santer and the Prodi years.

Under Santer, three DGs were in charge of external relations, namely DG I (Commercial policy and relations with North America, Far Eastern countries, Australia and New Zealand), DG IA (European and the new independent states, common foreign and security policy), and DG IB (Southern Mediterranean, Middle East, Latin America, South and South East Asia, and North-South cooperation). In addition, I consider appointments that occurred in the Enlargement Task Force.

Under Prodi, three different Directorates general were again in charge of these outward-looking policies: DG External relations (RELEX), DG Enlargement (ENLARG) and DG Trade (TRADE). I have excluded from this selection, for both the Santer and the Prodi Commissions, appointments that took place in the area of development and cooperation with the ACP countries (former DG VIII, now DG DEV, and EuropeAid), as well as in the area of humanitarian aid (Echo).

During the Presidency of Santer, 28 senior appointments were made, of which three relating to Commission delegations. Of the remaining 25 appointments, one was the nomination in October 1996 of Beseler to the post of Director General of DG I, in charge of trade policy, under the responsibility of Commissioner Brittain; two concerned the post

of Deputy DG, three the post of Principal Adviser, one the post of Head of Service (Protocole), 17 the post of Director, and one the post of Head of the Enlargement Task Force. The full list of appointments made in External relations is presented in Table 3.1.2.2.c.

TAB. 3.1.2.2.c *Senior appointments in External relations, Santer Commission.*

	1995	Post	DG	Directorate	Appointed official
1	23-May	Director	I	F RELEX ECONOM (Relations avec pays Extreme-Orient)	WESTERLUND
2	22-June	Director	IA	C RELEX POLITTIQUES (Relations avec nouveaux Etats independ.)	SUMMA
3	1-Dec	Deputy DG	IA	- RELEX (nouveaux Etats independ)	LAMOUREUX
	1996	Post	DG	Directorate	Appointed official
4	10-May	Director	I	C RELEX (politique commerciale, amerique du nord, extreme orient, etc)	NEUMANN
5	30-May	Director Deputy Head of	I.B	E RELEX(South Med, Middle East, Latin America, etc)	WEBER
6	19-June	Delegation Head of	I	- RELEX (Washington)	RICHARDSON
7	19-June	Delegation	IA	- RELEX (Moscow)	HAHN
8	10-Oct	Director	IA	F RELEX (Ressources humaines et financieres et coordination)	BROUWERS
9	17-Oct	Deputy DG	IB	- RELEX	GOMEZ-REINO
10	17-Oct	Director	IA	D RELEX (Relations avec les autres pays europeens)	DAY
11	23-Oct	Director General	I	- RELEX (politique commerciale, relations avec NORTH AMERICA, etc	BESELER
12	21-Nov	Director Principal	IB	A Med, Middle east...	ZANGL
13	19-Dec	Advisor	IA	- RELEX (Europe et nouveaux etats...: Protocole)	BURATTINI
	1997	Post	DG	Directorate	Appointed official
14	28-Feb	Director	I	E Defense antidumping; autres instruments	ABOU
15	30-July	Director	I	M services, investissements, TRIPS...	MADELIN
16	3-Oct	Director	IA	D Relations avec les autres pays europeens	BARBASO
17	3-Oct	Director Principal	IB	B Amérique latine	DA CAMARA GOMES
18	27-Nov	Advisor	IA	-	DE LANGE
19	11-Dec	Director	I	D Questions commerciales sectorielles, accès aux marchés	CARL
20	11-Dec	Director	I	G OMC, OCDE, questions commerciales AGRI e FISH, credits à l'export	JOUANJEAN
	1998	Post	DG	Directorate	Appointed official
21	22-Jan	Head of Delegation	I.A	I.A Japan	JUUL JORGENSEN
22	26-Feb	Head	Force	- Negotiations d'adhesion	VAN DER PAS
23	12-Mar	Director	I.B	I.B Relations avec Amerique du Nord, Australie, NZ, ALENA, APEC	BECK

24	26-Mar	Director	Task Force	-	Negotiations d'adhesion (Pologne)	GAUDENZI
25	1-Apr	Director	Task Force	-	Negotiations d'adhesion (Hongrie)	BONACCI
26	20-May	Head of Service	1.A	1.A	Protocole	DE BAENST
27	1-July	Principal Adviser	-	1.A	-	JARBORG
28	23-Dec	Director	-	-	Task Force Negotiations d'adhesion	LEIGH
	1999	Post	DG	Directorate		Appointed official
		no appointments				

Source: Commission' minutes, 1995-1999.

Notes: not included in the list appointment of Leigh to Enlargement Task Force (grade was A3), March 1998.

Between 1999 and 2004, 36 senior appointments took place in the three DGs of External Relations, Trade and Enlargement. One quarter of these appointments concerned Commission delegations. Of the 27 posts at the headquarter, one appointment concerned the nomination in May 2000 of Morgens Carl to the post of Director general of DG Trade, six appointments dealt with posts of Deputy DG, and 20 appointments were for Director positions. The full list of senior appointments that occurred during the Prodi Commission in these areas is presented in Table 3.1.2.2.d. It is important to recall that this list, as in the case of the previous table, does not include cases of appointments that took place through transfer in the interests of the service, a relevant number of which took place at the very beginning of the new Commission mandate to fill in the post of Director general of all three DGs for External relations, Trade and Enlargement. Only three of the senior vacancies included in Table 3.1.2.2.d were open (one in 2000, and two in 2003) to inter-institutional and external candidates.

TAB. 3.1.2.2.d *Senior appointments in external relations (including trade and enlargement), Prodi Commission.*

	1999	Post	DG	Directorate		Appointed official
1	9-Dec	Deputy DG	RELEX	-	-	DAY
	2000	Post	DG	Directorate		Appointed official
2	17-Mar	Head of Delegation	RELEX	-	Moscow	WRIGHT
3	29-Mar	Director	ENLARG	-	Coord of negotiations, pre-access & financ instr.	RUETE VALENZUELA
4	10-May	Depty DG	RELEX	-		MARZO
5	17-May	Director	RELEX	A	CFSP / Representative to COPS	BRIET
6	31-May	Director General	TRADE	-	-	CARL
7	31-July	Deputy DG	TRADE	-		ABBOTT
8	28-Sept	Head of Delegation	RELEX		Beijing	EBERMANN
9	7-Dec	Director	TRADE	A		LE BAIL

10	7-Dec	Director	TRADE	C		WENIG
11	7-Dec	Director	TRADE	E		FALKENBERG
	2001	Post	DG	Directorate		Appointed official
12	22-Feb	Director	RELEX	D	Western Balkans	PRIEBE
13	22-Feb	Director	RELEX	H	Asia, except Japan and Korea	FOTIADIS
14	8-Mar	Director	ENLARG	B	Czech Republic, Hungary, Slovakia, Slovenia	MIREL
	2002	Post	DG	Directorate		Appointed official
15	30-Jan	Director	RELEX	B	Multil relations & human rights	SMADJA
16	30-Jan	Director	RELEX	F	Middle East & South Mediterr	LEFFLER
17	30-Jan	Director	RELEX	I	Headquarters, info, interinst relat	LIPMAN
18	30-Jan	Director	RELEX	K	External Service	FALKOWSKI
19	30-Apr	Director	ENLARG	E	Resources & Finances	BONUCCI
20	22-May	Director	RELEX	E	East. Europe, Caucas, Central Asia	MINGARELLI
21	24-July	Deputy DG	TRADE	-	-	DEFRAIGNE
22	28-Aug	Director	TRADE	E	Sectoral questions and market access	WILKINSON
	2003	Post	DG	Directorate		Appointed official
23	11-Feb	Deputy DG	RELEX	-	-	LEIGH
24	1-July	Director	ENLARG	A	Estonia, Latvia, Lithuania, Poland	MEGANCK
25	9-July	Deputy DG	RELEX	-	Latin America and Asia (except Japan and Korea)	JOUANJEAN
26	16-Dec	Director	ENLARG	C		WISSELS
	2004	Post	DG	Directorate		Appointed official
27	13-Jan	Director	RELEX	G	Latina America	DUPLA DEL MORAL
28	13-Jan	Director	TRADE	D	Coord of WTO and OECD matters, services, etc.	PETRICCIONE
29	20-Apr	Director	TRADE	F	Sustainable dev., standards, IP, new technologies	AGUIAR MACHADO
30	24-June	Head of Delegation	RELEX	-	China	ABOU
31	19-July	Head of Delegation	RELEX	-	Washington (USA)	BRUTON
32	19-July	Head of Delegation	RELEX	-	Egypt	EBERMANN
33	19-July	Head of Delegation	RELEX	-	Thailand	HAMBURGER
34	19-July	Head of Delegation	RELEX	-	Indonesia	BRETECHE
35	19-July	Head of Delegation	RELEX	-	South Africa	BRIET
36	19-July	Head of Delegation	RELEX	-	International organisations (Vienna)	FALKOWSKI

Source: Commission' minutes, 1999-2004.

Notes: special procedure for appointment of Bruton (cf. Commission's PV 1669 of 8 September 2004).

### *Competition policy*

Competition is the third sectoral area selected to empirically assess my decentralisation and professionalisation hypothesis, in order to consider what was the relevance of nationality and member states' influence in senior Commission appointments and whether such relevance has changed over time. The far-reaching powers granted to the Commission, and the great economic interests involved, both make it particularly tempting for member states to try to influence decisions and policy outcomes in the area of competition. It would not be completely unreasonable, from a member state's perspective, to have senior officials attentive to its specific needs in this policy area.



Between 1995 and 1999, Karel van Miert, of Dutch nationality, was in charge of the competition portfolio. During that time, 11 senior appointments (all men!) took place in DG IV. The first one concerned the post of Director General, that passed at the beginning of 1995 from Klaus-Dieter Elhermann to Alexander Schaub, both of German nationality. The remaining 10 appointments concerned seven posts of Director (representing more than 60% of the total) and three posts of Deputy DG. Nine of these appointments were based on either internal promotion or redeployment from the same grade (following vacancy publication and selection). Just one concerned an external candidate, and was based on reservation of post after the 1995 enlargement. Table 3.1.2.2.f presents the full list of these appointments.

TAB. 3.1.2.2.f *Senior appointments in DG IV (competition policy), Santer Commission*

	1995	Post	DG	Directorate	Appointed official
1	5-Apr	Director General	IV	- -	SCHAUB
2	19-Oct	Director	IV	F Industrie des biens d'équipement et de consommation	NORBERG
3	24-Oct	Director	IV	A Politique générale de la concurrence et coordination	FAULL
	1996	Post	DG	Directorate	Appointed official
4	30-July	Deputy DG	IV	- -	ROCCA
	1997	Post	DG	Directorate	Appointed official
5	26-Mar	Director	IV	B TF Controle des operations de concentrations entre entreprises	DRAUZ
	1998	Post	DG	Directorate	Appointed official
6	27-May	Deputy DG	IV	- -	PETERSEN
7	11-June	Director	IV	G State aids I	PETTTE
8	25-June	Director	IV	H State aids II	POWER
9	22-Oct	Director	IV	E Industries de base et energie	TRADACETE COCERA
	1999	Post	DG	Directorate	Appointed official
10	14-Jan	Deputy DG	IV	- -	FAULL
11	18-Feb	Director	IV	A Politique de la concurrence, coord., internat aff. and relat with other instit	MEHTA

Source: Commission' minutes, 1995-1999.

Notes: not included in the list appointment of Elhermann to post of Advisor hors classe (March 1995).

Under President Prodi, the competition portfolio was given to Mario Monti, of Italian nationality, who had already been in charge of the internal market portfolio in the previous Santer Commission. Alex Schaub remained in office for almost three years, when he moved to become Director general for Internal Market and Services. His post as head of the DG Competition was then taken by Philip Lowe in September 2002. Between 1999 and 2004, 11 senior appointments occurred within DG COMP, two every year (with the

exception of the year 2000). In detail, these appointments concerned the post of Hearing Officer (two), Deputy DG (two), Chief Economist (one) and Director (six). All these post but one (that of Chief Economist filled in July 2003), were published solely internally. The full list of appointments in DG COMP is given in Table 3.1.2.2.g.

TAB. 3.1.2.2.g *Senior appointments in DG COMP, Prodi Commission.*

	1999	Post	DG	Directorate	Appointed official
1	8-Nov	Director	COMP	D Services	MOAVERO
2	8-Nov	Director	COMP	G State Aid I	MILANESI DORMAL-MARINO
	2000	Post	DG	Directorate	Appointed official
3	9-Nov	Hearing Officer	COMP	- -	SCHROETER
	2001	Post	DG	Directorate	Appointed official
4	8-Feb	Director	COMP	C Information, communication and multimedia	MENSCHING
5	7-Nov	Hearing Officer	COMP	- (directly attached to Commissioner Monti)	DURANDE
	2002	Post	DG	Directorate	Appointed official
6	2-July	Director	COMP	D Services	EVANS
7	24-July	Deputy DG	COMP	- State Aid Directorates	CHENE
	2003	Post	DG	Directorate	Appointed official
8	16-July	Chief Economist	COMP	- -	ROLLER
9	23-July	Director	COMP	A Policy development and coordination	PAULIS
	2004	Post	DG	Directorate	Appointed official
10	7-July	Director	COMP	I State Aid Task Force	VAN HOOFF
11	22-Sept	Deputy DG	COMP	- -	DRAUZ

Source: Commission' minutes, 1999-2004.

### *Health and Consumer policy.*

As a fourth case, I will take health and consumer protection policy, an area where national interests of member states are slightly more limited, particularly if compared to the other policies considered, in spite of increasing public attention given to these issues since the “mad cow” crisis. A comparison between senior appointments occurred in the area of health and consumer protection under Santer and Prodi could thus help to “complete the picture”, as conclusions will be drawn on the impact of the reform on a policy area with more limited saliency outside the Commission.

It was the Santer Commission, at the very beginning of its mandate, who decided to raise the profile of the former “*service de politique des consommateurs*” by creating a fully-fledged Directorate general. In the newly established DG XXIV (Consumers and health protection), five senior appointments took place between 1995 and 1999, three concerning

posts of Directors and two appointments relating to the post of Director general. The post of Director General was initially filled with the appointment of the Greek Spyros Pappas, and then, in early 1997, through the internal promotion of the German Horst Reichenbach, after Mr Pappas had moved to the post of Director General for Information, Communication, Culture and Audiovisual.

The list of the senior appointments occurred in consumer and health protection between 1995 and 1999 is presented in Table 3.1.2.2.h.

TAB. 3.1.2.2.h *Senior appointments in DG XXIV (health and consumer policy), Santer Commission.*

	1995	Post	DG	Directorate	Appointed official
1	19-Oct	Director General	XXIV	- -	PAPPAS
	1996	Post	DG	Directorate	Appointed official
		<i>No appointments</i>			
	1997	Post	DG	Directorate	Appointed official
2	14-Feb	Director General	XXIV	-	REICHENBACH
3	3-Oct	Director	XXIV	A consommateurs	MANFREDI
4	11-Dec	Director	XXIV	C Coordination des questions horizontales	LENNON
	1998	Post	DG	Directorate	Appointed official
5	29-Jan	Director	XXIV	B Avis scientifiques pour la santé	CARSIN
	1999	Post	DG	Directorate	Appointed official
		<i>No appointments</i>			

Source: Commission' minutes, 1995-1999.

The Directorate General was enlarged in 1999 to include some new competences formerly managed elsewhere in the Commission, namely DG V, DG VI, and DG XI. The portfolio responsibility for the Directorate General was given to Commissioner David Byrne, of Irish nationality. In the new DG SANCO, six senior appointments were made under Prodi, including the replacement in 2003 of Robert Coleman with Robert Madelin as head of the DG<sup>22</sup>. The other five appointments concerned four posts of Director (in one case, SANCO.F, the same post was subject to two different appointments in less than two years) and one concerned the post of Deputy DG with responsibility for Food Safety, Animal and Plant Health & Welfare. The two appointments of June 2002 were open to external candidates.

<sup>22</sup> Robert Coleman had been redeployed to the post of Director General of DG SANCO on the occasion of the first senior mobility round occurred in September 1999.

The list of senior appointments occurred in the areas of health and consumer protection between 1999 and 2004 is presented in Table 3.1.2.2.i.

TAB. 3.1.2.2.i. *Senior appointments in DG SANCO, Prodi Commission.*

	1999	Post	DG	Directorate	Appointed official
			<i>no appointments</i>		
	2000	Post	DG	Directorate	Appointed official
1	10-Mar	Director	SANCO	D Food safety, production and distrib chain	TESTORI
2	29-June	Director	SANCO	G Public Health, Luxembourg	SAUER
3	23-Nov	Director	SANCO	B Consumer affairs	PANTELOURI
	2001	Post	DG	Directorate	Appointed official
			<i>no appointments</i>		
	2002	Post	DG	Directorate	Appointed official
4	19-June	Deputy DG	SANCO	- Food Safety, Animal and Plant Health & Welfare	HUSU-KALLIO
5	19-June	Director	SANCO	F Food and Veterinary Office	GAYNOR
	2003	Post	DG	Directorate	Appointed official
6	16-Dec	Director General	SANCO	- -	MADELIN
	2004	Post	DG	Directorate	Appointed official
			<i>no appointments</i>		

Source: Commission' minutes, 1999-2004.

### *Justice and Home Affairs*

Justice and Home Affairs (JAI, from the French acronym) will be the fifth policy area used for the sectoral empirical assessment of the decentralisation and professionalisation hypothesis. This is a case of special interest as it presents a unique combination of features. First, DG JAI was created only in 1999. There was no equivalent under Santer. This means that the Commission had to fill in all senior positions of this newly established DG, and it would thus be relevant to assess how this operation was conducted, in terms of possible balance(s) and influences (something similar had occurred in 1995 with the newly established DG XXIV).

Moreover, the justice and internal affairs policy area is one in which the Commission has very limited powers, and yet it is at the centre of the EU policy-making, particularly since the boost in political and legislative activity following the 11<sup>th</sup> of September 2001 terrorist attacks. It is a very salient area, it has much visibility, and deals with sectors and issues that have only partially been communitarised.

Since 1999, four appointments based on vacancy publication were made in DG JAI. The post of Director General was filled in February 2003 with the redeployment in the interests of the service of Jonathan Faull, formerly Director General of DG Press, who succeeded another Englishman, Adrian Fortescue, in office since his redeployment in October 1999. The three Directorates A, B, and C were all eventually re-filled on the same day in April 2004. Table 3.1.2.2.1 presents all these senior appointments that took place in the newly established DG between 1999 and October 2004.

TAB. 3.1.2.2.1 *Senior appointments in Justice and Home Affairs, Prodi Commission.*

	1999	Post	DG	Directorate	Appointed official
		<i>no appointments</i>			
	2000	Post	DG	Directorate	Appointed official
1	17-Mar	Director	JAI	B Fight against crimes and terrorism, enlarg, relex	SORASIO
	2001	Post	DG	Directorate	Appointed official
		<i>no appointments</i>			
	2002	Post	DG	Directorate	Appointed official
		<i>no appointments</i>			
	2003	Post	DG	Directorate	Appointed official
		<i>no appointments</i>			
	2004	Post	DG	Directorate	Appointed official
2	28-Apr	Director	JAI	A General Affairs	MARGUE
3	28-Apr	Director	JAI	B Immigration, asylum and border	DE BROUWER
4	28-Apr	Director	JAI	C Civil justice, rights and citizenship	FONSECA MORILLO

Source: Commission's minutes, 1999-2004.

Notes: not included in the list appointments of Fortescue to post of Advisor hors classe (February 2003).

### ***3.1.2.3 Third empirical assessment: "same appointments"***

As a third empirical assessment, I consider "same appointments" occurred in the course of the two Commissions. By "same appointments" I refer to posts that were filled under *both* Santer *and* Prodi. Choosing "same appointments" reduces to zero the intervening variables specific to the policy area or the level of appointment that may have impacted on the first two (partial) empirical assessment. The characteristics of the post do not explain possible differences in appointments as they simply do not vary. Explanation must therefore focus on Commissioners' and other actors' behaviour, and more in general on the process of norm-infusion brought about by the reform.

With this third empirical assessment – that is complementary to the temporal and sectoral assessments (3.1.2.1 and 3.1.2.2) – I will try to find evidence of any possible evolution in dealing with senior vacancies when same appointments were at stake respectively prior to, and after, the reform. The third (partial) empirical assessment of the decentralisation and professionalisation hypothesis will thus be useful for detecting whether there has been any significant development in the overall practice of filling senior positions in the Commission, in terms of relevance of nationality and role played by member states. Development – and thus confirmation of the hypothesis (at least for this third partial empirical assessment – will have occurred only if the aggregate findings for the Santer period will show a substantive difference compared to the aggregate data relative to the Prodi years. On the contrary, the findings of this third empirical assessment of H-1 will not be generalisable if the overall number of successful influences from member states under Santer is not substantially different from the equivalent number under Prodi, irrespective of the specific cases in which they took place.

I will also use this third empirical assessment to follow throughout several years the “history” of some specific posts, which may be telling, in case of evidence of a common pattern or in any case of common features, of a wider and general trend.

In order to conduct the empirical analysis, I proceed as follows. I select twenty senior posts that became vacant and were subsequently filled under *both* the Santer *and* the Prodi Commissions. I then assess empirically what did occur on the occasions of these series of “twin” or multiple appointments in terms of influence by member states and relevance of nationality, by using for each of the appointments my indicators concerning contacts between cabinets and member states, proximity between successful candidates and national authorities, substantive interests of member states, and internal as well as public disclosure of pressures on senior appointments. In this way, I will be able to draw conclusions for the third empirical assessment. These conclusions will be combined with those already drawn from the first and second (partial) assessments, which will allow me to present a rather clear overall picture of the relevance of nationality and member states (as well as of their possible different impact over time) on decisions concerning senior appointments that were taken between 1995 and 2004, and thus to see whether the decentralisation and professionalisation hypothesis is confirmed.

The cases I have selected and that I intend to consider for the comparative assessment under this sub-paragraph are presented in Table 3.1.2.3.a.

TAB. 3.1.2.3.a *Cases of senior appointments to same posts made under Santer and Prodi.*

N	Post	DG	Directorate	Appointed official	Date	Kind/basis of appoint
1	Director	VII	C Air Transport	CHENE	28 Sept 1995	mutation
	Director	VII	C Air Transport	AYRAL	26 Mar 1997	mutation
	Director	ENTR	F Air Transport	CALLEJA	19 July 2004	artt. 29(1)(a)(i) and (iii)
2	Director	VII	D Maritime Transport	LALIS	26 Mar 1998	promotion et mutation
	Director	TREN	G Maritime Transport	KARAMITSOS	7 June 2001	art. 29(1)(a)
3	Director					
	General	XXIV	- -	PAPPAS	19 Oct 1995	(external)
	Director					
	General	XXIV	- -	REICHENBACH	14 Feb 1997	promotion et mutation
4	Director	XIX	A Depenses	GUTH	31 Oct 1996	promotion et mutation
	Director	BUDG	A Depenses	DEFFAA	23 Dec 1999	art. 29(1)
5	Director	XIX	B Resources Own Resour., evaluat., financial	COLASANTI	14 Dec 1995	promotion et mutation
	Director	BUDG	B progr.	BACHÉ	13 Feb 2002	artt. 29(1)(a) e 29(1)(c)
6	Director	VI	G Affaires budgétaires et financières agricoles Budgetary and financial matters	DEMARTY	11 Dec 1997	unspecified??
	Director	AGRI	G relating to Agri; IT	DE WINNE	28 Nov 2001	art. 29(1)(a)
7	Director					
	General	VIII	- -	LOWE	9 Oct 1997	promotion et mutation
	Director					
	General	DEV	- -	RICHELLE	22 Dec 2000	artt. 29(1)(a) and 29(2)
8	Director	IX	A Personnel	BISARRE	24 Oct 1995	promotion et mutation
	Director	ADMIN	A Staff Policy	TAVERNE	17 May 2000	art. 29(1)(a)
	Director	ADMIN	A Staff Policy	SOUKA	28 Nov 2001	art. 29(1)(a)
9	Director	IX	C Administration	JARBORG	24 Oct 1995	(external)
	Director	IX	C Buildings Policy	BROUWER DE SOLA	1 July 1998	redeployment
	Director	ADMIN	C n.a.	DOMINGO	21 May 2003	article 29(1)(a)
10	Director	IX	D Resources	BRUCHERT	1 July 1998	promotion et mutation
	Director	IX	D Resources	TAVERNE	23 Dec 1999	art. 29(1)
	Director	ADMIN	D Resources	DALY	16 July 2003	article 29(1)(a)
11	Princ Adv Chief Adviser	XIII	SI Société de l'information	WENZEL	25 Jan 1996	"nomination de..." artt. 29(1)(a) and (iii), and 29(2)
		INFSO	- -	DAHLSTEIN	19 July 2004	
12	Princ Adv	LEGAL	- -	ROSAS	22 June 1995	(external)
	Princ Adv	LEGAL	- -	OLDFELT	23 Nov 1995	(external)

	Princ			HJERTONSSON			
	Legal Adv	LEGAL	- -	DURAND	22 May 1996	promotion et mutation	
	Princ						
	Legal Adv	LEGAL	- -	MARENCO	22 May 1996	promotion et mutation	
	Princ Adv	LEGAL	- -	CAEIRO	30 July 1997	promotion et mutation	
	Princ			JONCZY-			
	Legal Adv	LEGAL	- -	MONTASTRUC	15 Jan 2002	article 29(1)(a)	
	Princ						
	Legal Adv	LEGAL	- -	KUIJPER	15 Jan 2002	article 29(1)(a)	
	Princ						
	Legal Adv	LEGAL	- -	GRUNWALD	21 Jan 2003	article 29(1)(a)	
	Princ						
	Legal Adv	LEGAL	- -	HARTVIG	21 Jan 2003	article 29(1)(a)	
13	Deputy Sec-Gen	SG	-	responsible for internal coordination & planning + relations with Council and EP	ZEPTEP	30 July 1997	(external)
	Deputy Sec-Gen	SG	-	responsible for registry + simplification of procedures + programme & policy coordin + resources	MOAVERO-MILANESI	30 Jan 2002	article 29(1)(a)
	Deputy Sec-Gen	SG	-	responsible for relations with Council and EP	GUTH	24 July 2002	article 29(1)(a)
14	Director	V	A	Emploi et marché du travail	LONNROTH	10 May 1996	(external)
	Director	EMPL	A	n.a.	KASTRISSIANAKIS	24 May 2001	art. 29(1)(a)
15	Director	V	C	Mise en oeuvre du FSE	RIERA FIGUERAS	8 Feb 1996	promotion et mutation
	Director	EMPL	C	Implementation of the ESF - II	KJELLSTROM	11 July 2001	artt. 29(1)(a) and 29(1)(c)
16	Director	IV	A	Politique générale de la concurr. et coordinat.	FAULL	24 Oct 1995	promotion et mutation
	Director	COMP	A	Policy development and coordination	PAULIS	23 July 2003	article 29(1)(a)
17	Director	IB	A	Mediterranean, Middle East, etc.	ZANGL	21 Nov 1996	mutation
	Director	Relex	F	Middle East & South Mediterranean	LEFFLER	30 Jan 2002	art. 29(1)(a)
18	Deputy DG	VI	- -		HEINE	17 Oct 1996	promotion et mutation
	Deputy DG	AGRI	- -		TILGENKAMP	10 Sept 2003	art. 29(1)(a)
19	Deputy DG	JRC	- -		RICHARDSON	10 May 1996	promotion et mutation
	Deputy DG	JRC	- -		SCHENKEL	17 Apr 2002	art. 29(1)(a)
20	Deputy	IV	- -		PETERSEN	27 May 1998	promotion et mutation



	DG Deputy DG	COMP - -	CHENE	24 July 2002	art. 29(1)(a)
--	--------------------	----------	-------	--------------	---------------

Source: Commission' minutes, 1995-2004.

The first two senior posts concerned the incumbents responsible for air and maritime transports. As far as the former is concerned, I will assess and compare the redeployment (not “in the interests of the service”) of Claude Chêne in September 1995 and Michel Ayrat in March 1997, with the appointment of Calleja in July 2004. The post was rather sensitive both in terms of origin and destination: Chêne left in 1996 to become Head of Cabinet of Commissioner Van Miert, whereas Calleja had already been Head of Cabinet of Commissioner de Palacio when he was appointed in 2004. Ayrat was already Director in DG XVII, in charge of the Energy policy, when he moved to the post. These elements show that the post was visible and well considered.

The second post in the transports sector is the post of Director for maritime transports. Again, it was in DG VII prior to the restructuring of the Commission administration in 1999, and in DG TREN since then. In this case, I will assess two appointments occurred respectively in March 1998 and June 2001. Before the appointment of Georgette Lalis the post had already been hold by two different officials in less than three years: Wilhelmus Blonk was in office in 1995, Rodolfos Papaioannou in 1996. Three officials of Greek nationality succeeded to each other from 1996 to 2001.

The third senior post to be assessed will be the post of Director general in charge of consumer protection. It is quite unusual that a post at the highest level of the administrative hierarchy is subject to so many changes in office in such a short period of time. In about eight years, in fact, four different people were called upon to take responsibility for the Directorate general in charge of consumer protection, probably a unique event in the history of the Commission administration. I will consider the three decisions based on open competition that concerned the post, and namely the appointment of Pappas in October 1995, the promotion of Reichenbach two years later, and finally the assignment to the post of Madelin in late 2003. In 2000, Reichenbach was redeployed to the post of Director General of DG ADMIN, to be succeeded in DG SANCO by Robert Coleman.

As fourth and fifth cases, I will make an assessment of two posts of Director in DG Budget, in charge respectively of Expenditure (BUDG.A) and Resources (BUDG.B). Eckart Guth was appointed in fall 1996 to the first of these two posts, while he had already been Advisor within the same directorate. In late 1999, a few weeks after the entry into force of the new Commission, Walter Deffaa replaced Guth. As far as the position of Director for Resources in DG BUDG is concerned, Fabio Colasanti succeeded Isabella Ventura in late 1995. I will compare this nomination with that of Baché in February 2002, who replaced the less-than-two-year-old direction of Luis Romero-Roquena, moved to that post after the promotion of Colasanti to the post of Director General for Enterprises.

The sixth case that I will consider is the post of Director for budgetary and financial matters in DG Agriculture. Jean-Luc Demarty, formerly Principal Advisor for ITER, took the post from December 1997 to late 2001, when he was succeeded by Prosper De Winne. At the beginning of the Santer Commission and until the appointment of Demarty, the post had been under the responsibility of Michel Jacquot.

The seventh case is among the most salient positions within the Commission, and concerns the post of Director General for Development, a post historically “reserved” to a Frenchman. In this case, I will compare three different appointments occurred respectively in 1997, 2000 and 2004. Steffen Smidt left the overall responsibility for the development policy when he was transferred in the interests of the service to the post of Director general for Personnel and Administration at the beginning of 1997. Philip Lowe was then appointed in October 1997, after almost one year of interim assured by Philippe Soubestre. In May 2000, after the departure of Lowe, the vacancy was published internally. In September of the same year, the Commission decided not to fill the post and to republish it, including inter-institutionally and externally. By the end of the year, as a result of a final short-list comprising almost twenty official, the Commission appointed Jacobus Richelle, who had served as Director general for international cooperation in the Dutch Foreign Ministry since 1995. In July 2004, the post was newly reassigned to a Commission career official, Stefano Manservigi, at that time Head of the President’s office.

Three further cases concern the Directorate general for Personnel and administration, and in particular the three directorates in charge of Personnel/Staff policy (ADMIN.A), Buildings policy (ADMIN.C) and Resources (ADMIN.D). For almost five years, the first of these post was under the responsibility of Bizarre, appointed in October 1995. With a

decision adopted in May 2000, it then passed to Taverne, who would however be redeployed in the interests of the service less than a year and a half later, to become responsible for the Central Financial Service in the Budget DG. As a consequence of this transfer, in November 2001 the post was (re-)filled with the appointment of Irene Souka. The post of Director DG IX.C was reserved in July 1995 to an official with the nationality of one of the three member states that had just acceded the EU, and was filled in October of the same year with the external appointment of Pontus Jarborg. Between 1998 and 2002, the post was assigned to Brouwer, who had been redeployed in July 1998. As of June 2003, it was given to Mercedes De Sola Domingo. The last of these three posts in DG ADMIN, the one dealing with “Resources”, was filled in with the internal promotion of Fritz Bruchert in July 1998. It was then subject to a sort of “vacancy schizophrenia”, as four different officials were given the responsibility of the directorate between 2000 and 2003, namely Philippe Taverne in late 1999, Nikiforos Sivenas in 2001, Piet Verleyesen in 2002 and Emer Daly in July 2003.

As an eleventh and twelfth cases, I consider several posts of principal advisor, first in the DG responsible for Information society and then in the Legal Service of the Commission. In January 1996, Joerg Wenzel was nominated Principal Advisor in DG XIII (Telecommunications), with specific responsibility for Information society. He was then retired in the interests of the service in mid-2000. Ulf Dalhstein was then appointed to a very similar position (Chief Adviser in DG INFSO) in May 2004.

As far as the posts of Principal Legal Advisors are concerned, I consider and compare a total of nine appointments, two in 1995, 1996, 2002 and 2003, and one in 1997. They represent *all* appointments to this specific position occurred under the two Commissions headed by Jacques Santer and Romano Prodi. Thus, the assessment will be likely to provide a large and significant amount of specific information on the methods used by the Commission to fill senior positions within this key internal service.

An additional relevant case will be the post of Deputy Secretary-General. In this respect, I will deal with three appointments that took place in 1997 and 2002. Zepter was appointed in July 1997 as Deputy Secretary-general, in charge of both internal coordination and planning and inter-institutional relations, namely with the Council and the European Parliament. He was then transferred in June 2002 to run the Commission delegation in Japan, and his functions were taken, respectively, by Enzo Moavero-Milanesi (programme

and policy coordination) and Eckart Guth (relations with Council and European Parliament) both appointed during the first semester of 2002.

Two more cases considered as part of the third assessment to see what relevance nationality and member states had on senior appointments – and whether any change occurred as a result of the new selection procedure based on decentralisation and professionalisation – involve the employment affairs. In particular, the posts of Director for DG V.A (Emploi et marché du travail), and for the implementation of the European Social Fund (DG EMPL.C) will be assessed. The first of these two posts was filled in May 1996 through the external appointment of Lonroth, who was going to remain in office until November 2000, when he was “upgraded” to the post of Deputy DG within the same Directorate general. In May 2001, following a vacant period of about one year, during which the interim was ensured by Georg Fisher, Antonis Kastrissianakis, a Head of unit in the DG REGIO, was appointed as Director of EMPL.C.

The second post, responsible for the implementation of the European Social Fund, was filled in with the appointment in early 1996 of Riera Figueiras. The post was then split into two different directorates, responsible for the implementation of the ESF. Riera Figueiras kept the direction of the first of these two directorates (new EMPL.B), while Kjellstrom became the head of the second one in July 2001, after the interim of Luisella Pavan-Woolfe. It will be quite telling to explore potential differences that brought to the appointments of Riera Figueiras and Kjellstrom respectively in 1996 and 2001.

Two further cases that will be compared concern the post of Director for “Policy development and coordination” in DG Competition, and of Director responsible for Middle-East and the South Mediterranean in the area of External Relations. For the first post in the area of competition the appointment of Jonathan Faull in October 1995 and that of Emil Paulis in July 2003 will be compared. As far as the post in the External relations is concerned, the appointment of Peter Zangl to the post of Director of Directorate A in DG IB, occurred in November 1996, and the appointment to the same post (Director, DG RELEX.F “Middle East and South Mediterranean”) of Christian Leffler in January 2002 will be assessed jointly.

Finally, three cases of appointments to posts of Deputy DG that took place, respectively, in the DGs responsible for Agriculture and Competition, and at the Joint Research Centre

(JRC) will be studied to understand the potential role played by nationality and member states and thus assess the decentralisation and professionalisation hypothesis. All these appointments were based on vacancies to which only internal candidates could apply. For the post of Deputy DG in Agriculture, the appointment of Joaquim Heine in 1996 and the appointment of Alexander Tilgenkamp in 2003 will be compared. For the post of Deputy DG in the JRC, the cases of Hugh Richardson in 1996 and Roland Schenkel in 2002 have been selected. Finally, for the post of Deputy DG in Competition, the two senior appointments occurred in 1998 and 2002 and concerned, respectively, Asger Petersen and Claude Chêne.

## 3.2

### FINDINGS ON SELECTION AND APPOINTMENT OF SENIOR COMMISSION OFFICIALS

The findings for my decentralisation and professionalisation hypothesis on the likely impact of the new rules on the selection and appointment of senior Commission officials on the role played by nationality as well as by member states's influences, are presented in this section. First are presented the findings for the three (partial) empirical assessments (3.2.1 temporal; 3.2.2 sectoral; 3.2.3 "same appointments"). Then, the overall findings on the role of nationality and member states – including findings on dynamics in place inside the Commission since the establishment of the new system of senior appointments based on decentralisation and professionalisation – will be presented at the end of the chapter in paragraph 3.2.4.

For each of the three empirical assessments, the partial findings will be presented by making reference to four categories presented above (cf. *supra*, 2.5.2.) and going from no relevance of nationality and member states' influences (category "1") to a strong impact of "national pressures" (category "4"). On the independent variable side, indicators including vacancy publication, insulation of decisions concerning senior appointments, answerability (justification for the action), consideration for merit and real institutional needs, selection process (particularly in the preliminary stage), timing of the involvement of various actors,

and record-keepings will be used to assess whether indeed the administrative reform has brought in major changes in terms of selection and appointment procedure. On the dependent variable side, which measures the influence of member states on senior appointments, the main indicators for the empirical assessment will be contacts between cabinets and member states, proximity between successful candidates and national authorities, substantive interests of member states, and internal as well as public disclosure of pressures on senior appointments.

### **3.2.1 Comparing two periods: 1996-1997 *versus* 2002-2003**

The Commission made 73 senior appointments over the two years 1996 and 1997, 11 appointments less than in the twenty-four months between 1<sup>st</sup> January 2002 and 31<sup>st</sup> December 2003. These appointments, during the presidency of both Santer and Prodi, occurred in almost all Directorates general, and at all senior levels, from Director general to Principal adviser. What follows is an overall assessment of the role played by nationality and member states on these appointments.

#### ***3.2.1.1 Senior appointments in 1996 and 1997 (Santer Commission).***

Summarizing the findings of my empirical assessment for senior Commission appointments in 1996 and 1997, data show that nationality mattered, and that some nationalities played a stronger role than others. In some cases, big member states designed strategies to support the careers of their nationals, and were occasionally able to have their views heard on specific senior appointments. In other cases, it did happen that particularly small member states were successful in getting one of their nationals appointed, as the Commission felt under pressure to restore a strict geographical balance, or to give a minimum of “fair” representation at the highest level of each country. On the contrary, other member states – both big and small ones – were less influential by far.

More specifically, under Santer nationality was still a major factor to be considered in many – if not most – cases, as the system was based on quotas (for Directors general) and “flexible quotas” (for Directors) called *fourchettes* (French word for “forks”): any member state could expect a number of A1 and A2 officials comprised between a minimum of “x1” and a maximum of “x2”. The fourchette was the difference between x2 and x1.

Clearly, *fourchette* did not mean that consideration for nationality automatically implied consideration for member states' views. Jim Cloos, the then Head of Cabinet of President Santer, explained in this respect, by commenting the senior appointment of an Italian official, that

the fact that he was Italian and that the Italian had the *fourchette*, that has played a role, but [...] there is a difference: nationality indeed, has always played a role at that level; but this is different from saying that somebody is making a favour to a member state.

Exceptions to this long and well-established rule were also made; in those (few) cases, the *fourchette* became more flexible than usual. Cloos again mentioned the appointment of two Irish officials who became directors on the same day in 1997. Not only was this quite unusual for every member state; it is even more surprising if we consider that Ireland was a small member state. Cloos' comment was telling:

On Day and O'Sullivan [...]. The two – excellent officials as they proved afterwards<sup>23</sup> – were both appointed directors at the same time. The Irish *fourchette* was passed. The President's cabinet had intervened to say that this could be justified. They were two excellent officials, and the argument was that the *fourchette* should not play at that level, it should not be so rigid. [...] Day and O'Sullivan are a good example where the President's cabinet said “well, *fourchette* or not, the Irish will be temporarily over [the threshold], and we will try to manage it over time... ”.

Therefore, the system could also afford some progressive accommodation over time.

The empirical assessment also showed that nationality could – and did – play a role in many different ways. Sometimes, there was a “perfect mismatch” between nationality and national influence, with officials getting promoted *despite* the view of their member state; or *irrespective* of the support coming from the commissioner of their own nationality, or from their national government. Several senior officials commented on the appointment of a

---

<sup>23</sup> They were both appointed to the post of Secretary general: David O'Sullivan in 2000 and until 2005; Catherine Day in 2005 and until present (August 2008).

French colleague by saying that it was “absolutely deserved and uncontested; additionally, it also [took place] outside the traditional circles and classical French logics” (interview n. 8, July 2006). In a few cases, officials were able to be promoted to the upper echelons of the Commission administration although they had never been close to any member state, or a commissioner. Commenting on the appointment of a colleague at the time of the Santer Commission, a senior official stated that “he was a brilliant person. He was clearly among those destined to a rapid career up to the top levels. He has never worked in a cabinet, and he did not need any external support. His career has been entirely a reward to his merit” (interview n. 10, July 2006).

In many cases, the appointment took place – quite unsurprisingly, actually – because the senior official was very close to the director general. Very often, in fact, there were promotions of officials coming from within the Directorate general. In those cases, comments were usually of this kind: “he was very close to [Director general X]. [This latter] felt that [the head of unit] was very good and also deserved to become a director, so he made him director for that reason” (interview n. 13, July 2006).

Clearly as well, there were several cases in which national concerns and the preference of the director general matched perfectly, as in the following appointment of an official coming from a small member state:

that was a national idea that it would be good to have a [national from country X] in DG [X]. I was encouraged to apply for the job, but one or two other people applied at the same time, [...] I was heavily pushed at the time... pushed, well, *encouraged* by the Director general [Mr X], with whom I had worked [previously]. And so, that is how I got appointed. [...] there had been a Director [from my country] in DG [X], but there hadn't been one for [some time]. And the sense was that it was time to make somebody back. But it was also influenced by the fact that [the Director general] liked me a lot and was encouraging me to come to the DG. We had broad similar views about policy [X], and various issues. So, you know, that certainly played a more important role (interview n. 16, October 2006).

These cases were indeed quite common: when national (and political) considerations, competence, and proximity to the Director general combined together, then it was almost



impossible for anybody else to compete. A former deputy head of cabinet during the Santer Commission commented on the appointment of a Director, by saying that he was “the candidate the Director general wanted. He was somebody with a good reputation, socialist. [...] but incidentally, had he been from the extreme right, they would have appointed him anyhow, as he was extremely good!” (interview n. 17, October 2006).

The cases in which competence and contacts both concurred to the senior appointment were rather common. An appointment of this kind was the following:

He had the profile, he had the competences for the post he took. He was a serious official. I think his appointment has been mainly a technical one. He must have been supported by [nationals from country X], as he had been working at the cabinet of [former Commissioner], which is why he had in all event [national] contacts, but essentially he was a very serious person, very solid, and moreover he was an expert in that field (interview n. 10, July 2006).

At the same time, however, the empirical assessment also revealed cases where member states were able to promote their preferred candidates, and the Commission could not resist strong pressures coming from national capitals. A senior official commented on a typical appointment of this kind by saying that it had not been “decided here [Commission]. He was a diplomat, that was a political appointment” (interview n. 8, July 2006). On some of this successful external interventions, not only member states made strong recommendations at the political and diplomatic level. They were also clever enough to support outstanding candidates with impressive CVs. If national pressure was made to support the application of a high profile official, it became much more difficult for the Commission to argue against the appointment of this latter. At the same time, not all member states acted in the same way, and not even the same member state acted coherently when different appointments were at stake. The comment of a former head of cabinet of the Santer Commission in this respect was the following:

[Country X] has put on the table such a strong candidate... well, if [my country] was given the chance to replace somebody from outside [the Commission] – we could let in some qualified people from outside since we are short of good internal candidates [of nationality X] – [my country] would never send the Director general of Ministry [X], we would never send him here.

Instead, we would propose a third class advisor, who would be certainly inadequate compared to other candidates (interview n. 18, October 2006).

A candidate's merit through 1996 and 1997 was not always a necessary condition for the member state to be successful in influencing a senior appointment from outside. National flags and a system based on national quota proved sometimes to be a powerful tool in the hands of governments. In the case of the appointment of a Director general, a senior official commented

that has been the post [of country X] [...]. Because they had nobody else, because also small member states had a right to at least a [director general], and he was a very close friend of local ministers [in his country], and he was really imposed (interview n. 21, October 2006).

All these cases were included in category "2", "3" or sometimes "4", based on whether the role played by national contacts worked respectively as a simple facilitator, a strong support, or a key factor for the appointment, and thus on what value was given to one of the key indicators used to measure the dependent variable.

The empirical analysis for the years 1996 and 1997 also revealed cases in which nationality and/or member states did not play any relevant role because other factors were much more decisive. One of these factors was certainly gender. Commenting the appointment of a lady to a post of Director, a senior official said that

she was certainly supported by the cabinets [of country X] and [country Y], as she was [nationality of country Y]. But essentially, the fact that she was a woman was decisive for her appointment. She was one of the few that could become director, there were not that many [women] heads of units at the time (interview n. 10, July 2006).

In very much the same vein, a former member of the CCN recalled the appointment of a woman to a post of director where the gender factor intertwined with pressures coming from a member state, which was pushing for a different candidate:

[Director general Mr X] told me “find me a woman!”. [Of Ms X,] I had already heard positively by [another Director general], [Ms was] on the post [...] at DG [X], and the new post [...] was then on similar issues. I showed [the recruiting Director general] three or four [people], all women. [Ms X] was good and competent, and has been appointed against [Ms Y]. Everybody was advising [Director general Mr X] against [Ms Y], although she was supported by [member state X] (interview n. 9, July 2006).

In some cases the gender dimension was the most relevant factor. In others, as in the two cases just mentioned above, it contributed to shape the final decision on the person to appoint. Appointments based on the gender argument, or strongly influenced by that, were recorded for both the period 1996-1997 and 2002-2003.

Appointments to posts of “principal adviser” are also of a special nature, when assessing the role national governments played in senior vacancies. These posts are outside the chain of command, which basically means that they neither impact on policy-making nor manage funds. Nationality might play a (limited) role in a very few cases, but clearly national governments were not interested in having influence on posts which are not influential themselves! In the words of a senior official, “no member state makes pressures to get an advisory post” (interview n. 8, July 2006). Again, this was true not only for appointments during the Santer presidency, but also with the coming to office of Romano Prodi.

Table 3.2.1.1 presents the overall findings for the 74 senior appointments that were made in the European Commission in 1996 and 1997. In five cases, I was not able to make a clear assessment of the appointment so as to include it into one or the other category.

TAB. 3.2.1.1 *Findings concerning senior appointments in 1996 and 1997.*

category	the senior appointment was	N.	%
1	made without specific consideration to nationality	22	30
2	sensitive to national considerations/ influence	27	36
3	sensitive to some member states pressures	12	16
4	responding to strong member state's pressure	8	11
	<i>unclear evidence</i>	5	7
	<b>TOTAL</b>	<b>74</b>	<b>100</b>

These findings show that about one third (30%) of all senior appointments between 1<sup>st</sup> January 1996 and 31<sup>st</sup> December 1997 were made without any specific consideration to nationality. Other factors were relevant at the time of selecting those candidates. In another third or so (36%), nationality played some role: it was taken into account and was among the main factors that explained the choice of one candidate rather than another (to different degrees), although the appointment remained rather insulated from member states. In about one fourth (27%) of all senior appointments, member states played a role: the Commission was either sensitive to some influence coming from national capitals, or – in one case out of ten – responded positively to strong external pressure. A typical case of category “3” was when the appointment was made to respond to the “legitimate” request coming from an under-represented member state to refill its quota, although the capacity of this latter to then choose the appointed official was low. On the contrary, a typical case of category “4” was when such capacity was high and the member state was rather successful in pushing its own preferred candidate.

### ***3.2.1.2 Senior appointments in 2002 and 2003 (Prodi Commission).***

Summarizing the findings of my empirical assessment for senior Commission appointments in 2002 and 2003, data show that one of the major impact of the administrative reform was the dismantling of the system based on *fourchettes* and national flags. Nationality was nonetheless a relevant factor in a number of appointments (about one every four), particularly when some geographical balance was considered necessary to be restored. In a minority of cases, member states were able to sponsor successfully good candidates among their nationals, although there was hardly any case of appointment of a candidate who was not considered to be competent enough to take the job.

More specifically, the empirical assessment for senior appointments in 2002 and 2003 revealed many cases in which the end of the quota system and national flags actually *increased*, rather than reduced, lobbying activities from member states, particularly when the vacant post was highly relevant. There were cases in which all candidates were strongly supported by their respective countries, which created some sort of “balance of pressures” coming from different member states. A Director general mentioned the procedure for a very senior post to which he was initially shortlisted, which provides also a measure of key indicators that were used to measure relevance of nationality and member states – namely

contacts between cabinets and member states, proximity between successful candidates and national authorities, and substantive interests of member states:

when [Mr A] went to [new post], the [senior post X] came free and I applied for it. I was looking into more promotion, so I talked to [my country X], I talk to my Permanent Representation, “did the they think it was reasonable? Did they have other candidates?”. No, they didn’t. So, I applied. [...] it was quite open, [...] and I think genuinely not that there was no sense that it was meant for somebody, but [...] I do not think [Commissioner X] knew that he wanted one or another person. So the candidates, the strong candidates, the ones who got shortlisted were me, [Mr Y], [from country Y], and [Mr Z]. [...] [Mr Z] was appointed. [...] for sure everybody lobbied everybody, [Mr Y] had the support of his government, I had the support of my government and [Mr Z] had the support of [country Z]. [...] [Mr A] was [also from country Z], by now we have a policy that there are not national flags, [...] so it was never sold as a question of flags. Nobody ever said to me “it won’t work cause you are not [from country Z]”. Some people said to me, both in the advance and in the ex post, “you will no longer see an [official from country X] in that sort of post because you have to deal with [policy F] in that post, you prepare [policy G], the [policy H], and [officials from country Z] are not reliable because of [specific policy stances from country Z]” and things like that (interview n. 38, January 2007).

Loyalty, personal trust and proximity with directors general and/or commissioners continued to be key factors for promotion at the top level.

Working in a Commissioner’s cabinet, for instance, increased the chances of being eventually promoted, both before and after the reform. Particularly for career officials, it was a sort of “reward” for the work done. Commissioners supported their staff at time of appointments, but this does not necessarily mean that there was automatically an external influence coming from national capitals. A former Director general commented one of these cases:

The appointment of [Mr X] has been a political appointment [...]. This is not to say that [Mr X] is not competent, but [...] he wanted a post of Director and

the Commissioner [for whom he was working] found a way for him to get it. [...] Internal business to the Commission, [...] he did not have that many contacts in [capital town X]. I am pretty sure that in [capital town X] they hardly cared at all (interview n. 10, July 2006).

Sometimes, however, technical expertise played a role stronger than loyalty and merit. In those cases, the selected official was the “expert” in the field and the choice was based mostly on the need to find the person with the perfect skills for the post. An example of this was the appointment of an official in DG BUDG. According to a senior official,

the problem was to find someone [...] who had a background in auditing and accounting, and it was very difficult to find someone, and [Mr X] was in the end the most qualified candidate, and [...] that is why he was picked. [...] It was a technical appointment (interview n. 22, November 2006).

Nationality could also play as a *diminutio*. This happened, first, when external interventions were seen as potentially counterproductive. That is, selection procedures for top jobs inside the Commission where intervention by member states was seen as potentially *reducing*, rather than enhancing, the chances of being promoted. A director stated that at the time of the selection procedure in which he was involved, he asked a senior colleague (a deputy DG of his same nationality), whether he should contact and “seek advice” after their common Permanent Representation in Brussels. The answer he got does need any additional comment:

[my colleague] told me “do not do it! It is counterproductive! If you want to have a chance to get promoted, do *not* tell anything to the [nationals of our country], and particularly, keep silent with the Permanent Representation [...] they do not know how to make pressures successfully, they do not know the machine [...] they move as elephants in a crystalware” (interview n. 7, July 2006).

This is a special case in which proximity between candidates and national authorities may be detrimental to the chances of being appointed – and is thus a sort of “negative” measure of one of the indicators use to assess the influence of member states and thus the decentralisation and professionalisation hypothesis. There were also cases of strong

imbalances in terms of geographical representation. There again, nationality could represent a disadvantage. That was the case, for instance, of almost all officials of Belgian nationality (cf. Dierickx and Beyers 1999). A former Head of Cabinet to a Belgian commissioner explained what their situation had been for years, until much recently, and certainly until national quota had remained in place:

I was [Belgian commissioner] Chef de cabinet, so I had to defend the Belgians, and I discovered at the beginning that this was an impossible job. I suggested to [my commissioner] at the beginning, “should we not have a meeting with all Belgian A4s and explain to them a bit the personnel perspectives?”. I said “they are all frustrated these A4s, some of them are very very good, many of them are not so good, but they were all complaining”. And when I then look into the number of the A4s, how many they were, I got a list of 104! 104 Belgian [with the grade of] A4! And I told to [my Commissioner], “we can’t have a meeting with a hundred of people”, no chance, and I focused on one or two absolutely top class promotions (interview n. 33, December 2006).

There were so many Belgian officials, and in such good positions, that Belgium has always been over-represented. To appoint one more was therefore always very difficult. Nonetheless, several Belgian officials were appointed in 2002 and 2003. A former senior official mentioned one of such cases:

[Mr X] had acted as [one of] my head of units and I pushed as much as I could in order for him to become a director, since he was somebody who really deserved it. He was appointed purely for his merit and value, [...] he was even a Belgian, that is why he had almost everything running against him, whereas on the contrary he was a person that absolutely deserved to be a director, [...]. I had already left [DG X] when [official X] was appointed, but I had pushed hard for him, because he had already worked with me as an economist on [policy area X] when the time came to appoint the [...], and at that point I suggested to [Director general of DG X], “take [official X] for that post, for the negotiations [on issue X], as he can be the person who can conclude the negotiations”. So, yes, I had put him into the pipeline for promotion, and then [...] at some point I believe that some difficulties arose because he was Belgian, so they had to wait a bit in order for the proper occasion to

materialize. But let's say that there has been no discussion, neither at the level of the director general nor at the level of the Commissioner, on the understanding that he had to be appointed (interview n. 10, July 2006).

Cases of “missed” appointments based along the same lines were recorded as well: in some circumstances, there were simply too many officials already of the same nationality to appoint one more. The end of quota did not mean that some geographical balance was not needed in any case. So, nationality could become a discriminatory factor. A former Head of Cabinet mentioned the case of an appointment of a Director that was made in the Directorate general under the responsibility of “his” commissioner:

On [Mr X]'s post, [...] there was a qualified British candidate. The two were equal in qualifications. The British candidate had more internal knowledge from DG [X] and also from [...], but [Mr X] had experience from the [...] and from [...], and he had also been [...] and he brought in some new knowledge. So, you had different profiles but both of them were qualified. I think the choice of [Mr X] ultimately was made because there was *simply no way you could nominate more British directors*, so the guy could not get [the post]. [...] because although you do not have flags, you do try to keep some balance (interview n. 40, March 2007).

This is just one of the side-effects of the reform. The end of the quota system impacted strongly, and rather immediately, on the geographical balance. If prior to the reform a competent official needed to have the *right* nationality to increase his chances of being promoted, then – after the reform – the context turned out to be a sort of paradox for officials coming from some big member states. The competent official who was seeking promotion now needed *not* to have the *wrong* nationality to increase his chances.

At the same time, the new system could not become too “unfair” towards some groups of career officials for the simple reason that their nationality was over-represented and there were too many of them with high merit inside the Commission. It was not always easy to strike the proper balance between these two legitimate institutional needs: to keep some geographical balance on the one hand and to promote the best, on the other. In this respect, Stefano Manservigi, the then Head of Cabinet of President Prodi, commented in



the following way on the appointment of a number of his colleagues having all the same nationality:

if you take all these [appointments of officials with nationality X] [...], they have contributed to widening the imbalance [among nationalities] in favour [of country X], but the point is that [Mr X], [Mr Y], [Mr W], [Mr Z], they were simply all people in the right position to move on those new posts, which means that it would have been necessary to reject them on purpose. Since all those people were competent, [...] this is the outcome of abolishing quota. *Had there been [national] quota, a third, at least [of all these people], if not more, would have never become a director.*

For similar reasons, the system could not become too “unfair” towards a member state. Some concern in terms of nationality thus continued to play also in the post-reform period as well. This was particularly true when a member state was considered to have moved under the “lower sustainable threshold”. Typically, this would mean a member state having not even one of “his” nationals with the highest grade (former A1) inside the institution. On those occasions, the Commission was sensitive to pressures coming from member states, although these pressures hardly translated into pressures to promote a *specific* candidate, but rather to be given a “fair” representation at the top administrative layer. A few of these cases were recorded for appointments in 2002 and 2003. A former Head of Cabinet mentioned for instance that

The appointment of [Mr X] to [senior A1 post] was very strongly demanded, [...] because [country X] did not have any director general, or deputy [DG], [...]. They did no longer have any A1, that is, the situation was – including in the absence of quota – rather unsustainable. Therefore [Mr X] was one of those we strongly fought for (interview n. 35, January 2007).

In the following Table 3.2.1.2, I present the overall findings for senior appointments that were made in the European Commission in 2002 and 2003. In two cases, I was not able to make a clear assessment of the appointment so as to include it into one category or the other, since I could not gather enough reliable information and thus assign a clear value to my indicators.

TAB. 3.2.1.2 *Findings concerning senior appointments in 2002 and 2003.*

category	the senior appointment was:	N.	%
1	made without specific consideration to nationality	52	62
2	sensitive to national considerations / influence	20	24
3	sensitive to some member states pressures	8	10
4	responding to strong member state's pressure	2	2
	<i>unclear evidence</i>	2	2
	<b>TOTAL</b>	<b>84</b>	<b>100</b>

These findings show that about two thirds (62%) of all senior appointments between 1<sup>st</sup> January 2002 and 31<sup>st</sup> December 2003 were made without any specific consideration of nationality. Other factors – mostly merit, competence and loyalty to the institution – mattered. In one fourth (24%) of senior appointments, nationality was still one of the factors explaining the final choice made by the Commission. In one appointment out of every ten, member states were still able to play some (minor role) or influence the Commission, but the senior appointment was again possible only because of a combination of factors out of which national pressure was just one, and not necessarily the most important. Finally, in two cases, hardly significant in statistical terms, the empirical assessment revealed a very strong – and indeed successful pressure coming from a national government to appoint its preferred candidate, who would not have been the first choice of the Commission based on its own criteria.

If we compare the findings of the empirical assessment for senior appointments made under Santer (1996-97) and Prodi (2002-03), we note that pressures and influence from member states exercised very little impact in *both* periods. Such influence was relevant in just one appointment every ten after the reform, and it had not been relevant in more than two cases out of every ten, even prior to the reform. Quite significantly, on the contrary, the role of nationality decreased substantially over time. Senior appointments completely indifferent to officials' nationality were about one third before the reform, and passed to two thirds under Prodi. Cases in which member states were key actors in the appointment (category "4") were extremely limited prior to the reform (11%) and decreased to virtually zero afterwards. So far, the (partial) empirical assessment thus shows that the decentralisation and professionalisation hypothesis is confirmed in relative terms. It also shows that the absolute figures concerning member states' impact on senior Commission appointments are extremely low, including prior to 1999, which makes it more difficult to

establish any substantive impact of the administrative reform on the insulation of senior appointments from national capitals.

### **3.2.2 Comparing policy areas**

In this paragraph, I present the findings for the empirical assessment of my decentralisation and professionalisation hypothesis in the five policy areas selected above (3.1.2.2): agriculture and fisheries; external relations, competition policy, health and consumer protection, and justice and home affairs. I will again refer to the four categories presented in section 3.1.4 and try to see whether any change in the role played by nationality and members states has occurred with the implementation of the reform in key areas of Commission activity. In order to conduct the empirical assessment, I will make reference to the indicators presented above (cf. supra, 2.2.2) and referring – respectively – to possible changes in terms of vacancy publication, insulation of decisions concerning senior appointments, answerability (justification for the action), consideration for merit and real institutional needs, selection process, time of involvement of various actors, and record-keeping as far as the independent variable is concerned; and to contacts between cabinets and member states, proximity between successful candidates and national authorities, substantive interests of member states, and internal as well as public disclosure of pressures on senior appointments as far as the dependent variable is concerned.

#### ***3.2.2.1 Agriculture and Fisheries.***

Franz Fischler, of Austrian nationality, remained in charge of the Agriculture portfolio during both the terms of Santer and Prodi. In 1999 he also got Fisheries, when Emma Bonino, who had been responsible for that area since 1995, left the Commission.

#### ***The Fischler/Legras era (1995–1999).***

Summarizing the findings of my empirical assessment for senior appointments in the area of agriculture and fisheries during the Santer Commission, data show that nationality was a key criteria for appointments in most cases, but also that member states' pressures were not that influential.

In particular, the empirical assessment revealed that much of the evolution taking place in DG Agriculture in terms of senior appointments, started already under the presidency of Jacques Santer. Santer wanted to innovate and reform senior personnel policy (cf. supra, 1.2.1.2), and this “opened” a new window of opportunity for all those inside the Commission who did no longer wish to play the old game. Franz Fischler, of Austrian nationality, took advantage of this new opportunity. Corrado Pirzio-Biroli, Fischler’s then Head of Cabinet, mentioned that

we have been among those who fully abandoned the [...] game [of mutual pressures among national cabinets], because there had been cases of pressures from head of cabinets including for appointments at the level of head of unit (A3). We got phone calls from other cabinets during the first two years [1995-1996], and then [increasingly] fewer. [...] I always answered, [...] “look, we take the best. Obviously, we need to respect some [geographical] balance, [...] but within those brackets, we take the best”. And they understood that [the game] did not work with us. I told them, “thanks for suggesting this person, we know him well, and I would like to add that we will never ask you to appoint an Austrian official somewhere”. That is, we did not ask other cabinets [to make specific appointments]. Simply it was not, and is not, according to the Commission, our task.

Pirzio-Biroli acknowledges that the case he refers to might well be a special one of particular independence, hardly generalisable: “Austria considered that in some other cabinets member states’ advices] were more listened to. They said that Fischler played too much the role of the European and not enough the role of the defensor of Austrian interests”.

Although member states did not matter much, nationality was extremely relevant. At least for the period going from 1995 to 1999, a strict national quota system was in place for senior posts, particularly at the Deputy DG level. A former Director in DG AGRI explained that

when Legras was [Director general] there, it was clearly the case [...] that there were five [posts of grade] A1 and they should be for the five big member states. So [Legras] was French, and then there was a German deputy director

general, a British one, and Italian one and a Spanish one. That was the deal. And then, there were twelve directors, [...] and it was clear that the[re] should be, before Sweden, Austria and Finland entered [in 1995], [...] one director in principle for every country, so [that] the big ones had two. That was the format (interview n. 13, July 2006).

The relationship between the Director general and the Commissioner was clearly based on these “assumptions”:

In *that* format, I think Legras basically decided what he wanted, but he checked with Fischler, and he was of course sensitive to Fischler’s views. He would not propose to Fischler someone he knew Fischler would not like [...]. But I think Fischler trusted Legras very much, so if Legras said “I want X”, Fischler would say “yes”. They would discuss it, Fischler could veto it, but Legras would never propose a bad person, and he would not propose someone he knew Fischler did not want (interview n. 13, July 2006).

The “rule of the four deputies” and the quota system for the directors limited the freedom of choice of the director general. Nonetheless, Legras was attentive and able to resist pressures coming from member states. This had something to do with the director general’s own personality and charisma, not to mention the fact that his long-standing tenure had made him rather powerful in his position:

[Legras] was someone with very strong views on people, and he was very professional, so he wanted the best possible people, what he considered the best. He may have been wrong, but he tried to get the best. And he didn’t like it, when member states tried to put pressure on him. And he was so strong that he didn’t have to care about it. And I know one case, where he appointed from one nationality [...], where [...] a member state was pushing for a candidate who would have been quite good, but because a member state pushed so hard [...] he decided “I am not going to take that person, we take someone else”, and he took someone in turn which he later [...] regretted because actually the person he took internally was not that good, and the person that the member state had proposed was probably better, but just to show to member states “this is not a question that you can [...] decide who you want here, I am going

to take a different decision”, and he took an internal candidate who was actually quite weak (interview n. 13, July 2006).

This approach can be explained by the need to keep firm control over the administrative machinery. A former director of DG Agriculture admitted:

[Legras] was behaving in a very traditional French way, he was aware of the fact that it is important who you have your allegiances to, and he did not want someone who had the allegiance to the member states, he wanted someone who had the allegiance to him, or the institution (interview n. 6, July 2006).

Between 1995 and 1999, just one appointment took place in DG Fisheries (Farnell, February 1997), while seven senior appointments were made in DG Agriculture, five at the director level and two (Heine and Silva Rodriguez) at the deputy DG level.

Considerations based on nationality played a role in almost all these cases of senior appointments. Comments often referred to national flags or to a rather strict geographical balance. At the same time, as already mentioned above, merit and competence were crucial. Nationality was, in most cases, the necessary but not sufficient condition: a sort of pre-condition. Many times, there was the temptation to appoint a new official with the same nationality of his predecessor. For instance, the head of cabinet at the time declared about one of these appointments:

we had the previous director [from country X], [Mr X] who had left a void. We tried to cover the post with [an official from country X], who could be a little more generalist, and [Mr X] was exactly this person. Let's also say that he was surely the best among the potential candidates.

Another quite illustrative case concerned Mary Minch, the first woman ever appointed to a post of director in DG Agriculture. A former senior official in DG AGRI commented:

She was Irish, and she replaced an Irish person. An Irish person died in a different job, she took the 'Irish job', so to say, but I think also that both Fischler and Legras very much liked her, and thought she was very good, and she is very good (interview n. 13, July 2006).

In at least one case, the choice of the director, constrained by the pre-requisite of the nationality, did not bring to the appointment of the best candidate but rather to the appointment of the best candidate with the “right” nationality:

it was [...] a [nationality Z] post, he came after [other senior official of country Z], and I think that it was not equally obvious to take him, but I think that he was probably considered the best [national of country Z] at that stage (interview n. 13, July 2006).

In this case, therefore, the nationality criteria was particularly burdensome, but still the government of the member state had limited say in the choice of *which* national to appoint. In other cases, national pressures could be even used instrumentally to ensure that the best candidate could be appointed prior to being caught into the trap of the national quota system. The then commissioner’s head of cabinet mentioned that:

[government X] talk to us about [official X], although it was not necessary. On the contrary, we did inform [national authorities of country X], but only because there were already too many [nationals of country X] [in the Commission], and therefore there was a problem at the Secretariat general [...] [and the risk was] that we - instead of another [DG] – could be “punished”, and that we would not have been allowed to appoint the best for that post [due to the threshold of the national quota]. In that particular case, although it was against our principles concerning national interferences, we did inform [national authorities of country X] just to avoid losing the battle, in order that they also did something and say a little word. In my view, that made the difference, because it meant that if another [DG] [...] had proposed [to the secretariat general] a director [of same nationality X], it would have been them, not us, that would have been prevented from making the appointment. So in that case we did inform [the office of the prime minister of country X] so that he could say a word on [official X]. The problem was that [official X] was not affiliated with the political party which was relevant at that time, and this is something which matters as well.

In the words of two other former senior officials in DG Agriculture, the official referred in the quotation above was “the brain of the DG; he is really the one who develops a policy” (interview n. 13, July 2006), and his appointment was considered as “anything else than the acknowledgement of the great credit that he had acquired” (interview n. 8, July 2006).

In another case, the post had been reserved by the Commission to a national of one of the new member states that had acceded in 1995. Holmquist, of Swedish nationality, was appointed to this “reserved” post in 1997. Despite the fact that he came from outside, and contrary to a rather consolidated tradition that had existed until then, the national authorities of the new member state suggested several candidates, but could not intervene on the final choice. Holmquist himself recalls how his recruitment into the services of the Commission took place in 1997:

There was a very different system when I came as director. Well, the way it worked, basically is that I announced to the Swedish authorities that I would like to get a job in the Commission. So the Swedish authorities forwarded it to the Commission that I was someone interested in a job. It so happened that I had worked with Liikanen on budgetary matters when I was in Sweden in the Ministry of Finance, and Liikanen was also responsible for personnel in the Santer Commission. So he has a good possible view of me. So he recommended that I get a job in DG AGRI, the post was open for someone from a new member state. So he said “I have a good candidate from Sweden, look at this candidate”. So Guy Legras, who was Director general at that time, interviewed me for half an hour only in English actually - I would have expected also some French - and then he said “that’s good”, and he said his secretary, “why don’t you call Fischler and ask if he has a chance to see Mr Holmquist?”. So they called Fischler and I walked up to the Breydel when there was a Commission meeting, and Fischler came out from the Commission meeting and he interviewed me for ten minutes, and then his head of cabinet, Corrado Pirzio-Biroli, was there too, and he interviewed me for ten minutes and it seemed fine. Then they told me that they wanted to employ me. It was a very simple process, but I think the crucial actors were: well, the Swedish government was supporting me, but they were supporting a lot of Swedish candidates, and actually, the Foreign Office, the Foreign Ministry was responsible for these things. And they actually supported the candidates from



the Foreign Ministry more than candidates from the Ministry of Finance, so I had a slight disadvantage with the Swedes, compared to if I had been in the Foreign Office, they would have supported me more, but they supported me still. Liikanen, who might happen to have met in these meetings that he was heading when I was Swedish representative, knew me and thought I was good, so he supported me. And then I think it was the case that Legras and Fischler felt that I was a good candidate. I think if I had done poorly in the interview with Legras, Legras would have said “No”, and Fischler probably also. [...] I think Fischler would have followed Legras’ advice. If Legras would have said “this person is not good”, then Fischler would not have pushed for it, and when Legras said “this person is good”, Fischler just checked that he had get the right picture.

The appointment was thus sensitive to national influence to the extent that it had been *ex ante* reserved on the basis of the nationality criteria. One key indicator shows that the support of the Swedish authorities was in the end important but definitely not *the* condition for the appointment.

Table 3.2.2.1.a presents an overall view of the role played by nationality and member states on senior appointments in DG Agriculture and DG Fisheries between 1995 and 1999.

TAB. 3.2.2.1.a *Findings concerning senior appointments in agriculture and fisheries, Santer Commission.*

category	the senior appointment was:	N.	%
1	made without specific consideration to nationality	1	13
2	sensitive to national considerations / influence	6	75
3	sensitive to some member states pressures	1	12
4	responding to strong member state’s pressure	0	0
	<b>TOTAL</b>	<b>8</b>	<b>100</b>

The empirical assessment thus shows that the vast majority of senior appointments was sensitive to considerations based on nationality of the selected candidates. At the same time, member states did not play any significant role, which means that the nationality issue was “managed” inside the Commission, or even inside the specific Directorate general.

*The Fischler/ Silva Rodriguez era (1999–2004).*

Summarizing the findings of my empirical assessment for senior appointments in the area of agriculture and fisheries that occurred during the Prodi Commission, data reveal that more than one third of appointments were fully insulated from any consideration of nationality or member states' influence, whereas in another third nationality was taken into some degree of consideration. Member states did not play, however, any significant role.

In December 1999, Silva Rodriguez, of Spanish nationality, was appointed Director general for Agriculture, thus taking the post that had been historically reserved to a Frenchman and had become the symbol itself of the old system of national flags. Silva Rodriguez had done almost all his career in Agriculture (at the time of the appointment, he had been Deputy DG since July 1997), and was appointed also because “he was the one who had better relations with everyone within the DG” (interview n. 6, July 2006). Although the Spanish were strongly interested in the post, a former director of DG Agriculture confirmed that Silva Rodriguez had in any event emerged clearly as the internal favorite candidate for the post:

there was [...] a feeling that DG AGRI had been always run by a French Director general – Legras was the fourth one in the role and should have stayed quite long – and he had to be someone not French. And I think it is also probably the case that the feeling was that he could not be someone British. He could not be someone from a country that was very critical towards the Common Agricultural Policy, it had to be someone from continental Europe, it could have been a German, it could have been a Spanish, it could have been an Italian. But I think simply of the [...] deputies [...], they wanted someone internally, probably. I have heard the [one of the deputies DG] was very good, but sort of... not strong enough to be director general. [Mr X], the deputy DG [from country X], the relationship between [Mr X] and Legras was not always the greatest, I do not think Fischler and [Mr X] neither, and he was quite old, so I do not think it was ever an issue. [Mr Y], the relationship was also quite complicated at the time and I think as a [national from country Y] it was out of the question [...] I am sure there were Spanish pressures, but [...] they would not have taken [Silva Rodriguez] if they had not wanted him. No matters how much the Spanish would have pressured. I think they wanted probably an

internal candidate and of all the deputy directors general he was the youngest but they felt he was the best, and I think they were right in feeling that (interview n. 13, July 2006).

Once the decision had been taken to appoint an internal candidate, and there was an understanding that this candidate should most likely be one of the deputy directors general, the choice became rather limited. National pressures then contributed to ensure that what seemed the obvious choice was not reconsidered due to other pressures coming from other sources.

Highly significant was what occurred in DG AGRI with the six senior appointments at deputy DG level, and particularly the three which involved two officials (Barbaso and Tilgenkamp) and concerning the post traditionally “reserved” to the Italian flag.

Franco Milano was a deputy DG of Italian nationality. When he left, the Commission published the vacancy for his post of deputy DG responsible for coordination of directorates C, D and E. At the end of the CCN, seven candidates were shortlisted. According to the “rule of the deputies”, the post had always been reserved to an official of Italian nationality. Unsurprisingly, four out of the seven short-listed candidates were Italian. In September 2000, the Commission decided to appoint Fabrizio Barbaso. The minutes mention the reasoned opinion that was given on the occasion of the appointment:

Mr Fischler pointed out that Mr Barbaso had acquired a sound knowledge of the common agricultural policy in his previous career, particularly as a member of the staff of a Commission Member, and had a very diversified professional experience which would enable him not only to adapt without difficulties to his new functions but also to bring a fresh perspective to the problems of managing the agricultural markets<sup>24</sup>.

Despite this wording, some scepticism existed within the Commissioner’s cabinet on Barbaso’s capacity to deal with the agricultural markets, that were extremely sophisticated, and were managed by people with deep technical expertise (interview n. 6, July 2006). At the same time, Barbaso was the best Italian to be shortlisted and his appointment was thus the result of a combination of merit and traditional legacies (national quota system). In the

---

<sup>24</sup> Commission’s PV 1491 of 14 September 2000.

words of a former director of DG AGRI, the feeling was that Italy had to have a deputy director general: “[...] there were no internal candidates and [...] Fischler basically said ‘Ok, it is reasonable to have an Italian in this job, and Barbaso is the best one, and that’s Ok’”. The Head of Cabinet of Commissioner Fischler at the time, admitted that they were ready to break up the “rule of the deputies”, but they did not for reasons of continuity, advice from other colleagues, and not least to avoid the risk of being accused to be preparing the ground for his own career goals:

[Mr X] and Fischler worked very well together on [policy X], so, at some point, what matters more? An appointment or [a policy]? [...] I then had close contacts with [people working with Mr X], so we did not feel like answering “no”. [In addition], being myself Italian within the [Fischler’s] cabinet, I was obviously in a difficult position if I did not accept an Italian, as it could have seemed that I was ensuring my personal interests for eventually taking the post of Milano.

The appointment, however, gave rise to open contestation. Alexandre Tilgenkamp, one of the seven candidates shortlisted, brought the case before the Court of First Instance, which decided in July 2002 *not* to give reason to the Commission, and to uphold Mr Tilgenkamp’s position<sup>25</sup>.

Irrespective of questions of merit, opportunity, and procedure, the Barbaso/Tilgenkamp case was extremely important as it occurred in DG AGRI at a time in which the national quota system was beginning to be challenged (interview n. 37, January 2007). Flags were strictly respected and the old system could be broken including because a senior official contested it openly, and legally, and because the Court of First Instance acknowledged that this contestation was well grounded. The Barbaso/Tilgenkamp case thus marked a turning point in how senior appointments were made inside DG AGRI, and beyond. In April 2004, there was a new appointment concerning a vacancy at deputy DG level, and the Commission could appoint somebody with a “wrong” nationality. Therefore, the Barbaso/Tilgenkamp case represented the official shift from the old to the new system, at a time in which the institution was getting rid of the last-resisting practices inside some of the directorates general.

---

<sup>25</sup> Judgement of the Court of First Instance of 9 July 2002, case T-158/01: Alexandre Tilgenkamp v Commission of the European Communities, in OJ C219/18 of 14.9.2002.

Clearly, the momentum created by the Barbaso/Tilgenkamp case was possible not only on the basis of the reform, but also in view of the impact that the enlargement to the ten new countries was going to have on the Commission administration. A senior official commented that

the system about the allocation [...], if you now [July 2006] look at DG AGRI, you have a French director general, they have a Belgian deputy, they have a German deputy, they have a Danish deputy and a Polish deputy, so that idea that the big member states had a deputy fall apart also because the number of deputy directors general was not enough. And also if you look among the directors, I do not know exactly but I think in the old days it was very unlikely that you had two of the same nationality, I think that is possible now. There are too many countries to have a rule like that, so that makes a little bit more open (interview n. 13, July 2006).

The findings in Fisheries reveal a situation even less sensitive to national influence, where institutional and personal considerations mattered more than any national concern. Pirzio-Biroli recalls how Jorgen Holmquist was appointed in July 2002, following the *débauche* that had led to the removal of Steffen Smidt, the Director general for Fisheries at the time:

we took Holmquist, [who] [...] wanted, however, to go to [DG] Budget. [...] We do consider Holmquist [...] a very good official, and the [post of Director general for] Budget had already been destined to somebody else [...], therefore there were no arguments against. [So] we did offer him [the post of Director general for] Fisheries. He was a bit hesitant because the Swedes did not want Fisheries, but those things, at the end of the day [...] member states nowadays no longer play the role they used to play in the past.

The operation had not gone so smoothly. National pressures had been quite relevant to “capture” the post of Director general for Fisheries, but the Commission had been able to resist. For quite some time, the Danish Director general had come under external attacks, in particular from the Spanish Chairman of the EP Fisheries Committee, who would have very much liked to replace him with somebody more sensitive to the interests of Spain. When Smidt was retired in the interests of the service in September 2002, due to different

policy views with his Commissioner, Spanish national pressures became particularly strong. Pirzio-Biroli commented on the whole story:

to get rid of him, they said that a Danish did not understand anything of the Spanish fisheries policy, and they wanted to put a Spanish in replacement of Smidt. Trying this manoeuvring, they presented us three candidates. Well, we did refuse all of them. [...] Three candidates who naturally came, that we interviewed, [...] but on whom we said “it does not work”, and we have also then said “in our opinion, fisheries cannot go to a Spanish”. Neither to a French and maybe [not even] to an Italian. But specially not to a Spanish, because fisheries have a tremendous relevance for Spain, and it would then become extremely difficult for a [Spanish] director general to handle this stuff.

All this is a good example of how indicators used for the empirical assessment – in this case the substantive interests of member states – could be indicative of the role that member states were *not* able to play on specific occasions. At the same time, there was not, at the time of selecting the new Director general for Fisheries, a Swedish Director general, and some pressures were made by the Swedes on the Commission to “remedy” this situation. The appointment of Holmquist was thus useful – in terms of nationality issues – for two different reasons: one relating to Madrid; the other to Stockholm. Holmquist himself confirmed that:

there was still a feeling from the Swedes to say “well, we have an A1 now, but he is Deputy Director general, and we want a Director general”. There was a lot of pressure from the Swedes and there was the feeling that it was a reasonable demand. Every country, particularly at that time, should at least have one director general. So Sweden had a case there, we had one deputy director general and nothing else, it was reasonable that Sweden had a director general. I think in general Kinnock and the people around Kinnock, [...] [and] I think also Prodi and Manservisi felt this was a reasonable Swedish demand. Then the situation was that they were not entirely happy with my predecessor Steffen Smidt, and so it was clear that he would be replaced, and then Fischler and Corrado Pirzio-Biroli knew me since I had been working in Agriculture and they felt I was a good person for the job. So Fischler was interested in taking me and his head of cabinet was also interested in taking me, so [...] on

the one hand there was a general need for the commission to make some Swedish director general, I had done a good job in my assessment in DG BUDG, I was a good, perfectly reasonable candidate for the post of director general, I was in house, I knew the house, and Fischler wanted me for that job. It was a good combination of circumstances.

The reform did impact on senior appointments at Director level as well. Even in the case that some big member states had historically been particularly pro-active in creating national networks and in promoting its nationals to the upper echelons of the Commission, the attitude was going to change. According to a former senior official of DG AGRI, for instance, “[Mr X] was a socialist, but the [centre-right] government [of country X] did not oppose his appointment because they know that he was the only one with enough titles and profile to make it”. Vetoing Mr X would not have led to the appointment of another national of country X closer to the government in office, but very likely to someone of a different nationality. Therefore, rather than national governments dictating the role nationality should play within the Commission, *it was now nationality to dictate the role national governments could at best expect to play.*

Nationality played some role in a number of appointments at Director’s level. There were no such pressure coming from any member state. Rather, it was a question of the sensitiveness the Commission was willing to show in dealing with specific appointments. In the case of an appointment occurred in DG AGRI, a senior official mentioned that “[policy area Y in the field of agriculture] is important in [country Y], it was important [for the Commission] to have someone [from country Y]. [Mr Y] had done agriculture in the [...] cabinet. He is a [...] very able person. I think he was the best [from country Y] around”. In another case,

there was pressure from [member state X]. [Member state X] is the [most important] nation in Europe [in that area], [...] and they [...] had lost a director or they were about to loose a director [...]. I think the [national government of member state X] was pushing for other candidates and they were not supporting [name of appointed official]. [...] he was not the preferred [of the national government] [...] I think it was quite clear it almost had to be a [national of country X], but he was not the [government of country X’s] candidate.

A member of the CCN confirmed that this was

a very political area, particularly for [country X] [...] there has always been at least one director [of nationality X] in [that area]. They got rid of the predecessor [...], who was someone not particularly capable, and so the post was published twice and nobody was shortlisted at the end [of the procedure]. In a nutshell, [the Commission] was looking for [the candidate of nationality X] and he could not be found. Until the day they could find him (interview n. 9, July 2006).

To sum up, the empirical analysis gave the following results in terms of senior appointments in DG AGRI and DG FISH between 1999 and 2004 (in three cases I could not establish with certainty the role played by nationality and/or member states).

TAB. 3.2.2.1.b *Findings concerning senior appointments in agriculture and fisheries, Prodi Commission.*

category	the senior appointment was:	N.	%
1	made without specific consideration to nationality	6	37
2	sensitive to national considerations/ influence	6	37
3	sensitive to some member states pressures	1	7
4	responding to strong member state's pressure	0	0
	<i>unclear evidence</i>	3	19
	<b>TOTAL</b>	<b>16</b>	<b>100</b>

Note: The two appointments of Barbaso to the post of Deputy DG (September 2000 and November 2002) were counted as one.

Table 3.2.2.1.b shows that, in more than one third of the appointments, considerations relating to nationality and/or influences coming from member states did not play any role. In another third, the Commission was rather sensitive to the nationality criteria. At least two cases included in category “2” were rather borderline and close to category “3”; but also the case included in category “3” may have fitted rather well in category “2”. The empirical assessment also showed that the most crucial impact of the reform consisted of the progressive phasing out of a strict quota system based on national flags for the top five posts (Director general and deputy Directors general) inside DG AGRI. Those posts had traditionally been filled by respecting a clear balance among the biggest EU member states, although this had not necessarily meant – including before the reform – attention to national capitals in addition to attention paid to the nationality of the candidates.



The comparative analysis of senior appointments in agriculture and fisheries for the two Commissions headed by Santer and Prodi show that nationality was a decisive factor prior to the reform, influencing three appointments out of four. With the implementation of the reform, such influence dropped substantially, and was significant in one third of senior appointments. Appointments made without any consideration given to nationality and member states were very few under Santer (13%), and have increased to one third since the reform. Strong pressures from member states were unsuccessful both before and after the adoption of a procedure of selection and appointment of top Commission officials based on decentralisation and professionalisation.

### *3.2.2.2 External relations (including trade and enlargement).*

Between 1995 and 2004, the external relations of the European Commission (not including development and humanitarian aid), were under the responsibility of Leon Brittain (DG I), Hans Van den Broek (DG IA) and Manuel Marín (DG IB) during the Santer term, and then passed under the responsibility of Chris Patten (DG RELEX), Pascal Lamy (DG TRADE) and Gunther Verheugen (DG ELARG) during the Prodi office.

#### *The Santer term (1995–1999).*

Summarizing the findings of my empirical assessment for senior appointments in the area of external relations during the Santer Commission, data show that in two thirds of cases member states did not play any role, while some sensitivity towards their influence was recorded in one senior appointment out of every four (in less than one case out of ten strong pressures from national capitals was effective).

During the Santer Commission, there was only one vacancy at the Director general level in the area of External Relations. The vacancy was filled in October 1996 with the appointment of Beseler as head of DG I, dealing with trade. In addition to that, the Commission decided to set up a Task force for Enlargement, and to appoint Klaus Van der Pas to head it in February 1998. These were the two most senior appointments taking place in the area of external relations between 1995 and 1999. Both of them – and particularly the latter – are significant from the point of view of the nationality criteria.

As for Beseler, although Commissioner “Brittain at the beginning did not like him – he had sidelined him when he was director for antidumping – he was a great professional” (interview n. 25, November 2006) and “was an obvious candidate. He had been a director for antidumping for a long time. He had done a mobility, even before [mobility] was popular, by carrying off deputy director general for enterprise” (interview n. 38, January 2007). The lack of strong competing national interests played in favour of his appointment. According to a former member of Brittain’s cabinet, “the only one who could have made a credible case against [Beseler] was [Mr X]. [He] is one of these examples of honest, non-connected [officials from country X], whose career did not get very far because of that. So he had no backing, [because country X] had lots of more political priorities” (interview n. 38, January 2007).

The appointment of Van der Pas was rather exceptional. The then Head of Cabinet of President Santer commented vividly:

Van der Pas is of German nationality. [...] we took him as spokesperson and he made his career. At some point, he was willing to move on [to another post] [...], and we were looking for somebody really solid to deal with enlargement. Well, the President spoke to the recruiting commissioner and in full agreement, everybody said that he was the best candidate and that Klaus was the person required. This is one of the rare cases – just to mention what sort of pressures [existed] – we did have on that special case pressures from Germany, pressures *against*, although he was German, as the Germans thought that he was not *their* German [candidate], and from France, for other reasons and because he was German! We did go to the College meeting and – which is very rare – we called for a vote. And the four German and French commissioners voted against. Santer did things like that. [...] Because we believed that the guy was good, he was the one we wanted, and from the nationality point of view, that was the same for us. So, I would say that there are cases like that. That is not what happens every day, but we did it.

Equally telling of the relevance of nationality and possible influence by member states, was the way in which Van der Pas himself decided to set up the Task force, by appointing (or redeploying) the Directors in charge of bilateral negotiations with different acceding countries. Enlargement was clearly a key issue to many member states, and some could feel

tempted to establish a direct channel – to say the least – with the key figures inside the Commission responsible for the negotiations. The Commission, however, was particularly aware of the risk, which was not just a matter of content, but also of public legitimacy and “image”. In the words of a senior official who was directly involved with enlargement at that time, Van der Pas

also considered to make sure that the persons in the task force did not have a nationality which was too close to the country with which they had to negotiate. [...] he decided that the Greek should do the negotiations with the Estonians, to give an example. He has always tried to create the biggest possible distance, not because he distrusted his colleagues, but you know, you can do things with the best goodwill in the world, and by following the strictest rules in the world, but it is also a matter of perception. If people say “we believe that...”, then in politics very often what we believe is becoming a reality (interview n. 14, September 2006).

Some other cases concerned appointments to delegations of the European Commission in third countries. During the Santer term there were three such appointments, to the delegations in Washington, Moscow and Tokio. One could expect that member states were willing to push some of their candidates in third countries’ capitals where they had substantive interests – one of the main indicators used to measure external interventions. The empirical assessment revealed nonetheless that the main reason in at least a couple of these appointments was more due to Commission internal management than to strong external pressures. A senior official who followed these promotions quite closely at that time, made the following comment:

Often [...] these delegations of some importance, of some prestige, they are needed to place people that you are not able to redeploy at a decent level at the headquarter. [Mr X] was somebody coming from another delegation, he would have liked a post of director in Brussels, but this is very difficult, it is hard to find an empty post where the person would be well accepted. That is why you then end up sending them back to some highly reputed posts in delegation. Therefore, appointments to delegations [...] are very influenced by this problem of redeploying senior officials. And [Mr X] was somebody we needed to

reallocate, and was sent to [delegation Y] because we did not know where to put him (interview n. 17, October 2006).

In two cases of senior appointments in the area of external relations between 1995 and 1999, member states and national pressures were extremely strong. I have put both of them into category “4”. Commenting the first of these two cases, a senior official declared,

[his compatriots] fought strongly to have him appointed, as he is a difficult person. The Directorate general did not want him and had to accept him. [...] He [was] [...] imposed. And there were many internal candidates for that post. I remember that there was a sort of internal revolt, for which many internal applications were submitted in order to manifest dissent (interview n. 17, October 2006).

Many other officials confirmed that it was a “completely political decision” (interview n. 38, January 2007), meaning strongly influenced by national considerations of one of the member states. The second case was very much the same: very strong political and external pressure from a member state, and – again – an appointment which was somehow “imposed” to the Directorate general (interview n. 17, October 2006). In both cases, all indicators from close contacts between national authorities and cabinets, to proximity and substantive interests scored positive results.

As for other senior appointments, the empirical assessment showed a rather mixed picture. In many cases some attention was paid to nationality. Clearly, there were also cases of national flags. Occasionally, there may be minor developments in this respect, but the system was rather consolidated and stable. Robert Madelin was appointed Director in DG I in July 1997 – as a result of an external appointment based on article 29(2). He presented a very clear picture of how his own appointment, together with another appointment involving a different official, took place:

in 1997 there were two directors in DG I who would retire, [...] a British and a French flag. [...] it seemed to me that these two posts were both posts for which I could credibly argue, after thirteen years of trade policy experience, that I was a good candidate. The way it was done was: firstly, the Head of cabinet [of Commissioner Brittain] made sound of this with the Director

general, the Commissioner for administration, the President's cabinet, and with the French – [...] there were two flags becoming available, one of them within the ownership of the other Commissioner – and also with the other British cabinet. The French said, “we have a very good candidate for the most senior of the two posts”, the one that dealt with horizontal trade policy, where the other one dealt with services. So they said, “we can agree to the deal if you swap the flags”. My [British] Commissioner was inclined to fight against that and said “we want to agree to a deal that leaves the British candidate into the most senior post”, and I said, “no, I can do either job, and actually that is fair”. [...] Both posts were then published, I think the French internal candidate was the only candidate; the other post had no internal candidates, as a result of two phenomena, I think: firstly, it was quite a technical job and the only person who was really strongly technically qualified to do it on the services side was not senior enough in the grade [...], so the internal application he could not have applied anyway; and probably, everybody else knew that it was not entirely open who would get it. So it was then open for external publication and I was the only candidate, so then I was appointed.

This kind of narrative was quite common until the end of the Santer Commission and was regarded as a rather traditional way of filling senior vacancies, with a mixture of cooptation, competence and national flags, in which commissioners acted as “masters” not necessarily in appointments taking place within the services under their own direct responsibility but rather in senior appointments concerning posts flagged with their same nationality. That was the normal way of making appointments, particularly since the existence of flags directly increased the influence of Commissioners and cabinets on the senior careers of their compatriots. It is important to note that the legitimacy behind these procedures and way of making senior appointments was still quite high until before the reform. It was taken as normal that Commissioners had a clear say on the senior appointments of their compatriots. This did not necessarily mean however, a direct intervention from national capitals. Another official mentioned how his own appointment took place:

When I was appointed director, at that time I told my director general “I am going to do my market”. I have good contacts in [capital of my country], and I went to [...] to make sure that there were no problems [at home]. No opposition. [...] so I did as I said, my market, I became sure that no problem

would arise, but – that being said – my appointment, I owe it to [Commissioner X], and I owe it to [Commissioner Y]. [Commissioner X] needed me, he appreciated what I was doing, there were not that many [officials of his nationality] in this area, so I did not have many problems of competition, which plays a role, that’s clear. And [Commissioner Y], within the framework of an overall negotiation on staff, at the level of director, under the aegis of the President’s cabinet, at that time it was the head of cabinet of [Commissioner Y], [...] who passed a deal with the head of cabinet of [Commissioner X] to say “Ok, the director will be [his name and surname]”. Then, it was necessary to free the post... (interview n. 25, November 2006).

Appointments such as those just described above are most likely to be regrouped in category “2” rather than “3”. The *same* practice would have been probably included into a *different* category if recorded under Prodi, that is, at a time of officially doing away with national flags and promoting competition for senior positions. This is just to say that *context matters*, and senior appointments can be usefully compared, particularly from the perspective of assessing the role played by nationality and member states, if only referred to the wider environment and administrative culture in which they took place.

This latter example also confirms that national governments could play a “veto” role on some appointments. In fact, it seems that they could more easily and effectively stop the appointment of somebody, rather than impose the appointment of somebody else. In another cases, “a phone call from [prime minister of country X]” – in terms of indicators that mean a contact between national authorities and the Commission at the highest possible level – may ease the way to appointment (interview n. 26, November 2006).

Nationality played some role in other cases as well, and for a number of reasons. First, some appointments naturally followed the 1995 enlargement to Sweden, Finland and Austria. Second, the empirical assessment revealed that it was not so rare that eventually-selected candidates were “very supported by their [compatriots]”, and that was always a mix of internal and external support. A very special appointment concerned the post of the Head of the Protocole, for which it was considered that holding a Belgian passport may be asset. Jim Cloos commented briefly “De Baenst, we took him because – I would say – the head of the protocol here [in Brussels], well, it is not so stupid to take a Belgian. He was head of cabinet with the Belgian Commissioner. Nationality played [a role], and I believe

that this was entirely justifiable as it was necessary [for the appointed official] to know perfectly the Belgian system”.

Finally, in three cases I was not able to make a clear assessment of the impact of nationality and potentially member states’ interventions on senior appointments, due to a lack of sufficient information for measuring my indicators. I have thus preferred not to include these four cases into the findings, rather than putting them into a category on the basis of unclear evidence.

Table 3.2.2.2.a presents the overall findings concerning senior appointments in the area of external relations, including trade and enlargement, that took place during the Santer Commission.

TAB. 3.2.2.2.a *Findings concerning senior appointments in external relations (including trade and enlargement), Santer Commission.*

category	the senior appointment was:	N.	%
1	made without specific consideration to nationality	7	25
2	sensitive to national considerations/ influence	11	39
3	sensitive to some member states pressures	5	18
4	responding to strong member state’s pressure	2	8
	<i>unclear evidence</i>	3	10
	<b>TOTAL</b>	<b>28</b>	<b>100</b>

Some of the appointments were rather borderline between two different categories. In particular, there were one or two cases included in category “2” which were very close to category “3”, but also a case in category “3” which could have been easily included in category “2”. The same is true for categories “1” and “2”. Since these borderline cases do not belong to one category exclusively, it is fair to conclude that they are not in a condition to change substantially the overall picture and findings. Table 3.2.2.2.a shows that in at least two out of three cases (64%) of senior appointments member states’ interventions did not play any role. In at least one fourth of all senior appointments, nationality hardly played any role. Cases in which member states could have their views somehow taken into consideration were one every four senior appointments, and it was only in a very limited number of cases that their strong pressure was eventually successful.

*The Prodi term (1999–2004).*

Summarizing the findings of my empirical assessment for senior appointments in the area of external relations during the Prodi Commission, data show that in half of the cases nationality – and thus member states – did not play any role at all. Senior appointments were sensitive to considerations based on nationality (but not on member states' influence) in one third of the cases. No significant role for advice tendered by national capitals was found.

More specifically, 36 senior appointments were made in the area of external relations (DG Relex, DG Enlargement and DG Trade) of the European Commission between December 1999 and July 2004. These appointments included the posts of Director general for Trade (May 2000), whereas the posts of Director general for External Relations and for Enlargement were refilled through redeployment in the interest of the service. Five appointments concerned deputy DG positions.

In DG RELEX, Legras was redeployed as Director general from the very beginning of the Prodi Commission. In terms of assessing the role nationality and member states could play – or not play – in the post-reform period, what happened when Legras retired in August 2003 is quite telling. The post was published and several people applied. President Prodi made it known that he would have very much liked to have an Italian appointed to that post. Italy was underrepresented in terms of wider geographical balance, and he had a strong personal interest in the external relations of the EU. Four senior Italian candidates (one internal and three from outside the Commission) applied for the post. Commissioner Patten also encouraged a fifth very senior official – most likely his preferred choice for the post – to apply. The President and the Commissioner could not however find an agreement, and none of the five candidates was eventually appointed, which is an example of how the empowerment of several actors in the selection procedure – i.e. decentralisation of the procedure – may impact on some factors, including national preferences, at the time of making a senior appointment. The fifth non-Italian candidate explained how things had been developing:

when the post of Director general for RELEX was free after Legras, Patten asked me to submit my application. [...] I thought a lot about it. He came to talk to me three or four times [...]. Prodi wanted an Italian absolutely. Now, none



of the Italian candidates was acceptable to Patten. I am not giving any value judgement, it was just a matter of fact. [...] I submitted my application. [...] and so they put on the shortlist three Italians and myself. So, there, the nationality factor played strongly. Then Patten said “for me, there is just one candidate, and this is [Mr X]”. Then Prodi said “oh no! It is not [Mr X], I put my veto. It is going to be an Italian!”. So Patten replied “no!”. Results at the end of the day: well, after all this stuff, [...] they did wait for nine months, at the end of which they redeployed Eneko [Landaburu]. That’s very good, he is a friend of mine (interview n. 23, November 2006).

A compromise solution was thus found with the redeployment of the Spanish Director general for Enlargement as of 1 September 2003. This case shows how nationality played *throughout* the procedure, but not at the time of filling the vacancy. There was not, in fact, any specific pressure from the Spanish to have the post of Director general for External Relations, and the outcome is to be explained more in terms of different views between the President and the recruiting Commissioner, than in terms of national interests (interview n. 9, July 2006).

Two appointments of Deputy Director General in DG Relex – despite the fact that they formally took place at different times (February and July 2003) – were handled together. Many candidates applied, and most of these candidates applied for both of those posts. One of the senior officials shortlisted made the following comment on how nationality impacted on the two appointments.

in the end... there were four candidates, there were Micheal Leigh and me, two Brits, and [Mr X] and Hervé Jouanjean, two French. [...] Patten interviewed these all, and he appointed Leigh and Jouanjean. He clearly could not have appointed either two Brits, or two French. Even in a case where you have the Commissioner of your own nationality, you do not necessarily get any better feedback as to why it was not you, [...] so I have no way of knowing whether it was because on the post that I was most interested in, he actually thought Jouanjean was better than me, or because on the other post he actually thought that Micheal Leigh was much better than [Mr X], and therefore he could not take another Brit (interview n. 38, January 2007).

The situation at the top level in DG Enlargement was clearly intertwined with the developments occurred in DG RELEX. In the words of Matthias Ruete, director in DG Enlargement at the time of the events,

When Landaburu left [to go to DG RELEX], [...] what happened was that there was a very complicated discussion, where, at the beginning, the Commissioner thought that I should just be doing the interim, but then there was an overall question also of adding to DG Enlargement the neighbourhood policy – [...] this was when Wissels was appointed [December 2003], and part of that overall discussion [...] was that Fabrizio Barbaso then came over from DG AGRI to become deputy director general [...].

In DG TRADE, the appointment of Peter Carl was particularly relevant from the point of view of the implementation of the new rules, and the start-up of the new system. At some point, in fact, it was felt that the Commission Secretary General Carlo Trojan had to be moved from his post. That was not necessarily the predominant feeling inside the house, but there were strong pressures in that sense coming from the European Parliament, which was asking for clear and full discontinuity – after the fall of the Santer Commission – with the administration that had run the institution over the previous years. President Prodi was keen to establish a close, solid, and uncontested relation with the European Parliament from the very beginning, and was sensitive to the European Parliament's view. When he took action to move the Secretary General, however, a risk of spillover onto other appointments arose. And yet, the Commission was able to avoid a negative message on its willingness to promote a new overall approach to senior appointments. A top official commented in this way on the sequence of the events:

Trojan was called on a Tuesday morning by Prodi who told him “it's over !”, and then, politely, he also asked “what do you want?”. And Trojan answered “I want the directorate general for trade”. But we had already announced the public vacancy and opened the procedure for the post of Director general for trade. It was the first time that we were doing that in such a transparent way [...]. And Pascal Lamy proved to be of an extraordinary fairness towards Peter Carl. He went to see Prodi and said “listen, Mr President, it is not possible. The first time we open [the procedure] and we then act in this way, and

moreover at a time in which Peter Carl is clearly the most competent...”  
(interview n. 25, November 2006).

Trojan was thus redeployed to the Commission delegation at the World Trade Organisation and Carl could be successfully appointed as Director general for Trade.

Senior appointments in DG RELEX were strongly influenced by Commissioner Patten, who was however less interested in particular nationalities than in the specific profile of the candidates he wanted to promote to the upper echelons of the Directorate general under his responsibility. Catherine Day, former deputy DG in DG RELEX, commented in this respect that

when the Relex family began to assume its distinct personality and Patten had a much more political concept of what a Director General should be or what he had to delegate, what senior staff should be, [...] he wanted to influence the profile of senior management rather than go for particular nationalities, [...] he just wanted certain high level posts to be people who had a more rounded [?] experience and a certain political ability, and not just to be technocrats.

In terms of indicators, this corresponds to consideration of merit and institutional needs (senior staff with special profiles) which contributed to create the conditions for upgrading professionalisation in the senior recruitment procedure and thus for reducing – together with decentralisation – the role played by nationality and the room for potential interventions by member states. Despite his strong views on how a top Commission official should look like, Patten had a quite hands-off approach on senior appointments, “partly because of the administrative tradition he came from, and partly because of personal inclination, he felt generally these questions should be left to the services, essentially to his director general” (interview n. 30, December 2006). He was clearly involved and would make up his mind, but in strong connection with the director general Legras. A senior official confirmed that

Legras occasionally consulted [Patten] and said “I think we should do this or that”, but generally Patten said “if you think that is good, I would go for it”. The same for heads of unit, in DG RELEX, because he felt there too, partly I mean he did not know the people, and partly because the director general has

to be comfortable with this being his staff. Obviously, at the level of director and higher, he had to get involved because he had to make the interviews and make the choices. But again, he would generally listen quite carefully to the recommendations made by the director general or others who were involved in the pre-selection procedure (interview n. 30, December 2006).

Things changed a little with the retirement of Legras and the arrival of a new director general redeployed from another DG, Eniko Landaburu. Again the same senior official commented:

Legras was more a hands-on manager than Landaburu. Legras felt that his job was to manage the DG. Policy-making was for the cabinet of for the deputy-directors general. Whereas management, including staff management, was for him. With Landaburu, that is much less clear. Landaburu is much more interested in the policy-making side [...]. So, I think that given that you did not have the same drive from the director general, and that the director general had a tendency to delegate this downwards to the human resources director, the cabinet felt the need to say “hold on, I can’t leave this to the director, we need to have a look in this as well” (interview n. 30, December 2006).

RELEX was an area of particular interest to member states. National governments tried to intervene and make strong recommendations at the time of filling senior vacancies. A senior official close to the Commissioner mentioned the attitude of this latter towards this kind of interventions:

[he] always hated that interference and was quite brusque [?] with some of the governments. I remember one memorable conversation with the [country X] Foreign Minister who brought up some name and [...] more or less ordered Patten to appoint [Mr X]. Patten thought about it for a while, and then said “well...”, he had a high respect for this official, he did not indeed even know he had applied for the job, he would give him a fair hearing, and as he considered the [country X] Foreign Minister [...] a friend, he promised him that he would not hold this intervention by [his government] *against* the candidate, and that put an end to that conversation. That was a good way of killing. The [government of country X] never came back.

This is an example of how some indicators – such as contacts between governments and cabinets – could be measured to assess empirically the role of member states in senior appointments.

Sometimes, nationality might have played against the candidate who was considered to be the most suitable for the post, as this latter came from the same country than his commissioner. A senior official in the cabinet of the recruiting commissioner mentioned nonetheless that [the commissioner] was quite hesitant because of [Mr X]’s nationality, but he came with a good reputation, and he was strongly supported not just by [country X], but by [the Director general] and other services as well. This situation occurred in other cases as well. A senior official involved in the appointment procedure mentioned what happened behind the scenes:

I remember that case quite vividly, I was involved in it [...], there was a role of nationality in as much as [the Commissioner] felt this made it more difficult to appoint [somebody from his own nationality]. [...] it was clear that the received wisdom was that this [post] would go to someone else. [...] But it was also quite clear that in the interviews he was *by far* the best candidate. [The Commissioner] was very worried about it, because he said “people would think I am favouring him because he is [of my nationality]”. But in the end, [...] the cabinet convinced him saying, “look, [this post] is too important, you can’t think in that way. If you think he is the right person, and he was the best in the interview, take him!”. So, nationality played a role, but almost against him (interview n. 30, December 2006).

Patten also had a strong opinion on how geographical balance should *not* apply including when geographical directorates of DG RELEX were at stake. A senior official in his cabinet revealed his attitude, according to which he said “no, I don’t like th[e] logic [somebody else in the Commission wants to promote]. Firstly, we should choose people because they are qualified for the job. Secondly, I don’t want to have always a Brit on North America, a Spaniard on Latin America, a German on Eastern Europe, a Frenchman or an Italian on the Mediterranean, and so on”. This attitude was the drive at least behind the four senior appointments which took place on the same date at the beginning of 2002.

In general, strong national pressures were felt occasionally in all three areas (Relex, Trade and Enlargement), but the Commission was able nonetheless to secure a good amount of autonomy at the time of making the appointments. A senior official, for instance, mentioned that prior to appointing a candidate of a certain nationality, “there was a lot of [...] lobbying [from his country] for another candidate [of the same nationality], and so we were actually quite pleased to be able to tell [country X] ‘well, you have got your way, but not with your man!’” (interview n. 30, December 2006).

In several cases, emphasis was put on professionalisation. Those were the cases where the main reason for appointment was a sort of reward for the good work and the loyalty shown to the superior and/or the administration. Comments like “[Mr. X] is a good administrator, [...] he was the right hand man of [former top official] on [policy area], and he got [the appointment] as a *recompense*” occurred quite often. A deputy Director general commented another appointment along the same lines:

[Mr Y], that is me who appointed him. I appointed him for his loyalty towards the directorate general. There were two candidates at the end, [Mr Y] and [Mr Z]. [Mr Z] is one of my former collaborators. He was there for two months, but he was in fact better than [Mr X] [...]. But [Mr X] was [...] years old, [Mr Z] was [much younger], and it was clear that six months later the other guy would have been appointed anyhow, so for loyalty I did so (interview n. 25, November 2006).

Other senior appointments can be explained on the basis of personal relationship – which can be also read, in terms of indicators, as the chance to make appointments that were rather insulated from external (and even internal) pressures, including because of the new decentralised approach to senior appointments. For instance, there was the case of an official appointed to the post of Director mainly because he had been working previously with the new Director general, who needed people he could fully rely on in his new assignment. In other cases, senior officials suggested that nationality did not play any role for the simple reason that although an official from country X was appointed, it was “not that [small country X] could somehow reclaim [such area], or anything like that [which was with no interest to the country], and that it was a more internal [logics] which prevailed”.

Nationality could also play a negative impact as well. This is the case of a “missed” appointment mentioned by a member of a cabinet:

I was asked by [my Commissioner] who I thought would be a suitable candidate to this job. I had a clear views on that [...]. It was [...] a [...] colleague [of nationality X] in the Commission who [...] was [...] Head of delegation and [...] I said that that in my view, without any doubt, he was the best candidate for that job. [My Commissioner] took that to himself, it took that to the Director general, who was [of the same nationality of the candidate], who said “over my dead body!”. He refused to have, even to contemplate having this [compatriot] the job. Why? I can speculate whether this was internal [to country X], whether it is internal to the Commission between different officials, whether maybe – more likely – it is because [the Director general] had made up his mind that there were other [officials from country X] that he wanted to try to recruit [...], and he knew that if he took this one he would not be able to get the other (interview n. 30, December 2006).

Between 1999 and 2004, nine senior appointments concerned Commission delegations. Towards the end of the Prodi Commission, a few posts of head of delegation in third countries were upgraded, and this contributes to explain why the overall number of senior appointments to Commission delegations was three times higher under Prodi than under Santer. These posts are particularly attractive for both senior officials and for member states as well. Some governments have very specific geopolitical interests and like the idea of having an “additional ambassador” in a key country. In terms of role of nationality and influence by member states, the empirical assessment for the decentralisation and professionalisation hypothesis concerning appointments to delegation gave quite mixed results, varying from cases where it was “very much a sort of [country X] insistence” (interview n. 38, January 2007), to others where it was more a question of “recompense pour service rendu” (interview n. 25, November 2006); or cases where the candidate “was imposed”; and finally others where the appointment came as a surprise. A top official from DG RELEX confirmed how consideration for merit – one of the indicators on the independent variable – was key for one of these appointments:

[Mr X], I was the person who appointed him. [...] that was a panel for which I acted as president, [...] a priori the idea was to appoint somebody else. The idea

that circulated in the house... and [Mr X] did such an extraordinary performance in front of the panel that he was appointed against the other who performed so badly that we said “that’s not possible!” (interview n. 25, November 2006).

As a confirmation to that, another official added that “[Mr X] applied for [delegation to third country W], and he did extremely well in the interviews and Patten was then quite happy to promote him because he thought that he had done extremely well in his work and in the interviews” (interview n. 30, December 2006). In several appointments to delegations, personal reasons (including career ambitions) played a much greater role than national interests. Commenting one of the July 2004 appointments, a Director in DG RELEX declared “[my colleague] very much wanted to go there. I don’t think it was so much the [government X]. [...] [Government X] would have preferred to keep him here, and see if they could push him to become a director general. So that was more a personal choice” (interview n. 30, December 2006).

A last, very special top appointment concerned the post of Head of Delegation in Washington. This post went to no less than a former prime minister, John Bruton, from Ireland. Did Bruton’s nationality matter? According to a senior official, “in Patten’s view, Bruton’s [...] background was a big advantage in Washington in terms of making contacts, [...] he saw [his] nationality as an advantage for doing the job” (interview n. 30, December 2006). A senior official made a very similar comment, and explained how the Commission was looking for an ambassador with political experience:

The Bruton appointment was a very personal choice of Chris Patten, because he was absolutely insistent, again not on the person, but he was insistent – and persuaded Prodi – that for our delegation in Washington you needed a politician, you do not need a civil servant. So they went looking for an outsider who could go around Capitol Hill, and talk to politicians as somebody who had been elected (interview n. 36, January 2007).

A member of the CCN mentioned that the appointment of Bruton was indeed a very special case, with an unusual selection panel made up of commissioners rather than senior officials (interview n. 9, July 2006).



To sum up, the empirical assessment for the decentralisation and professionalisation hypothesis concerning senior appointments in the area of external relations during the presidency of Prodi showed the following results, presented in Table 3.2.2.2.b. In two cases I could not establish with sufficient certainty the role of nationality /member states behind the appointment.

TAB. 3.2.2.2.b *Findings concerning senior appointments in external relations (including trade and enlargement), Prodi Commission.*

category	the senior appointment was:	N.	%
1	made without specific consideration to nationality	18	50
2	sensitive to national considerations/ influence	11	30
3	sensitive to some member states pressures	4	11
4	Responding to strong member state's pressure	1	3
	<i>unclear evidence</i>	2	6
	<b>TOTAL</b>	<b>36</b>	<b>100</b>

As for the Santer period, some of the appointments were rather borderline between two different categories. In particular, there were two or three cases included in category “1” which could be easily included in category “2”. If they were not, it is because personal network and long-standing experience played a key role in the appointment, with nationality more as part of the candidate’s background than intervening in any possible direct way. In one or two cases, senior appointments included in category “2” were borderline with category “1”. It cannot be said that nationality mattered, but it cannot be said that it was totally irrelevant either, as the posts were particularly important and ranked high in the Commission administration. Finally, one or two cases of category “3” were particularly sensitive to member states’ suggestions. However, other strong considerations of a different nature determined the appointment, and that is why I have not included them in category “4”. The total number of these borderline cases is not relevant enough to change substantially the overall picture that comes out of the empirical assessment.

Table 3.2.2.2.b shows that in half of the cases, nationality (not to mention member states’ interventions) did not play any role in senior appointments. Nationality played nonetheless some (minor) role in almost one third of cases. If we sum up these two categories, we see that nationality was not the key factor for appointment in about four cases out of five. Member states were quite effective in having their recommendations passing through in

one case out of ten. In just one case – in absolute terms – the role of the member state was totally decisive in terms of senior appointment.

The comparative assessment between these appointments and those occurred in the same policy areas during Santer show that appointments made without any specific consideration of nationality – not to mention member states – doubled from Santer to Prodi. Appointments sensitive to nationality remained almost stable in number, around one third of the total population (39% under Santer; 30% under Prodi), and the same was true for those appointments somehow sensitive to member states' inputs (from 18% under Santer to 11% under Prodi). In both cases there was just a small decline. The number of cases of senior appointments heavily influenced by national governments was extremely limited both before and after the reform, when a system of recruitment to top jobs based on decentralisation and professionalisation was put in place. This confirms once again that although a decrease in the relevance of member states was found in relative terms, absolute figures remained very low.

### *3.2.2.3 Competition policy.*

Between 1995 and 2004, the portfolio for Competition was in the hands of Karel Van Miert (Santer Commission), and Mario Monti (Prodi Commission). The director general was Alexander Schaub from 1995 to 2002, when Philip Lowe replaced him.

#### *The Van Miert/Schaub era (1995–1999).*

Summarizing the findings of my empirical assessment for senior appointments in competition policy during the Santer Commission, data show that in almost half of the cases nationality was a relevant criteria for appointment, but also that in the overwhelming majority (above 80%) of senior appointments, member states did not have any say.

During the Santer period, 11 senior appointments took place in DG IV. Both the post of Director general and two posts of Deputy DG were re-filled between early 1995 and Spring 1997, with the appointment of, respectively, Alexander Schaub at the head of the DG and Gianfranco Rocca and Asger Petersen as his deputies.

The appointment of Schaub occurred quite rapidly, as Klaus Ehlermann, the then Director general, decided to leave with very short notice. The post of DG had traditionally been flagged by the Germans, and the “tradition” was respected with the appointment of Schaub. However, nationality was a necessary but not a primary condition for appointment. To a certain extent, it was almost a “coincidence”, which granted Commissioner Van Miert the chance to avoid open opposition (or even veto) by Germany. Personal relationship and reputation mattered definitely more than any other factor in the appointment of Schaub. In this latter’s own words:

Van Miert was stagiaire with me [in the Commission] in 1967-68. Already since that time we were very close friends. By pure accident, we both became, on the same day, member of cabinet, here in Brussels, in 1973, [myself] with Lord Darhendorf, [...] and Karel Van Miert in the cabinet of the Belgian Commissioner, so we were sitting again in the same special chef de cabinet meetings. After some years he left the cabinet and went to party politics, he became European member of Parliament, [then] the party secretary general, and then the party President of the Flemish socialist. We continued to have this contact. [He] became Commissioner, and I was at that time already deputy director general, and so we were again meeting regularly and exchanging all experience. We met regularly, and we would talk about everything, but never ever about the idea that I would work for him. [...] he had Klaus Elhermann as his director general, and I was perfectly happy as deputy director general. I didn’t feel the urgency to become a director general. [...] Then Van Miert learnt on a Wednesday from Ehlermann that he was leaving in three months, [he] phoned me on the Thursday and said, “Alex, you know, Ehlermann is going, [...] and is also going very quickly. [...] you are the only candidate here that I see at present whom I would accept [for this post]”. And I was very embarrassed because I would have never thought about becoming Director general for competition. I found it [was] very complicated, difficult, technical. So I was honestly very variable [?] about this idea. [Van Miert told me] “I have already talked to Erkki Liikanen, and he says ‘no problem’, he is delighted. And I have talked to Bangemann who is amazed that I want to take you. He doesn’t make any difficulties”, and he talked to the President also, and said “they’re all happy, and you are the only guy I would take here”. On that Thursday I said to Van Miert, “really, I have never thought about it, and it is a very difficult post,

and I really would like you to give me some time of reflection. I will come back to you next Monday”. And I could feel that Van Miert was really angry about me, very upset: “this is unbelievable! I am offering you the best post in the Commission, and you are asking for several days of reflection, but finally it is OK, but on Monday you give me an answer”. And I thought about it and then I said “yes”.

A long-serving DG IV senior official confirmed that although the Germans may have pushed very hard to have somebody at the head of the DG, “Alex ended up there by accident, to a certain extent”, and at a time in which he was probably aspiring to become Director general elsewhere. Thus, clearly, that was a nationality-unquestionable choice of the Commissioner, based on merit and on the fact that “Schaub was recognised as being one of the best of his era” (interview n. 24, November 2006).

As far as the appointments of other senior officials in DG IV is concerned, Schaub and Van Miert always acted by mutual understanding. Claude Chêne, former Head of Cabinet to Van Miert, specified that the Commissioner “has always trusted his directors general. Thus, he practically gave a free hand to Alex Schaub in order to recruit this or that director. And then he met the person, he did the interview, and if it went well – and it has always gone well, indeed – he appointed the person”.

It was not just a question of good personal relations and trust. Van Miert and Schaub were driven by the need to reform much of the competition policy which had been in place since the early years of the European Commission. In particular, Schaub had to strike a balance between the promotion of long-serving officials with great experience but also with some reluctance to start a new policy course, and others more open to innovation and change. National concerns and member states’ pressures overlapped with these considerations on background and personality. In the case of a very senior official, Schaub recalls what happened at the time of his appointment:

he was a historic figure in the competition field, very long there, ... already early there was a campaign press, saying [Mister X] should become now the director general and the government [of country X] had proposed somebody, somebody else, and then a Minister of the same government would write a letter and then give it to the President, and this Minister was slightly in favour

of [Mister X], while the government as such supported somebody else. All this public.

Van Miert was not in favour of Mister X becoming Director general as he thought the post should go to somebody who was less anchored to the traditional competition policy, that is, to somebody who did not belong to the “conservative” group of senior officials in DG IV who were not very prone to policy reform, and were unable to see that change was required, by that time, to a policy which had been designed and implemented since the early '60s almost without any adaptation ever. So Mister X was not appointed Director general, but was nevertheless considered valuable and useful in another senior position, also to respond to some national pressures and balance.

In some cases, nationality played a role, but more as a limitation than an incentive to senior appointments, due to the strict quota system in place. This was the case, for instance, of a deputy DG post. Schaub recalls that

[Mister Y] was outstanding, beyond any doubt he was a very good lawyer, he was creative, he was eager to have most difficult discussions with companies and member states. But [country Y] had the right to only [...] A1 or something like that, and [these] A1 [were] filled and there was no way at the time to get him on A1. [...] So Van Miert and myself we had at an early stage said “it is really a shame we can’t appoint him deputy director general. He would really deserve it, he is one of the best people we have”, and then it turned out that [a national of country Y] A1 went, and that [country Y] did not have immediately a director general quality guy, [...] and I had very regularly sounded out what we could do for [Mister Y] and I had always told the President cabinet and the Personnel commissioner “this is a shame. You undermine the credibility [...] you have one of the best guy, because he is [national of country Y] he cannot be promoted to A1” [...].

Thus, a window of opportunity arose and the senior official in question could be appointed. A third appointment took place when Petersen left and Jonathan Faull, at that time Director responsible for the “politique generale de la concurrence et coordination” was appointed to his post in January 1999. A former senior official of DG Competition mentioned the rationale behind such appointment:

That is the vision of the then director general, Alex Schaub, who wanted different *filières* “mergers”, “antitrust”, “state aid”, so a deputy Director general for each of them, and there already was a French, there already was an Italian, he himself was German, so he said to himself “I need an Englishman”. There, there was a balance, Faull is well known within the house, he has a good reputation (interview n. 12, July 2006).

Several commentators agreed that a balance of nationalities existed for the bunch of top officials of DG IV, including the Director general and his deputies. However, there were not national flags on specific posts (interview n. 29, December 2006). Keeping one national from each of the four big member states mattered more than having officials from certain nationalities specifically assigned to certain posts. A senior DG IV official stated that this situation had *de facto* developed over time, rather than on the basis of any such clear agreement :

there was a tradition that there was a German director general and a French deputy director general, [but then] there has always been for many years an Italian director who became a deputy Director general, and there had been for a long time either a British director or a British deputy director general. So, I suppose you could say that a tradition had grown up of having a director general from one of the big member states, and deputies from the other big member states (interview n. 32, December 2006).

In addition to these very senior posts, seven new directors were appointed in DG IV between October 1995 and February 1999. Two of these appointments were particularly sensitive to considerations relating to nationality and/or member states’ influence. In these cases, the Director general and the Commissioner felt under “strong pressure, excessive pressure”, to appoint somebody from a given nationality. The difficulty was in finding the candidate with the appropriate quality. In one of these two cases, the Director general had already met a few candidates with the “right” nationality, but had not been particularly well impressed. Then, the eventually-selected candidate was interviewed. The Director general was again a bit hesitant and could not make up his mind:

I was then invited with a group of Directors general and other officials to [the country in question], to visit a [...] company, and we had a dinner with the CEO, and my neighbour at table was a senior official there. We were talking and I mentioned that we were desperately looking for [a candidate from his country], and I don't know whether I mentioned the name or whether he had heard about this guy, but the guy was a very respectable guy, and he knew him, [...] and I said to him quite frankly that I had these doubts. And he did not say "no, you are completely wrong!". He said "I understand what you are saying and we had sometimes this feeling, but he has also very important qualities, he is a very experienced guy, and very easy going in contacts". I said, "let's check tomorrow", and the following day I talked to him and push him, by asking "if you should take my decision, what would you do?". And he said "I think I would take him". So I took him, despite hesitations.

In terms of indicators, this is a case where both contacts between Commission people in charge of the senior appointments and national authorities (or other national actors, including senior management of a private company) – together with proximity of the candidate to some of his influential compatriots at home may turn out to be decisive, thus confirming some relevance for the national element in the senior appointment. Other senior officials confirmed that the Director general was "very annoyed because he was told 'Mr [X] is the candidate', and he said 'I want to choose', so they gave him one or two other names, but [Mr X] was by far the best." (interview n. 32, December 2006). Which *de facto* left the Director general with little choice.

As far as the second case is concerned, the Director general was again under some pressure. The candidate that was eventually appointed was "the only person on the market, and he had experience, and he was a nice guy, and there was no alternative [from choosing somebody from country W]. And at the time, it was already the [political party W in power]: they were becoming very tough on personnel issues". Pressures were less on any specific name than on the fact that a national from country W had to be appointed. Schaub commented quite clearly:

[Country W] respected me, so I might have been able to choose another [national from country W], but [...] to take somebody from outside was difficult and there was no other one [inside]. [...] The young [officials of that

nationality] were top class, absolutely outstanding, but they were not yet at the level that I could appoint [one of them] as a director, that was a misery. [...] I had mixed feelings. I took this guy, and he was also as a person very nice and charming, he was very liked by his people, but he was a little bit too nice [...]. From a purely management quality point of view, that was a doubtful decision. I was aware of that.

Other senior officials from former DG IV confirmed that the appointed candidate was very likely the best from his nationality, as well as that some pressure from the concerned member state occurred (interview n. 24, November 2006).

In a third case nationality and some influence from member states played a role. The situation was nonetheless rather different from those mentioned before since the Director general acknowledged from the outset that the concerned official was outstanding. Nationality and merit therefore went hand in hand. The problem was rather to accommodate several appointments at (almost) the same time, in order to make sure that the officials deserving promotion would all get it. This third appointment thus spilled-over onto a fourth and a fifth ones, as in a domino game. What makes this case different from the two other appointments described earlier is that while the national government was making pressure to have one of its nationals appointed to a specific Directorate, Schaub reshuffled several senior posts and found an accommodation which, at the same time, (1) globally satisfied himself and the Commissioner in terms of overall senior management; (2) was acceptable from the point of view of the senior officials concerned; and (3) did not leave out any space for contestation to the member state acting on the frontline. In Schaub's own recollection:

[Mister X] was supposed to become a director because [country X] was not very well represented and he was a bright guy, he [...] had a lot of support from [country X], and so on. [...] I think for nationality reasons [country X] was much insisting that it should maintain this here, they said it was a [country X] contribution to the reform [of the policy], and the [...] guy [from country X] was very strong and he was a nice guy. So when I came, there was a resignation already that he had to be appointed there and then [Mister Y from country Y], he would leave because he had [...] no other chance of promotion, at the time, and he had the feeling that after so many years as [...], he had no



better chance than to go somewhere else. And Van Miert explained to me this dilemma, he said “it is really a shame that we can’t do anything for [Mister Y], and [Mister X] is really very good and he is also interested in that, and we have here a very weak [Mister Z from country Z]”. I said to Van Miert, “let me think a bit about, and I talk to people and perhaps I can come with some suggestions”. And then, I think one of my first suggestions was to ask him “if I find a solution which would allow [Mister Y] to become the head of [...], but I find another directorate where [Mister X] would be very good and would be happy to do that here, what would you think about that?”, and Van Miert said to me, “[...] I do not see such a solution, but [...] that would be great if we can make both happy and keep both here [in DG COMP]”. [...] my difficulty was that I had to convince the people concerned [...]. [Mister X] at the beginning was a bit hesitant because he was very much tempted by the flavor and the glory of [post X], but I knew him quite well from [his past position inside the Commission], and I told him [explanations on the policy to which Shaub wanted to appoint him]. [In] the beginning he was a bit, perhaps, distrusting that I was trying to find a hole for [Mister Y], I had no particular close relations with [Mister Y] at all, but he was also then very happy. And when the two told me that they found this a very good idea, and that they were grateful that I had tried to anticipate what may come afterwards, then I went to Van Miert and said, “well, there is a possibility, if you really want to keep this [Mister Y] here, one could move...”, and Van Miert was enthusiastic, “this is unbelievable [...]”. [...] [Mister Y] was very depressed because he had been working a lot on that, he was a key figure, and now he was told “we all like you, but we cannot do anything for you, for nationality reasons, we must offer [Mister X from country X] an important directorate and this is the only one”. So this was on fortnight or so, and then [...] they were all happy, and within the DG, I got an enormous [credit], because they all found this [was] a very good solution”.

This case is an example of how answerability (justification for the action) and consideration for institutional needs – two key indicators to measure decentralisation and professionalisation of the senior appointment procedure – may be relevant and stronger than nationality or influence from member states, including *prior* to the reform.

As far as the other appointments to post of Directors were concerned, they were based on a mix of deep knowledge of the candidates eventually selected, high reputation and trust, and specific expertise that was required to deal with in key competition policy areas. This is not to say that the national quota system was not playing his role. But as an overall framework to be taken into account, rather than as a window member states could pass their messages through. In this regard, one of the senior official recalled how this framework applied to his own case:

my director general at the time felt that I was the best person to do [that particular job], and so he recommended [me] to the Commissioner, the Commissioner interviewed me, he felt happy, but there were quotas in place at that stage. So, I needed to have the [...] commissioner [of country Q] to give his [assent] in addition. I think there were [...] director posts for [country Q] at the time, [...] and that he would be supportive of my name going forward, and that is so, that is how it happened (interview n. 24, November 2006).

In two of the senior appointments that took place in DG IV between 1995 and 1999 the empirical assessment showed that they were a sort of exception to the general impact nationality often played in senior appointments. Two officials could in fact be appointed *despite* their nationality, which had become an obstacle rather than an asset. This was possible because the Director general strongly defended the argument of competence and specific skills, and because he did manage to make these two appointments while giving some satisfaction to national influences in others.

To sum up, the empirical assessment of senior appointments taking place during the Santer Commission in competition policy, showed the following findings presented in Table 3.2.2.3.a.

TAB. 3.2.2.3.a *Findings concerning senior appointments in competition policy, Santer Commission.*

category	the senior appointment was:	N.	%
1	a fully autonomous decision by the Commission	4	36
2	sensitive to national considerations/influence	5	46
3	sensitive to some member states pressures	2	18
4	responding to strong member state's pressure	0	0
	<b>TOTAL</b>	<b>11</b>	<b>100</b>

One of the two cases included in category “3” was potentially very close to category “4”, while one or two cases of category “2” may be easily moved to category “1”. These borderline cases do not however change the overall picture, which shows that the overwhelming majority (above 80%) of senior appointments in DG IV between 1995 and 1999, were either exclusively based on considerations other than nationality (or even *against* nationality) or in any case had to pay only a limited credit to this criteria, always in terms of balanced geographical representation rather than of strong government intervention.

### *The Monti era (1999–2004).*

Summarizing the findings of my empirical assessment for senior appointments in competition policy during the Prodi Commission, data show that in two thirds of the cases nationality and member states’ influence did not contribute to the final decision. No appointment was found to be the result of strong member states’ pressure.

With the coming to office of the Prodi Commission, the Competition portfolio was given to Mario Monti, formerly commissioner for the Internal Market in the Santer Commission. Alexander Schaub stayed in as Director general until 2002, when he was replaced by Philip Lowe. Eleven senior appointments took place in the newly renamed DG COMP between 1999 and 2004, out of which two concerned Deputy DG positions (in 2002 and 2004).

The reform had officially given away with national flags, by retaining the principle of a fair geographical balance. According to Claude Chêne, Director general for Personnel and former Deputy DG in DG COMP, the main consequence for this was that “the notion of geographical balance now exists at the level of the *whole Commission*, [...] but it does no longer exist at the level of *[single] DGs*”. In addition, Monti was certainly personally interested and attentive to senior appointments. According to a senior official,

He doubled the interviews made by the director general, before taking the final decision. If, after the CCN there were three candidates, he met with the three of them, Philip Lowe [the Director general] had already met them, and then the two of them shared their views “let’s appoint X”, or “let’s appoint Y”. [...] Sometimes, it was the Commissioner himself who chose. “Listen, I would really like [somebody from] that nationality, which is not sufficiently represented”, or on the contrary “there are too many of that nationality, I

would really like that we are a bit calm now... ” (interview n. 29, December 2006).

On overall, Monti was not “interventionist”. Stefano Manservigi served as his deputy head of cabinet from 1995 to 1999 during the Santer term, and as deputy, then head of cabinet for the first year of the new Prodi Commission. He commented in this respect that

Monti has always been extremely attentive to the competence and to the respect of a simple principle, which is that at the end of the day, the Director general – particularly as a manager – is responsible for the overall proper functioning of the machine, and therefore of the end product that he delivers to the political authority. [...] He has also always left – let’s put things this way – the last word to the Director general, as he was aware that if the director general made the wrong choice, the director general himself would then have to answer for it. Let me point out that Monti, not under Prodi but during the Santer Commission, has probably been the only Commissioner of Italian nationality that has fired before the end of the contract a Director general of British nationality because he did consider the latter unable to deliver in his field. Thus, he was respectful of the administration, but at the same time assigning full responsibility to the person who is at the highest level in terms of administration.

The relationship between the new Commissioner and the Director general in DG COMP was not always easy, and in one or two cases Monti intervened strongly. As far as nationality was concerned, there was certainly a case in which it played a strong role, and special sensitiveness towards a member state was particularly high. In this respect, a senior official mentioned that,

[Mr X] has a winding career, [...] he is a man of influence, and very close to Commissioner [X], and Commissioners in general [...]. He was [previous post], and he asked to be appointed to [new post]. Well, these are government appointments. Typically, maybe that is the atypical personality in the list [of senior appointments in DG COMP between 1999 and 2004], even though he is a good lawyer, [...] notably in the competition field, so he was not unfit there, [...] but [he] was very connected with the government of [country X],

irrespective of the colour of the government, incidentally! (interview n. 12, July 2006).

In some other cases, nationality could have played as a limitation rather than an asset. Chêne commented his own appointment in this way,

on my appointment to the post in charge of state aid, my compatriots would have never thought that the Commission was going to appoint a French there... then it happened... a deputy director general for state aid, they would not even think about that! Because there already were too many [French]! [...] but I had served as head of cabinet to Van Miert, and I knew Monti, and Monti took that decision.

The Director general mentioned extensively the rationale and approach used in the appointment of Chêne to the post of Deputy DG (July 2002):

He is French. He was cabinet chef with Van Miert, [...] very committed, hard working, serious personality, [...]. [...] during Van Miert term, Edith Cresson was commissioner. There were terrible clashes between Van Miert and Cresson, and Chêne was attacked by a [member of cabinet] of Cresson, in a meeting, or after a meeting, he said “we will ensure that your career inside the commission will be destroyed” and so on. [...] this made Van Miert excessively furious, [...] [and] it was Van Miert in the first place who said “[Chêne] should become a deputy there”, but I had no problems at all. [...] we wanted to show that we take the “good” French, those who respect the rules and behave in a collegial way.

A senior official from DG ADMIN confirmed that following the fall of the Santer Commissioner, Chêne, together with other prominent officials of the 1995-1999 era, had been side-tracked for a while (he was assigned specific tasks outside the strict command line and without a promotion) (interview n. 9, July 2006). Soon afterwards, due to his “in-depth knowledge of the Commission machine and his competence”, he was appointed to the post of Deputy DG. All this shows quite evidently the degree of autonomy/independence which the Commission had been able to achieve, as well as its capacity not to “throw the baby away with the bath water”.

Except from another significant case in which the eventually-selected senior official was a “doubtful chapter” (interview n. 33, December 2006) and had close relationship with at least two countries, and for which influence from national capitals played some role, the empirical assessment showed that almost all senior appointments were purely technical and did not take into consideration the nationality of the official concerned, nor were they influenced by member states’ pressures. A former director in DG COMP commented the appointments of his colleagues by using expressions such as “[official X] was absolutely unavoidable in the post where he was” or “[official Y] is surely our most encyclopedic man in matters related to [specific branch of competition law]” (interview n. 12, July 2006). Another senior official commented the appointment of a colleague by saying that “[he] was never considered to be a [national of country Z]. [...] [he] was a very special, serious person. He was not involved all the time with politics. He was also considered as very independent” (interview n. 33, December 2006). In one case, poor relations with colleagues was among the main reason for promotion to another post. In any case, no impact of nationality whatsoever. In another case, the senior appointment was a mix of intellectual esteem and long-term relationship. In the words of the Director general,

he was an excellent lawyer, a very good policy developer, he was very analytical, he was a brain. [...] he was a very bright guy, but he was also “traditionalist”. So, I had in his respect rather reasons not very forthcoming on him, but on the other hand over time he became a very top class brain, he got the role as the devil’s advocate in the sense that he would come up with his arguments, which were arguments that you had to take seriously, and either to find good answers or to overcome them. [...] so I found him a helpful guy, he had also a lot of respect [...], and I have to say I knew him from [long time], [...] so I had a high opinion of him.

To sum up, the overall assessment for the decentralisation and professionalisation hypothesis concerning senior appointments in DG COMP, showed that in most cases between 1999 and 2004 nationality did hardly play any role. The findings are presented in the following table.

TAB. 3.2.2.3.b *Findings concerning senior appointments in competition policy, Prodi Commission.*

category	the senior appointment was:	N.	%
1	a fully autonomous decision by the Commission	7	64
2	sensitive to some national considerations	3	27
3	sensitive to some member states influence	1	9
4	responding to strong member state's pressure	0	0
	<b>TOTAL</b>	<b>11</b>	<b>100</b>

One of the cases included in category “2” was potentially very close to category “3”. Nevertheless, the overall picture shows that not only the majority of senior appointments did not take nationality into consideration (not to mention member states’ influence), but also that in more than 90% of the cases, that is, *in all cases but one single exception*, the main reason behind the senior appointment was certainly not nationality or national intervention.

The comparative assessment for the decentralisation and professionalisation hypothesis between senior appointments in competition policy taking place from 1995 to 1999 (Santer Commission) and those taking place from 1999 to 2004 (Prodi Commission) show that sensitiveness to nationality decreased, while attention paid to member states’ inputs remained almost the same; not surprisingly, as it had been low already before the reform. The Directorate general in charge of Competition became more “relaxed” about the issue of nationality and could profit from the general move from a DG-based national quota system to a much softer Commission-wide geographical balance.

### ***3.2.2.4 Health and consumer policy.***

Between 1995 and 1999, health and consumer protection was part of the portfolio of Commissioner Emma Bonino, of Italian nationality. It then passed to David Byrne, the new member of Irish nationality of the Prodi Commission, from 1999 to 2004.

#### ***The Bonino term (1995–1999).***

Summarizing the findings of my empirical assessment for senior appointments in health and consumer policy during the Santer Commission, data show that nationality played a limited role and that influence by member states was taken into some account in just one case (out of five).

The Santer Commission decided in March 1995 to raise the profile of its consumer policy by transforming the service – formerly a Directorate within DG XI in charge of the environment – into a new fully-fledged Directorate-general (DG XXIV). However, the structure remained quite *sui generis* at the very beginning: it was a Directorate general run by Peter Prendergast, a Director with an A2 grade, and with a few heads of unit. Commissioner Bonino then obtained the upgrade of the post of Director general to the proper A1 level.

This post was initially published internally, but already in April 1995, the Commission decided to republish the post and allow for external candidates to apply<sup>26</sup>. In October 1995, the Greek Spyridon Pappas was appointed as head of DG XXIV, where he was nonetheless to remain in office for just one year or so. Already in January 1997, the post was, in fact, newly advertised, and this time an internal candidate, the German Horst Reichenbach, was appointed. Between October 1997 and January 1998, the posts of head of directorates A, B and C were filled with three internal appointments (Manfredi, Lennon and Carsin).

National considerations had some influence on the appointment of the new Director general of the newly established DG. A senior official mentioned the background situation and how the decision was made:

Greece found itself without a Director general [...]. At that time, we need to find a Greek Director general. [...] two or three candidates were presented by the Greek government, from outside [the institution] since Greece, as a relatively new member state, did not have internal candidates [...] of the level [required] [...], among which Pappas did not figure, and they were inadequate for what the post required. [...] Pappas' name] was suggested, as Director of the European Institute of Public Administration in Maastricht, from [top Commission official X], who knew him. In practice, the reasoning was the following: rather than all these people recommended by the government, not necessarily with the right pedigree and potentially partial, with Pappas, who is somebody we more or less know, the risk is minimal. If he manages the EIPA in Maastricht, he can also manage a small directorate general (interview n. 18, October 2006).

---

<sup>26</sup> Commission's PV 1245 of 27 April 1995.



The Greeks were rather satisfied. They had already managed to secure that one of the good candidates was not appointed:

[the Greek] did not take it too badly as it was not such an affront. There was an internal candidate whose name was [Mr X] who had the great advantage of [...], who had previously worked with [...], [and] who was the fastest of the Greeks in terms of internal career. [...] we would have liked him very much, but he did not have the support of either the [Greek] government or the Greek Commissioner (interview n. 18, October 2006).

The appointment of Pappas – which is not an exception in this respect – thus shows that national governments were not necessarily successful in making pressures *for* the appointment of any particular official, but kept some veto power and could thus intervene *against* the appointment of somebody else of “their” nationality. What mattered from the Commission’s point of view, was to avoid national hostility. From a certain perspective, this is rather understandable: the Commission does not operate in a vacuum, and any top Commission official should be able to work with all government, first and foremost with his own. This is necessary to do a good job.

Pappas then moved to another post inside the Commission, and the position of Director general became vacant for the second time in less than two years. Meanwhile, following the “mad cow” crisis, food safety had acquired a strong relevance, and the Commission needed to find someone who could handle the situation. In terms of nationality, more – although not full – flexibility was possible this time. In the words of a senior official,

[that was said to the cabinet of the Commissioner, for] the new Director general, “you have a certain number of member states within which you can move”, as this was the system [...]. Four or five, but I must also say that some of them were not interested [...] [as the British], who did not want to take the trouble of having a Director general of British nationality because of the mad cow disease crisis, which was their problem at the time. So, it is clear that there were some voices which came from London, according to which nobody should apply for that post, including if they had [...] the chance of being nominated. So, among the few countries – they were four that could pretend to

[get] that post – there were Luxembourg and Germany. Reichenbach was a person [...] of great personal value and with great management rigour (interview n. 18, October 2006).

Several German candidates were available for the post, and those that were not necessarily recommended by Germany were those most appreciated by Commissioner Bonino and her cabinet. Reichenbach was appointed, and he immediately decided to establish thoroughly the new DG, thus making the necessary senior appointments at the Director level<sup>27</sup>.

As for these three appointments, nationality played a rather marginal role. The main reason behind them was (1) the need to find people with experience in related areas and who could run the newly set up DG quickly and effectively; and in addition, in one case it was (2) the closeness, in terms of political affiliation, between the DG and the official. In one of the three cases, the appointment took place “maybe against the will of the government [of country X]. [Country X] was above the upper level of the *fourchette*, they could appoint any more [from country X], [Mr X] has gone, [eventually] [...], and only thanks to his closeness to [Commissioner of nationality X], being both [reason X] which is not related to nationality” (interview n. 18, October 2006). In another, nationality was taken into some consideration.

At the end of this round of appointments in the newly set-up DG, all four big member states (France, Germany, Italy, and the United Kingdom) had one of their national at the top level of the DG. And yet, it had been all but a question of quota, nor to respond to member states’ pressures.

The findings concerning senior appointments in the area of health and consumer policy during the Santer Commission can be easily summarized as follows (Table 3.2.2.4.a):

---

<sup>27</sup> Prendergast was redeployed to Dublin to manage the Food and Veterinary Office, prior to being retired in the interests of the service with decision effective as of 1 August 2001.

TAB. 3.2.2.4.a *Findings concerning senior appointments in health and consumer policy, Santer Commission.*

category	the senior appointment was:	N.	%
1	made without specific consideration to nationality	2	40
2	sensitive to national considerations/ influence	2	20
3	sensitive to some member states pressures	1	20
4	responding to strong member state's pressure	0	0
	<b>TOTAL</b>	<b>5</b>	<b>100</b>

The case recorded as the most sensitive to national governments' influence has nonetheless been included in category "3", rather than "4", since the appointed official was not recommended by the national capital in the first place. He simply had the "right" nationality and was not "vetoed" at home. Accordingly, one of the two cases included in category "2" may have come under category "3". If this is not so, it is because the commission(er) could have chosen a different candidate, of another nationality, until the very end. The findings show that member states were left largely outside the establishment of the new DG, in terms of placement of their preferred candidates in top positions, and that even nationality played a limited role. It is also likely that member states did not want to interfere with a critical area at a critical time (mad cow, etc.), and be caught up into a trap of responsibility.

*The Byrne term (1999-2004).*

Summarizing the findings of my empirical assessment for senior appointments in health and consumer policy during the Prodi Commission, data show that nationality and member states did not play any role in two appointments out of every three. Attention paid to influence coming from national capitals was particularly low (some sensitiveness was found in this respect in just one case out of six).

With the arrival of the new Commission in 1999, the portfolio for Health and Consumer protection was given to the Irish David Byrne. Between 1999 and 2004, six new senior appointments were made: four at the director level, and one each at the deputy DG and Director general level. The appointment of Robert Madelin at the head of the DG was the last and took place in December 2003. Madelin commented on the process bringing to his own appointment, including the limited role played by his compatriots. As in many other cases, it was important to check that the Brits had nothing *against* his appointment – what

Madelin calls “embarrassment”. The fact that his predecessor was also from the UK did not represent a major obstacle. In his own words,

I did not notice [the post] was published. [...] there was the deputy director general, [...] [who] was *faisant fonction*, and I thought “well, [...] this is a good candidate, [...]”, [and] having done due diligence it seemed to me that as an outsider, I would not on the merits have a stronger case. And [...] then I got a call from [...], saying, “we are not saying you can have the job, but we want to make sure we get enough applications, and we think you could do it”. Then I phoned one of the directors I know, [...] and I said “I want to come and talk to you about maybe doing the job”. [...] I wanted to find out who else was interested in. [...] I checked whether from the British point of view this would be embarrassing to them, [...] and clearly this was an area of policy in which Coleman [...] my predecessor was a Brit, but [...] it wasn't a [...] British flag [...]. So, I did the interviews, CCN went all right, I had to do the CCN by telephone from Cancún because I was in a trade Ministerial, [...] the CCN let me through, [...] we then had a first round of interviews with David Byrne [...] and his chef de cabinet. And at that stage there was a shortlist [...]. [...] my own view especially having worked with all of them now, is that if I had been in Byrne's job, I wouldn't have given me [as an outsider] the job necessarily! You could easily have made a conservative choice and say “I want somebody who is on the dossiers”. [...] He did the interviews and then he said, “I can't decide, I want the assessment centre”, and [...] I believe that the assessment centre did play a role in the shaping of the final decision. [...] Clearly [...] [the] [Permanent] Rep[resentation]s [...], I guess they were all lobbying. I don't believe one was more effective than another, and the Brits were very careful because between the British and the Irish is not sure that if the Brit says to an Irish, “I want this...”, he gives it to him.

Martin Power, chief of cabinet of David Byrne at the time, confirmed that nationality, not to mention member states, did not play any such role:

the director general post [...] was an open, very open post. There was no flag on that post whatsoever. It was a question of trying to find somebody who wanted to do it. Quite frankly, most directors general would not want to go to

DG SANCO because they would see it as being too much [...] an area where it is very hard to define policy, whereby it is very difficult because of all food safety issues that inevitably are going to run yourself into all kinds of difficulty. [...] We had good quality candidates, surprisingly enough. [...] the commissioner chose Madelin because he felt he was the best guy for the job. [...] nobody was jumping up and down and saying “you must appoint this guy”.

As for other senior appointments in DG SANCO, a code of conduct had been agreed, between the chief of cabinet and the director general. In accordance with this code of conduct, the director general would inform the cabinet about appointments of heads of unit, “but [the chef de cabinet] would not be involved in kind of saying ‘yes’ or ‘no’ [...]”. According to Power, he “would expect the Director general to just tell him what was happening, and things like this. But of course, at director and director general level, it is officially the Commission that appoints, and it is the commissioners’ choice”.

In terms of the other senior appointment, that of Colm Gaynor could be *prima facie* seen as member state-driven. Gaynor is Irish, and was appointed by an Irish Commissioner to a post of Director based in Dublin, against a consolidated practice according to which the head of an agency is not a national of the country where the agency is located (interview n. 9, July 2006). However, Power explained what was a rather complex situation and the reason behind the appointment:

the Food & Veterinary office is a directorate, but it is based outside Dublin. And getting people to move to this was very difficult because there is no European school, it is out in the countryside, the location is bad, [...]. People did not mind to go to Dublin, but this was on the “wrong side” of Dublin, [...] beyond the airport, and people want to live on the south side of Dublin. [...] we had huge problems in getting good quality people to go there, because of this. Young officials would go and start their career, but then [...] they wanted to move out. And when the existing director left, we could not find people who were willing to go, and so therefore we went for an external appointment publication, and we got Gaynor into to do it. [...] he was chief veterinary officer in Ireland, and so he was willing to move and take this type of the job.

But again, there was no pressure because the problem was to find somebody to go there.

In terms of indicators, there were neither special contacts nor any strong proximity with the Irish government and the decision was rather based on institutional needs. In general, the empirical assessment for the decentralisation and professionalisation hypothesis in the area of health and consumer protection showed that expertise did play the greatest role in almost all cases of senior appointments. A former member of the CCN mentioned that all appointments had taken place quite naturally, being based on the competences of the selected candidates, who had already worked in those areas or had dealt with those policies before. The appointment of the deputy DG was not an exception in this regard. A senior official who had closely followed this latter appointment mentioned that

[the post] was [that of] deputy [director general] who would deal with food safety, which means all the veterenary issues, mad cow etc... What was wanted was somebody from outside as we were looking essentially for an expert, and so only big calibres applied to the job. In concrete terms, the directors general of different ministries, from agriculture to health, according to the institutional architecture of the different countries, including the director general of the Ministry of Health [of country X], heavily sponsored by [his country nationals] who said “we will have a deputy Director general” even before that this man applied. [...] It seemed to be an important post for [country X], but at the end he was not even shortlisted. [...] among all those heads of the veterinary office of different countries, the Finnish one was selected, [...] an expert (interview n. 9, July 2006).

Out of these senior appointments, there was clearly one case in which nationality was among the key factors behind the appointment. A former senior official commented that “[country Y] had an interest in having a [senior official] because [it] was under[represented in terms of georgraphical balance], and therefore they appointed [this person], and the Commission had the excuse for saying [to country X] “now shut up and keep quiet!” (interview n. 17, October 2006).

To sum up, the empirical assessment for the decentralisation and professionalisation hypothesis produced the following picture (Table 3.2.2.4.b) as far as senior appointments in DG SANCO between 1999 and 2004 are concerned.

TAB. 3.2.2.4.b *Findings concerning senior appointments in health and consumer policy, Prodi Commission.*

category	The senior appointment was:	N.	%
1	made without specific consideration to nationality	4	66
2	sensitive to national considerations/ influence	1	17
3	sensitive to some member states pressures	1	17
4	responding to strong member state's pressure	0	0
	<b>TOTAL</b>	<b>6</b>	<b>100</b>

One of the four appointments included in category “1” is a bit borderline and could be moved to category “2”. Table 3.2.2.4.b shows in any event that nationality was not the key factor for appointment in DG SANCO and that member states did not play any substantive role.

Once compared to the findings presented above for senior appointments in the same policy area during the Presidency of Santer, it seems that there was not such a great development. Sensitiveness to member states' influence was – and remained – low. In most cases, appointments took place without specific consideration to nationality, and this figure increased with the implementation of the reform. In spite of the fact that the total population of cases assessed is rather limited to draw final conclusions, these findings are fully consistent with those presented so far as being the result of the empirical assessments of the decentralisation and professionalisation hypothesis in other policy areas.

### ***3.2.2.5 Justice and Home Affairs.***

Summarizing the findings of my empirical assessment for senior appointments in the area of justice and home affairs (Prodi Commission), data show that member states did not play any role at all, and that nationality was one of the criteria in only one case out of four.

Command of directorates A and B of DG JAI was temporarily given to Tung-Lai Margue and Jean-Louis Debrouwer in February 2004. They were both confirmed to their post two months later, when the internal open competition was concluded. Directorate C was

temporarily given to Carel Edwards in June 2003, but the post was eventually and definitely assigned to Francisco Fonseca Morillo in April of the following year. Meanwhile, Gustaaf Borchardt, the predecessor of Debrouwer, had been transferred from the post of Director in DG JAI responsible for free movement of persons, citizenship and fundamental rights to the Secretariat general, to deal with relations with the Council. It was precisely in the Secretariat general that Borchardt had been following since 1995, and for a few years, the cooperation in the field of Justice and Home Affairs, prior to the set up of a fully-fledged DG, which explains why his position in DG JAI had quite naturally followed the evolution of the administrative structure of the Commission.

Jonathan Faull was redeployed in the interests of the service to the post of Director general in February 2003. He replaced Fortescue, who had been there since September 1999, when the DG had been newly established. The appointment of Fortescue himself had taken place with no surprise to anybody since he had been chairing the task force on the third pillar until then.

Prior to his redeployment, Faull had been serving as Spokesman and Director general of Press for four years. Despite the fact that President Prodi “wanted everybody to stay until the end”, Faull persuaded him that it was a good opportunity. The redeployment was based on an agreement with the Commissioner in charge of Justice and Home Affairs. In Faull’s own words, “[h]ow did I come here? Basically, [...] because Antonio Vitorino [...] wanted me. So, we arranged it between ourselves”.

Senior appointments in DG JAI were always the result of agreement between the Director general and the Commissioner. Again in the words of Jonathan Faull,

The three [appointments of April 2004], that was completely consensual between me and Vitorino. [...] there were other candidates but not very strong ones, for each of the post, and Vitorino and I decided very quickly what we wanted. And that’s what happened.

The top officials were, essentially, all insiders to the Directorate general (a deputy chef de cabinet and two heads of unit), which thus confirms a rather common attitude to appoint people from within. In this scenario, nationality played a rather minor role: it might have



impacted negatively on the chances of the selected candidate to be appointed. But the director general recalled that:

It was slightly difficult to appoint a Belgian director, De Brouwer, because there are too many Belgian directors, but he was obviously the most competent candidate. I spoke to DG ADMIN, I spoke to the Belgian ambassador, and nobody objected.

In one case, strong national pressures occurred, and came particularly from a big member state. They were however doomed to fail, due to lack of a competitive and suitable candidate, but a strong emphasis on merit was on the other hand contrary recorded:

The [country X] was very unhappy because it wanted to have a Director, but it did not have a decent candidate. The big [country X] lobbied, but it did not have a candidate. [There were pressures on me, and] I am sure Vitorino felt them too, the ambassador [of country X] said to me “you know, you really need to have a [national of country X] in your DG...”.

The empirical assessment for the decentralisation and professionalisation hypothesis in the area of justice and home affairs also revealed that in at least one of the four appointment to director level, there was some imposition, but also that this was more due to personal than to other reasons (including nationality). What follows is the overall outcome of the empirical assessment. The only case included in category “2” was also potentially close to be included in category “1”.

Table 3.2.2.5.a presents the overall findings for senior appointments in the area of Justice and Home Affairs – in terms of relevance of nationality and member states’ pressures – since the creation of the Directorate general in 1999.

TAB. 3.2.2.5.a *Findings concerning senior appointments in justice and home affairs, Prodi Commission.*

Category	The senior appointment was:	N.	%
1	made without specific consideration to nationality	3	75
2	sensitive to national considerations/ influence	1	25
3	sensitive to some member states pressures	0	0
4	responding to strong member state’s pressure	0	0
	<b>TOTAL</b>	<b>4</b>	<b>100</b>

These findings show that senior appointments in DG JAI during the term of President Prodi were neither influenced by nationality considerations, nor biased by national pressures. These findings cannot be compared to those relating to the Santer Commission as the DG was set up only in 1999. At the same time, they are rather telling as they are consistent with the findings in other policy areas assessed so far, and thus show that the administrative reform and its key features (decentralisation and professionalisation) in terms of selection and appointment of senior officials did also have an impact on those posts of more recent creation inside the Commission.

### **3.2.3 Comparing “same appointments”.**

After the assessment of all senior appointments occurred 1) over two years during both the Santer and the Prodi Commissions, and 2) in several policy areas, corresponding to specific Directorates general, in this section I present the findings of the empirical assessment for the decentralisation and professionalisation hypothesis concerning “same appointments”, that is, different appointments to the same post that were made under both Santer and Prodi. I have isolated 20 series of such appointments, with each series including from a minimum of two to a maximum of nine senior appointments. Once again, use will be made of a number of indicators referring – respectively – to possible changes in terms of vacancy publication, insulation of decisions concerning senior appointments, answerability (justification for the action), consideration of merit and real institutional needs, selection process, time of involvement of various actors, and record-keeping as far as the independent variable is concerned; and to contacts between cabinets and member states, proximity between successful candidates and national authorities, substantive interests of member states, and internal as well as public disclosure of pressures on senior appointments as far as the dependent variable is concerned (cf. *supra*, 2.2.2.). In this way, I will be able to see what was the relevance of nationality and the role of member states in “same senior appointments” and whether such relevance and role have changed over time.

Summarizing the findings of my partial empirical assessment for “same appointments”, data show that a) nationality lost relevance in senior appointments from the Santer Commission to the Prodi Commission, that b) no sensitiveness was shown to member

states' influence in senior appointments during the Prodi Commission, and that c) such sensitiveness was already rather limited before the reform.

More specifically, the empirical analysis revealed that in some cases nationality could even represent a limitation, rather than an asset, as when the eventually appointed officials came from over-represented countries, or when – in other cases – appointments could give rise to the suspicion that flags had not been fully discontinued yet. A senior official recalled in this latter respect how his own appointment had taken place under Prodi:

I think at that time it was still kind of considered to be a [...] post [reserved to nationality X], because the people before, I think there was [official X with nationality X] was there once, and then there was [official Y with nationality X], [official Z with nationality X] [...] there was always one director post in DG [X] which was kind of [nationality X]. I must say, the main problem I thought I would have in applying, was that I was [from country X], because the commissioner was [from country X] and wanted to change this idea to have always the same nationality, so it started there. So that was a bit, for me, one of the uncertainties, because in terms of substance the job matched my profile (interview n. 22, November 2006).

In another case the official was appointed not because of nationality but as the result of a clash between nationalities that had led to a stalemate in the first place. Therefore nationality still mattered, but in the sense that it played against two candidates who could potentially both be appointed, while the post was in the end filled with a third candidate. In the words of one of the two non-appointed officials:

the new Director general [of DG X], [Mr X] wanted to bring along one of his pupils that he had met at [DG Z, where Mr X had previously worked], [...] [Mr Y], of [nationality Y]. [...] at that time, I would not have disliked to become [senior post Q], because there were dossiers I liked, irrespective of the promotion. I had clearly been always in touch with the cabinet [of Commissioner W], [Head of cabinet of Commissioner W] is a friend of mine since many years [...]. I told him: “these are the facts, unfortunately [Mr X] wants to carry [Mr Y] along with him”, and for me all ended there. He said: “no, absolutely, [nationals from country Y] are everywhere here, if you then

have [Mr J] as Commissioner, the Director general is [from country X], and the [senior post Q] another [national from country Y], we find ourselves in a sandwich, they take all decisions, and this is not acceptable [...]”. [...] So at that point [...] against my wish, I became a tool for a struggle of nationality, and it then happened that [Director general Mr X] dug his heels in and since he could not take [Mr Y], he did not take me either, and a third person got the post [...]. Because it all took place in two phases: during the first one, [Mr Z] wasn't even there! (interview n. 28, December 2006).

Mr Z had the same nationality than his predecessor, which means that this appointment is a typical case of “missed discontinuity”, in terms of flags, because of the clash between the nationalities of the two initial candidates to the succession.

In a different case, the initially preferred candidate of the recruiting commissioner was of a nationality that this latter – to quote his head of cabinet – “was not allowed to take” (interview n. 40, March 2007). At that point, the decision was to appoint somebody from outside the Commission since – I quote again – “we didn't have, we didn't feel we had, an obvious, modern, [policy X] specialist available in the house”, and the recruiting Commissioner knew the “market” already through that process that had previously led to identifying the two initial potential candidates. Thus, another case in which nationality was not a factor in terms of the appointment made, but had an impact in the preliminary steps leading to the appointment.

The third, partial empirical assessment of the decentralisation and professionalisation hypothesis showed that some of the posts were clearly flagged, and that this may be the case – although rather exceptionally – *after 1999* as well. The director general could accept the flag, provided he then felt totally free to choose the candidate with the “right” nationality. In some cases, flags could also be used instrumentally to avoid the appointment of the most obvious candidate, such as the person in the Directorate who had been working on the policy but was also seen as sponsored by a national government. A senior official commented in this respect on an appointment to a post of Director:

[policy area X], that was clearly a post [flagged by nationality Y]. That is, it was ineluctably [of nationality Y], although open. There had been [officials of nationality Y] and there was an [official with nationality W], who was [post

within Directorate X], who had very high expectations, and I believe he had contacted [national politician from country W]. In a nutshell, an [official from country W] who tried to mobilise some actors, as he was unpopular with the [Director general] and in this case I would say that the choice was clearly made by the Director general, [...] [who was] resigned to taking an [official from country Y], but wanted to choose the person [with that nationality]. [...] I did not know [Mr Y], [...] and he was probably the less unlikely among the [officials from country Y] (interview n. 9, July 2006).

In another case, people with a certain nationality could *de facto* come to replace compatriots, although the main criteria for appointment had turned out to be competence. In such cases, flags were the outcome of – rather than the necessary precondition for – the appointment. A senior official commented in this respect:

Why me? Because everybody knew me from the side of [Commissioner X] and for [policy area X], so as soon as the post [in the DG dealing with that policy area] became vacant, the head of cabinet of [...] called me and say, “well, that’s done! The post there is vacant and you need to come”(interview n. 25, November 2006).

As far as the nine “same” appointments to post of principal legal adviser in the Legal Service are concerned, a senior official confirmed that in one case – taking place under Santer – there had been substantive national pressures to the point that the choice had been rather political and not entirely justifiable on the basis of the legal competences of the appointed official:

an [appointment] was not technical, that was the case of [official X], who was [national of country X] [...], and who was a typical casting error. [...] [Official X] was not made to be a lawyer, and when the new head of the service arrived, he made him understand quickly that he had to leave. [Official X] was incompetent. That was the only one, whereas all others appointments could be expected on the basis of merit (interview n. 12, July 2006).

A senior official and former deputy head of cabinet confirmed the special nature of the Legal Service, by saying that “that’s a world on its own, which has non-written internal

rules, according to which career advancement is rather prefixed and it is known ‘who will be next’ [...]’”. The first Permanent Rapporteur to the CCN had a very similar view:

in general, cases in the Legal Service are different, because the legal service is organised as a pyramid, so that if somebody is pretty good and patient, he can be rather sure to move up the pyramid. [...] it is extremely rare to have controversies around senior appointments within the Legal service. It is really a sort of natural evolution within the service, where a minimum of balance of nationality is necessary among the Principal legal advisors – who are the equivalent of Directors – [...] it is clear that all member states are interested in having inside the legal service a “representative” with some knowledge of their national legal system, but this is also in the interest of the Commission [...].

The head of the Legal Service commented the way nationality could play a role inside the service since the implementation of the reform. In a nutshell, it was a question of *sensitiveness*:

At the Legal service, it may happen that out of ten teams, for instance, I have two heads of these teams who are both from the Netherlands, [...]. Is it a problem that there are two Dutch? No, it is not a problem [...]. On the contrary, that would begin to represent a problem if I had to appoint a third one. [...] that is more a question of sensitiveness, and then of balance, but still you need to have the people. It may happen that you have a Dutch who is unavoidable. Within a certain team, profiles are so that there are not that many people [for promotion]. At the end of the day, the reservoir to take posts that are very qualified and with such great responsibility is not that crowded. Many people have a “vocation to”, but in reality the people that you really see as good in the exercise of those [senior] functions, are not that numerous, so it may very well turn out that a third Dutch arises, as he is unavoidable because he proves to be by far the best in that sector. That may happen.

The overall empirical assessment concerning the 20 series of “same appointments” – for a total of 54 individual cases – showed the following results, presented in Table 3.2.3.

TAB. 3.2.3 Findings concerning “same appointments”, Santer and Prodi Commissions.

category	the senior appointment was:	SANTER		PRODI	
		N.	%	N.	%
1	made without specific consideration to nationality	10	36%	16	62
2	sensitive to national considerations/ influence	9	32%	5	19
3	sensitive to some member states pressures	5	18%	1	4
4	responding to strong member state’s pressure	1	4%	0	0
	<i>unclear evidence</i>	3	10%	4	15
	<b>TOTAL</b>	<b>28</b>	<b>100%</b>	<b>26</b>	<b>100</b>

“Same appointments” taking place during the Santer Commission were 28. In more than one third, nationality did not play any role. In two cases out of three (68%) its role was either limited or non-existent. In about one case out of five (18%), the Commission was sensitive to influences and inputs coming from member states. As for the Prodi Commission, the total population taken into account was made of 26 senior appointments. In almost two cases out of three (category “1” alone, 62%) nationality was irrelevant as a criteria for appointment, and in about one case out of five (19%) it did play a minor role. As far as “same appointments” are concerned, the Prodi Commission was not responsive at all to strong member states’ pressures. It is important to keep in mind that in seven senior appointments enough information to measure the indicators could not be gathered.

These findings can be also presented by comparing not just single appointments and categories, but also the evolution *within different series of appointments* (each of them being made of different appointments to the same post). Out of 20 series, the empirical assessment revealed that in the vast majority of cases a “downgrading” from category “2” to category “1” was recorded as we moved from the appointment under Santer to the same appointment under Prodi. In almost one fifth of the series, senior appointments were included in category “1” under both Santer and Prodi. In a couple of series, the downgrading was from category “3” to category “2”, corresponding at the same time to the persistence of a role played by nationality and to the end of any member state’s direct influence. Finally, and although much less significant in statistical terms – in at least two series an “upgrading” *from a lower to a higher category* was recorded, corresponding to a role for nationality and/or member state’ influence being more important *after* the reform rather than before.

### 3.2.4 Overall findings for the decentralisation and professionalisation hypothesis

The findings of the different empirical assessments (1. time series; 2. policy areas; 3. “same appointments”) for the decentralisation and professionalisation hypothesis are consistent with each other in terms of the role nationality and member states used to play in senior Commission appointments and of the way this role has (or has not) changed over time. What comes out rather clearly is essentially two-fold.

First, the *role played by nationality has certainly decreased under Prodi*, with the implementation of the reform. In quantitative terms, senior appointments made without paying specific attention to nationality grew from about one third under Santer to about two thirds under Prodi, and appointments being somehow sensitive to nationality passed from more than one third to less than one fourth. These findings may vary a bit from one empirical assessment to another, and thus may be sensitive – for instance – to the policy area under examination. Nonetheless, the trend – as well as the *overall scope* of the trend – has been rather consistent throughout the different (partial) assessments. The empirical assessment also confirmed that the system of “national flags” has been largely abandoned, meaning not only that candidates with different nationalities have been appointed to traditionally “reserved” posts, but also that their appointment has not come to (re)produce new flags. Such decoupling of the nationality element represent a big breakthrough. According to David O’Sullivan, former Secretary general, “[a] global overview [was kept,] but any suggestion that specific posts were reserved for specific nationalities, already *suggestions that you started from nationality and work back to individuals*, has [...] been [...] abolished”.

Second, the *role played by member states and national governments has not changed very much*. Findings did not show any impressive reduction in member states’ capacity to make pressure or influence Commission’s decisions on senior appointments. The key finding here is that this (missed) reduction has not taken place simply because *member states played a limited role in senior Commission appointments even before the reform*. Very few cases of strong and successful national pressures were found, in fact, under both Santer and Prodi, but they failed to generate any significant aggregate figure. At the same time, although the reform has not fully insulated the Commission from external pressures, it has certainly contributed to reduce the (already limited) number of cases in which national capitals were successful in sponsoring their candidates. The limited number of cases concerned, in particular, posts at



director general level, where it was much harder to keep some geographical balance. In those cases, member states could still find a way to put forward a general claim. In particular, when they believed they were seriously under-represented, “they said it loudly, they said it publicly, they said it privately, and that began to have an effect” (interview n. 32, December 2006). And yet, their capacity to make pressures and influence Commission’s decisions should always be assessed carefully. There were cases, for instance, in which under-represented member states were pushing very strongly and what they eventually got was an official of their nationality appointed to a senior post – director general or deputy DG – but in a Directorate general that was of no interest to them, or worst, in a Directorate general with an objectively very low profile or salience.

The empirical assessment has thus shown that nationality did certainly play a much stronger role before 1999, but also that *one can hardly talk of any “main mise” by member states on senior Commission appointments, including prior to the reform.* The very few cases in which member states were successful in pushing, or even imposing, their own candidates represented a tiny minority of the global population, and were not statistically significant. Quite the contrary, these few cases were certainly much more relevant in terms of *setting (and developing) the “public discourse”* – both inside and outside the institution – on how senior Commission appointments took place.

A specific attitude developed by senior Commission officials themselves contributed to creating this “mismatch” between the *reality* and the *rethoric* of senior appointments. An *instrumental use of the nationality argument* was made in fact in several occasions in order to avoid both the appointment of certain people and to provide (other) less pleasant explanations. A former deputy head of cabinet mentioned for instance that geographical balance was increasingly referred to “as an alibi per *non fare certe nomine più che come elemento positivo per farle*”. And a director general candidly admitted that

very often we do this as well: we use nationality to hide our real motives for decisions. We explain to somebody: “I could not appoint you because of your nationality”, because we do not then have to say “I didn’t appoint you because I don’t think you’re up to the job” (interview n. 34, December 2006).

Nationality thus got over-exaggerated, and became part of the official explanation more than of the real motivation, inside the institution first, and then outside.

In more refined terms, the empirical assessment revealed that the reduction of the role played by nationality (and – although more limited – by member states) did not take place in 24 hours, but occurred rather *gradually* over the decade going from 1995 to 2004. The reform – that is decentralisation and professionalisation of the selection and appointment procedure of senior Commission officials – thus contributed to generate momentum and to *strengthen* a historical process that had been at work for some time when the reform was passed, rather than to *originate* the change in itself.

Clearly, not everything was invented in the aftermath of the 1999 crisis. The system had been evolving progressively, and the diminishing role played by nationality and member states should be understood more as a *process* than a revolution made overnight. The Commission had already been able to reduce external influences, though keeping the principle that senior posts could be informally reserved to specific nationalities. Claude Chêne, former head of the Task force for the administrative reform, but also former head of cabinet and more recently Director general for Personnel and Administration, mentioned in this regard that already in the mid-‘90s the decoupling between the relevance of nationality on the one side, and the influence by member states on the other, had begun to develop:

Van Miert, [...] we are under Delors III [1993-1995] – at the time he had for two years the administration [portfolio] – begun to shake the system by saying “ok, let’s admit that there is an informal flag, but that is all I want to know. *Within that flag*, I am the one who chooses the person”. It was at that time where the link [with member states] started to be cut a little bit more, because I remember some posts where there was more or less an agreement on the flag, but he refused the strongly recommended candidate, by saying “no, he is not the person I am looking for, I’d rather somebody else”.

The Santer Commission then tried to cope with the same issue, by clearly keeping in mind the difference between national flags and nationally-sponsored candidates. Jim Cloos, head of cabinet to President Santer, confirmed the importance of resisting member states’ temptation to put forward *their* names:

it is necessary that the Commission ensures absolutely that it is *she* who chooses the candidates. Even if you say “for this or that reason, I will take an [official with nationality X]”, then it is you who choose [the person], that’s extremely important. [There] always [is] the temptation by member states to impose their candidate.

Attitudes of member states varied quite a lot in this respect. According to a head of cabinet and former director,

the clever way [for a member state] of playing this [game] was of course to say “we recognise that there could be a particular flag on a post, here is a choice of people for you”. Others said “here is *the* choice”, which often was not a very sensible one, because it might have been somebody out of the required qualities and things like this (interview n. 24, November 2006).

In any event, the empirical assessment showed that before the reform, quota and *fourchettes* clearly impacted on officials’ career, who often had to wait that a director of their own nationality retired. It was very hard that the upper threshold of the *fourchette* could be passed (interview n. 25, November 2006). In some cases, strict quota and *fourchettes* may even trigger other important consequences, including cases where Commissioners’ cabinets opposing a promotion in order to maintain for themselves the chance to appoint a different national to another post (interview n. 17, October 2006).

Decentralisation and professionalisation did not only impact on the role of nationality (and member states), but also other features. The empirical assessment revealed for instance a major development occurred in terms of *quality* of the candidates selected. In this respect, a director general mentioned that a substantive change could be found in the “growing importance of recruitment panels as opposed to full discretion, indirectly bringing to greater credibility [and] [...] to a better quality of appointments” (interview n. 12, July 2006). Professionalisation thus impacted in the sense that *since the implementation of the reform it has become extremely difficult – if not virtually impossible – to appoint somebody at the top who does not fully deserve the post*. This is not because member states no longer try to sponsor their candidates, sometimes irrespective of their qualities, skills and competences. Rather, what is new is that the Commission has now a procedure which allows to incorporate and face such national

pressures differently. Jan-Gert Koopman, former head of cabinet to Vice-President Kinnock, commented in this respect:

Member states tend to continue to advise the Commission on their strong candidates, [...] that is not something we should be afraid of: it's interesting information which the Commission should use to its best effect. But I think that what has really changed, is that the Commission has now, through these procedures, built a system that allows us *to process that information rather than to take it as a diktat*.

There has thus been a *move from influence to input* in the relationship between member states and the Commission. What is relevant is that the new procedure not only grants the Commission the chance to stop unfitting candidates on specific vacancies. In wider terms, and over time, it has become useful to set what a director, or any other senior Commission official, *should look like*. In the words of Catherine Day, former director general and currently Secretary general,

the fact that you have the CCN and panel with external expertise gives you a certain continuity. [...] It allows you to look across candidates at the overall quality and so to form a view of what should you be entitled to require of a director, a deputy director general, or a director general, and gradually to establish a sort of *quality benchmark*. So I think that's the real advantage of the new process and something that the panel has actively discussed: how to [...] raise the level, in order to have senior management of the calibre that the Commission needs for the challenges that we face. I do not really think that it would have been possible under the old system.

Although the number of “very bad”, “incompetent” senior officials has always been particularly limited inside the Commission (interview n. 10, July 2006), including before the reform, the new selection procedure has virtually *nullified* the capacity of both member states and commissioners to “politically” appoint people lacking the professional skills required for the job. If there still remains some cooptation, as it was in the past, the big shift now is that when cooptation plays a role, it is because it is based on *personal good reputation* and the fact that Commissioners strive “to enhance, in quality as well as

quantitative terms, the human resources available within their respective remits” (Egeberg 2006: 10), rather than on *national adjudication* as it was in the past.

The need to stop unfitting candidates has increased over time. Since the fall of the Santer Commission, and the administrative changes in terms of management responsibility introduced by the new Prodi Commission, directors general are much more worried to get “bad” directors, notably because of the risk of mismanagement of financial resources. So, a director general is much less ready to take someone that he does not want, or that he does not think is good enough, because he knows that if this person does not do a good job, then he could well become a source of problems, for instance at the time of making the Annual Activity Report that the director general will have to sign off. In the words of a director general, “if you have a director that does not do this job properly, you put yourself at risk. So people are much less willing to take someone just because a member state wants that person” (interview n. 13, July 2006). Thus, the limitation of the role member states’ pressures can play did not pass only through the reform of the senior personnel policy in terms of selection and appointment procedure, but also through other innovations of the administrative reform such as the empowerment of directors general with new tasks and responsibilities.

Despite the decoupling of the national element and the limitation imposed upon the capacity of member states to influence heavily senior appointments, the empirical assessment revealed nonetheless that *in several (if not most) selection procedures the likely name of the winner was still well known in advance*, including after the implementation of the reform. According to a senior official, “in this micro-world which is the Commission, [...] people have a fair idea of who is good, who has the right profile for certain job, and probably if you ask people ‘who do you think is going to have this job?’, then you can see how often the informed guess is going to be accurate” (interview n. 16, October 2006).

There is a combination of reasons to explain why this is so. First, on the “demand side”, any director general wants to be sure that there is at least one, if no more, suitable (and/or last resort) candidate(s) that he has already identified prior to a vacancy publication. Nobody wants to start officially a recruitment process without having any clue about the final outcome. Second, on the “supply side”, some candidates who are both outstanding and well-connected, are rather difficult to overcome in a selection procedure. On top of that, it should be recalled that there have always been informal pipelines for many (if not

most) officials, on the basis of which one has to “wait his turn”. This was the situation before the reform, and member states could sometimes be particularly influential on deciding the order in the pipeline, on the basis of which senior promotions took place. With the implementation of the reform, “national lists” have come to matter much less – if still ever at all – but the *culture of the pipeline* among senior officials has not disappeared overnight, and the it-is-not-your-turn-yet approach still plays a role.

In addition to that, two additional findings of the empirical assessment revealed the key role played in senior appointments by (a) reputation and (b) networks.

As far as *reputation* is concerned, it has always been key – and remains today – inside the institution. According to a very senior official of the Commission:

for my own career, if I think of the different posts where I have been appointed, I sincerely believe that what has always been very important to me, was that sort of “personal coefficient” that you have within the house, one way or the other. After some time that you have been serving in posts with some visibility, an image widespread and gets some sort of historical truth: “Mr X is good”, “Mr Y is impossible” (interview n. 12, July 2006).

*Personal reputation* was as much important as the *institutional reputation*. It was not just a question of skills and competence, but also of personality and character. Maria Pia Filippone, former deputy head of cabinet to President Santer, commented in this respect:

people coming from the ranks has a reputation [...] not only professional, but also personal. “He is an easy person. He is a difficult person”. “He is a manager. He is not”. “This is just people who create problems, or who can solve them”. And Directors general paid lot’s of attention to these issues. There is no Director general who would spontaneously take a trouble-maker. That is why personal reputation matters a lot. There are people nobody wants.

In any event, the only way such reputation could be created, and cultivated, was through “visibility”. Working in some services within the Commission, or in some key posts, clearly enhances the chance to become visible, that is “known”, inside the institution. Filippone again commented in this respect:

You need to be visible. You need to make yourself known. If they do not know you, how can they sponsor you? Several channels exist to be visible. You can be visible within your Directorate general, and visibility there is through your director general, that is, you need to have some dossiers which bring you in contact with your Director general. The other channels are the so-called “horizontal” services, which bring you in contact with other directorates general, [...], the administration, the secretariat general. These posts give you visibility because all directorates general pass through these horizontal services [...]. Third way, the assistants to Directors general. Being the assistant of a Director general is a post with good visibility, very horizontal, and allows you to know the policy of the DG in which you are. It allows you to know different aspects of management, budget, personnel, and allows you to take part in horizontal meetings with all directors general, so you have a good platform for visibility.

The same remark was made by several other officials, including Marina Manfredi, former director and permanent rapporteur to the CCN:

people who make career [faster] are those who have worked in horizontal posts, coordination posts, posts that in general have exposed them constantly to interservices consultation. Posts at the secretariat general [...]. It is literally so, a way to build one own’s network, to let others know you, to exchange favours [...]. When you are highly exposed, due to interservices consultation, when you negotiate with other directors general or with directorates general, you get the esteem and reputation, or credits after another directorate general, and you can then pass and collect. If on the contrary you handle your dossier closed in your small office, even when the dossier is of extremely important strategic relevance, nobody gets to know you.

A senior official made a very clear link between reputation, promotion and what as been referred before as the “culture of the pipeline”, i.e. the fact that an outstanding candidate (and eventually winner of an appointment procedure) may be known prior to the end of the selection process:

competition for posts goes beyond competition on the occasion of a vacancy publication. It takes place over years. You work and you make yourself known. The hierarchy gets to know you, and if you succeed in establishing your reputation, you have already succeeded the competition. Then it is just a question of waiting for the vacancy (interview n. 32, December 2006).

In addition to reputation, *networks* have always played – and continue to play today – a key role for senior appointments. The main difference with the past is that networks based on nationality have partially lost relevance in terms of influence on appointments. Other networks, and particular all those made of officials who have been working together and have developed friendship and mutual sympathy over time, have kept their role quite intact. This is generally true for any organization. But is specially true for an institution such as the European Commission, which is rather small and where people at the top know each other quite well.

A relevant feature is that not only these networks were based on commonalities different from nationality. They could also *come to conflict* with national networks. A senior official mentioned for instance that:

I did not make a national career, in the sense that [my compatriots] have never played any role at all. On the contrary, I would say that at some point, it was rather them who did not push, because they were upset about the fact that I may move on faster than others who had their support, as I was in any case outside the “cabinet pipeline”. [...] all my career has never been made due to the cabinets [of the commissioners coming from my country]. I have always advanced with my career thanks to commissioners and directors general *of other nationalities*, who simply appreciated my work (interview n. 10, July 2006).

Clearly, since the implementation of the reform, non-national networks have become more relevant than before. At the same time, member state-driven networks based on nationality still play some role. The relevance of different networks may have changed over time: new networks arise, others disappear; some become more influential, others loose the power they used to have; some networks work, others don't. The administrative reform, by discontinuing a number of old legacies, has certainly impacted in this regard. But clearly,



these networks – both based on nationality and on other commonalities – remain all nested with each other.

In addition, directors general themselves may be naturally inclined to support their nationals when any of them is a candidate to a senior position. This, however, hardly translates into making pressures. Rather, it amounts to providing advice. Directors general feel part of a special “club” (interview n. 11, July 2006), whereby (potentially) everybody makes recommendations to (potentially) everybody else, but is also fully respectful of his colleagues’ role. Not to mention the fact that each director general has his own reputation and credibility to defend.

Lastly, there are clearly networks, or clubs, that are made of those who have been working at the top political level at some point in the past, that is, former members of cabinets. There is a special solidarity which remains also when the officials move to other posts inside the Commission.

Networks based on political affiliations – that were often networks within wider national networks, but could also be transnational – have also become increasingly less relevant. In general, their role has decreased as a direct consequence of the decrease in relevance of the role of nationality, and also because of the reduction (from two to one) of the number of commissioners allocated to big member states:

political affiliation is much less [strong] nowadays. [It was] much more in the past, and much more when big member states had two commissioners [each], because almost always you had one [commissioner] from the government and one from the opposition, and it is thus clear that there was some [political] balance in appointments at the senior level. Clearly now, with time, all this has decreased greatly, a little bit because [socialist party of country X] and [conservative party form country X] are converging on policies, and also because there now is just one commissioner, so everybody has an interest in avoiding [...] [political] affiliation (interview n. 5, April 2006).

The empirical assessment confirmed the causal mechanism between professionalisation and decentralisation of the reform and the further reduction of the (already limited) capacity of member states to influence senior appointments inside the Commission. The Commission

was rather successful in setting up a new system of selection and appointment of senior officials because it was able to provide credibility to the new procedure, the new structures, and to spread around the message inside the house – both officially, and even by word of mouth – that things were indeed changing. Professionalisation was not something for the official documents only. Rather, it became rather early on a new practice in the house. Catherine Day mentioned what happened after her own interview at the very beginning of the Prodi Commission:

Carlo Trojan was then Secretary General. After the interview [at the CCN], he called me up and he said: “you are one of the first people to have been interviewed with the new system, can you give me some feedback on how it felt for you to be on the interviewed side of the table?” [...] I remember him saying very clearly that with the new system it was difficult for people to be interviewed in their peer group and I think that this is a remark that has a lot of insight in it. So I told him how I had felt [...]. For me, that marked already a change that the CCN wanted the selection process to be different. It also wanted to get feedback from those who were going into the process. So I could feel that there had been a step change, it wasn't the same old stuff as previously.

The key element in the whole system was clearly the new CCN. But how did this CCN actually come to constitute the causal mechanism between the independent and the dependent variables, thus putting in practice those key features in terms of professionalisation and decentralisation that made it virtually impossible for external influences to find their way through?

First, the members of the panel gathered together, and the recruiting Director general was invited to explain in details what sort of post was at stake, what were his expectations, what sort of characteristics the ideal candidate should have. That is, what sort of manager, with what profile, and with what skills, the Director general was looking for. Immediately afterwards, the members of the panel finalised the questions for the candidates. The same questions to all of them. The first “warming up” question was always about a general self-presentation by the candidate, including his motivation. Then came a couple of questions concerning Commission policies, usually one in the area/field related to the vacancy; the second much wider, on the Lisbon strategy, or on economic and other institutional issues:

never something to test micro-knowledge and notions, but always a “macro-question”. Then, there were two questions on management and budget issues, in which the candidate was invited to talk about his experience, personal success stories – or even unfortunate situations he had had to face. That is, a total of about five questions for each candidate.

On the basis of the answers, each member of the CCN made up his mind. The Chairman then gave the floor to the external consultant who was asked to express an opinion on the personality of the candidate. Then, each member was invited to comment on the interview and say whether he was willing to short-list the candidate or not. The Chairman would then count, but in the vast majority of cases the outcome was obvious and the decision on whether to short-list the candidate or not was hardly controversial. David O’Sullivan, former Secretary general and chairman of the CCN, explained how this decision took place:

When you are interviewing, very quickly you divide people into three categories: (1) the “hopeless”, the ones you just take off the list [...]; (2) the “competent”, who certainly should be on the list, and who could do the job; and then, (3) the “outstanding”, the ones who have just jumped out and you say “wow!”. The only bit tricky in the CCN is whom you do *not* put on the list. Because between the “competent” and the “outstanding” they are certainly going to go on the list, and you quickly identify them. Where there has been an argument is sometimes where somebody is “competent” or “hopeless”, and they are on the borderline.

The decision is sometimes more difficult to take because the performance of the candidate does not reflect his merits, competence and reputation. The CCN then has to decide how much “performance at the interview” should be weighted against “personal and professional credit” cumulated over years. Sometimes people would underperform, but that could clearly be an unfair reflection of their life’s career. The idea was to filter out people who were really not qualified for the job, and put on the list all competent candidates, not least in order to allow the recruiting commissioner to make a *real* choice, and also to show that the CCN was meant to act *exclusively* as a quality filter. O’Sullivan again was very clear on this point regarding professionalisation and merit:

the general instruction we had was to put as many people on the shortlist as possible, in order to give the commissioners the widest choice. So we had a

general brief to be relatively generous about who went on the list. [...] Because [...] what worried Commissioners, with the reform, was that the CCN would put forward only one name, or two names, and they would feel that the CCN was basically taking the decision through the backdoor, by reducing the choice of the commissioners. I was just saying “no, that is not my sense of how the system should work”. The CCN should be a sort of quality barrier. It is a quality test. It is to say “nobody should go on the list who could not credibly be appointed to the job”. Because that is the most demoralizing thing for staff: when people are appointed to job which clearly they are not capable of doing. And there were some examples in the past of that, and this was always very demoralising for staff. The only thing the CCN has to do is [...] to be the *arbiter of quality*. And to say to the College “you can appoint any of these people and they could all do the job competently”.

The CCN worked on a consensual basis. But (very few) exceptions existed to this general rule, and Marina Manfredi recalled in this respect that “in some cases, discussions took place. The cases in which discussions took place, or in which discussions became heated, to mention cases where the CCN voted, were very limited. I recall that in four years, from 2002 to 2005, we did vote three, four times”.

All members of the CCN were formally equal, but with the recruiting Director general being a sort of *primus inter pares*. At the end of the day, in fact, the panel was there to make a short-list of candidates among which one of *his* future directors (or deputies) would be eventually selected. It should also be added that for many senior appointments the members of the CCN may not have full technical competence. In those cases, the opinion of the recruiting Director general became rather decisive.

In many cases, the recruiting director general went to the CCN with rather strong opinions, not least because he most likely knew very well the candidates (at least those working in his DG). Any time this happened – which was not rare – it was very likely that the CCN was useful to the Director general more as a “double check” than as a venue where he could make up his mind from scratch (interview n. 12, July 2006).

Exceptions to this general pattern also existed. Particularly when performances of candidates before the CCN did not correspond to the expectations. Candidates with strong

CVs and very good reputations could perform very bad during the about twenty minutes of the interview. Others could perform extraordinary well although they were not expected to do so. A director general underlined how (and why) it is not that rare that different performances are recorded between the preselection and the CCN:

When I go to the CCN, yes, I have a clear idea, and sometimes that clear idea is then completely turned down in the CCN. Because it is interesting to see that the candidates behave differently in the preselection when you are really talking about the subjects of the Directorate General, which they sometimes know very well, and then you go to the CCN where you have people who are looked at from a higher level, who do not know the subject. And they really look at these people, “what is happening with their instincts?”, “what is their judgement?”, “have they got a broad view of the institution?”, “do they know where they want to take the institution in those particular areas?”, and there, sometimes, you see that candidates who have been good at this table in the preselection, they fall to pieces then (interview n. 14, September 2006).

These unexpected performances may have crucial consequences on the selection procedure. They can, in fact, impact on the decision of the CCN when it comes to draw the final short-list (interview n. 35, January 2006). In general, it was rather easy to fill in the short-list. But it may also happen that the candidates were not really at the level they were expected to be. As far as the shortage of adequate candidates is concerned, a member of the CCN mentioned that

curiously it did happen several times. [...] [In those cases] it was rather surprising how infrequently the CCN did *not* shortlist anybody. That is, like it or not, the CCN ended up, holding its nose, putting a couple of names on the shortlist, including when these names were of people decidedly worst than other cases of CCN. [...] I believe that in those cases, the force driving the decision [...] was mainly the need to cover the post, or because of an exhaustion of energies from procedures that had already lasted long enough, when nobody wanted to keep the list empty and republish the vacancy (interview n. 9, July 2006).

This could be seen as a limitation to the degree of professionalisation achieved, but it is also true that this situation occurred very rarely. In addition, nationality was not a factor at the CCN level. With one exception *a-contrario*: when the risk was that a short-list based on merit turned out to be *de facto* a short-list of candidates all possessing the same nationality. This happened sometimes, as there was always abundance of excellent candidates from one or two nationalities in particular. In those cases, it was rather unfeasible to have a sort of “national short-list”, and “in general, what was done was adding the less unlikely of the others, just to present a shortlist that was politically correct” (interview n. 9, July 2006).

The professionalisation of the procedure was not a result of the new *general rules* only, but also on the new *daily practice* of senior appointments. One senior appointment in particular created a strong precedent and gave rise to a strong legacy in terms of relationship between the work of the CCN and the freedom of choice of the recruiting commissioner.

Formally, in fact, the recruiting commissioner could appoint also someone who had *not* been short-listed, nor even interviewed by the CCN. But in practice, this possibility was *de facto* abandoned when a newly appointed director whose name had not been shortlisted by the CCN, created a huge problem for the Commission. A few months after her appointment, Marta Andreasen, Director in DG Budget, released some public declarations on the apparently bad status of the Commission internal accounting system (Stevens 2003: 89), putting the institution in great embarrassment. The Commission had to remedy the declaration of the senior official and decided to take disciplinary measures against her<sup>28</sup>. Had the recruiting commissioner followed the advice of the CCN, the unfortunate event would have never happened. Quite significantly, that was *the only case* in which a Commissioner decided to appoint someone who had not been shortlisted. It was a shock, which contributed to create a sort of *memento* for the future. Concretely, the event was going to produce a strong legacy, and to have an impact on the practice of selecting and appointing top Commission officials.

A former member of the CCN mentioned how this specific provision of the reform had come out, and what the impact of the Andreasen’s case was:

I remember very well, when we were reforming the procedures, and changed the rule of the CCN, [...] the question came up in the College of whether the

---

<sup>28</sup> Commission’s PV 1674 of 13 October 2004.

College could only appoint someone who was on the short-list or not. And I remember that Kinnock wanted it to be that you can only appoint from the shortlist, and one or two of the commissioners said, “wait a minute, we should have the political right to make our own judgement”, and so there was a kind of “let-out clause”: in exceptional circumstances, the college may [...] the commissioner may interview people not on the list. And this was used in the Marta Andreasen case, [where] the College appointed against the advice of the CCN. Ms Schreyer [later] wrote a very nice letter saying “I have only a regret, I did not follow your advice on one appointment”. To some extent, maybe it was just [good that] it happened, because it did show Commissioners that the CCN was serious and if we did not put someone on the list, there was a reason (interview n. 16, October 2006).

The case marked a turning point in terms of the selection and appointment procedure. A director general commented in this respect that

if [member state X] push for a candidate that is not good enough, then that person would not get through the process. [...] He would never be a real candidate, because [...] after what happened with Marta Andreasen, [when] [Commissioner] Schreyer took someone who was not short-listed by the CCN, nowadays [the Commission] would never appoint someone who is not short-listed by the CCN. So, if [member state X] push for a candidate that would not be short-listed by the CCN, then that person is out (interview n. 13, July 2006).

Professionalisation and decentralisation of the procedure were effective in discontinuing the traditional role of nationality and in further reducing the already limited role played by member states also because other elements and features regarding the overall dynamics behind senior appointments were rather uneffective and loose.

The empirical analysis showed in fact that Commission officials could suggest phone calls to the Permanent Representations or directly to government offices in their national capitals, according to the contacts that any of them may happen to have. These suggestions came on top of the “career monitoring exercise” that some member states already did on their own. In most cases, however, all this input did not translate into anything stronger

than a friendly recommendation. Not much for reason of kindness, rather than for reasons of effectiveness. Too much pressure was often counter-productive.

Some Permanent Representations were particularly bad in handling those personnel dossier, with the result that they had very limited capacity to influence senior appointments. Similarly, the case of officials asking for national sponsorship within the Commission itself, and via commissioners' cabinets, was also recorded. Very often Commission officials themselves – rather than national capitals or Permanent Representations – were in fact the *real, direct initiators* of dynamics pushing commissioners (and their cabinets) to follow closely appointments at the top. A former head of cabinet commented in this respect

cabinets follow the opening of the posts [...] also because they find themselves confronted with pressures provoked by officials themselves, in the respective countries of origin, which then spill over to the commissioner or the head of cabinet, who then have to show that they tried something, they made a phone call, or wrote a letter (interview n. 6, July 2006).

The empirical assessment prove that cabinets could certainly be more active before the reform than afterwards, particularly since the new procedure, with the CCN to act as a quality filter, has reduced the type of interventions they can make. Another former head of cabinet made the following remark in this regard:

I still think that the heads of cabinet do try to keep an eye [...] I did it myself, [...]. I tried to keep an eye on the [nationals of country X], to see if – to some of them – I could give a piece of advice, “maybe you should go there, because I can see that there will be a free post, this could be good for you...”, and so on, but in all frankness, a lot of that has to do with normal personnel management, to make people feel that you are concerned. The reality is that you cannot do very much, because they have to do their job, and if they do their job well, there would also be a career for them. If they do it badly, everybody would know, very fast. So you can say “I will look after you” and maybe they think they owe you something, and that is fine, but you cannot *in reality* do very much (interview n. 40, March 2007).



## CHAPTER 4

# Redeployment (and retirement) of senior Commission officials

The two hypotheses dealing with the impact of new mobility rules on the role played by nationality and member states in Commission senior personnel policy are empirically assessed in this chapter. In this way, it should become clear whether the Commission has profited from a new approach concerning a traditionally unexploited senior management tool to further reduce external pressures (H-2a), or rather member states have used it to circumvent the new Commission standard procedure meant to insulate senior appointments from national influences (H-2b).

The case selection of redeployments and retirements in the interests of the service is analysed first (4.1). Then, the findings of the empirical analysis will be presented. Clearly, such findings will always have to be seen as complementary to those presented in the previous chapter and concerning the impact of decentralisation and professionalisation on the capacity of member states to influence the selection and appointment of top Commission officials.

## 4.1

### **OVERALL DATA ON REDEPLOYMENTS (AND RETIREMENTS) IN THE INTERESTS OF THE SERVICE**

Hypotheses 2 and 3 deal with the issue of redeployment in the interests of the service and mandatory mobility of senior officials. A system of compulsory rotation has been introduced for all top officials, and this has impacted on the number of Commission decisions relating to the allocation of senior posts. The legal basis used to redeploy and implement the new mobility policy is article 7(1) of the Staff Regulations, which was already used to transfer senior officials even prior to the adoption of the administrative reform. It seems, however, that the Prodi Commission was – also due to the new requirements on senior mobility – more conscious than its predecessor of the possibilities granted by this tool. The two competing hypotheses formulated above in paragraph 2.3.1 are meant to assess in detail what kind of use the Commission made of article 7(1) since the implementation of the reform, and whether on specific occasions, redeployments granted a backdoor to member states willing to “enter” the Commission and exercise pressures on the allocations of posts in the upper echelons of the institution.

In order to assess empirically the two senior mobility hypotheses, I proceed as follows. First, I select in the next paragraph (4.1.1) the relevant cases. As a second step, I assess, for each of these cases of redeployment, the actors involved and the reasons for which decisions on redeployments were made in the first place. In order to do so, I will start by considering a number of indicators that were presented above (cf. supra 2.3.2). In particular, I will pay attention to recast each decision – and therefore each senior redeployment – within its precise temporal context, so as to evaluate what other decisions concerning senior personnel’s selections or transfers were made at the (almost) same time as that of the decision under scrutiny. In addition, I will try to establish potential resistance to the transfer as well as the motivations behind the redeployment of the senior official. A detailed analysis of the post of origin and destination will be also useful. Another important indicator will consist in considering the number of actors involved and the extent to which information was available and circulated within, as well as outside, the Commission prior to the formal adoption of the decision to redeploy. The analysis of the role played by the Vice-President with responsibility for personnel matters and the Secretary general may also

contribute to complete the picture, but certainly, possible contacts between Commissioners' cabinets or directors general and national capitals would constitute a clear indication.

TAB. 4.1.0. *Indicators for empirical assessment of senior mobility hypotheses (extract from Tab. 2.4.3).*

hypothesis	independent variable	dependent variable
H-2a	- decisions based on article 7(1) + new senior mobility policy	<ul style="list-style-type: none"> <li>-contacts between cabinets on redeployments</li> <li>-contacts between cabinets and member states on redeployments</li> <li>- analysis of post of origin and destination               <ul style="list-style-type: none"> <li>- proximity</li> <li>- degree of viscosity</li> <li>- time of the decision</li> <li>- source of the decision</li> </ul> </li> <li>- role played by vice-President and Secretary-general</li> </ul>
H-2b	Idem to H-2a	Idem to H-2a

The information gathered through all these indicators will provide a rather clear view of the reason(s) behind the single decision adopted on the basis of article 7(1), as well as of the role played by different actors. At the end of such analysis, I should be able to say, for each decision, *why* it was taken in the first place. The assessment of all senior redeployments will tell which of the two competing hypotheses is confirmed, and whether it is so fully or only partially.

The empirical assessment of the two senior mobility hypotheses will also include a careful examination of Commission decisions adopted on the basis of article 50 of the Staff Regulations. Article 50 grants the Commission the possibility to retire an official in the interests of the service. It is important to evaluate the use made of article 50 in parallel to

the assessment of decisions concerning re-allocation of senior officials in the interests of the service, and how retirements based on article 50 could *extrema ratio* be considered a special cases of redeployments (cf. supra, 2.3.2.1). That is why data on retirements in the interests of the service, to be considered for empirical assessment, will be provided for in the next paragraph as well. For each of these retirements, I will try to figure out whether they were made due to some “normal”/standard reasons, such as personal or institutional motivation, or whether they can contribute to explain the adoption of specific measures under article 7(1), and therefore be relevant to the assessment of the Commission independence *versus* national influences on the issue of transfers of top officials in the interests of the service.

All findings will be presented in aggregate form, and comments will be made in a way to keep confidential both sources of information and personal narratives.

#### **4.1.1 Case selection**

The case selection for the empirical assessment of my two senior mobility hypotheses (H-2a and H-2b) is made in this paragraph. First, all senior measures occurred under Santer and Prodi, and based on transfer in the interests of the service, will be considered. Then are presented all cases of retirement based on article 50, that is the third group of decisions that will be assesses in order to cover – in combination with senior appointments and senior redeployments – *all* Commission senior personnel decisions.

##### ***4.1.1.1 Article 7(1) of the Staff Regulations: transfer in the interests of the service***

Under Santer, use of article 7(1) was definitely limited. In 1995, only seven such transfers took place. This number rose to 10 in 1996 but fell to two in 1997. In 1998, there were just three redeployments and in 1999 they rose again to seven. Through the five year mandate, there were thus 28 senior redeployments in the interests of the service. A few Commission’s minutes were not available. Such missing information was however very limited and thus unlikely to impair the empirical assessment.

A number of transfers to positions of Advisor hors classe took place on the very last days of the Santer Commission. These decisions were however virtually nullified by the Prodi

Commission for five officials who were appointed, at the beginning of September of 1999 (in four out of five cases), to posts of Director general. The list of these transfers in the interests of the service occurred under Santer is given in the following Table 4.1.1.1.a.

TAB. 4.1.1.1.a *Redeployments in the interests of the service, Santer Commission*

	1995	Post	DG	Directorate	Appointed official	Previous post hold
1	27-Jan	Director	-	Service du Porte-Parole Coop. with non member countries	VAN DER PAS	Director, DG Relation écon. externes
2	14-June	Director	XXII	C	DIBELIUS	n.a.
3	27-July	Inspecteur General	-	-	FILIPPONE	Deputy Inspecteur General
4	27-July	Head of Delegation	-	Washington	PAEMEN	Deputy DG, DG I
5	27-July	Deputy DG	I	-	BESELER	Deputy DG, DG III
6	21-Sep	Director	II	Relations with the EBRD	PETIT-LAURENT	n.a.
	1996	Post	DG	Directorate	Appointed official	Previous post hold
7	8-Feb	Director	V	D Social dialogue and free movement of workers	QUINTIN	Director, DG V, Emploi et marché du travail
8	25-Apr	Director	XXIII	A Entreprise develop. and improvement of business environm	MACKENZIE	Director, DG XIV.A
9	25-Apr	Director	XXIII	C Concerted action under enterprises and tourism policy	HENNESSY	Principal Advisor, DG VI (AGRI)
10	25-July	Director	V	G Resources management	ZANGL	Director, DG V.B
11	19-Sep	Director General	I.B	-	CIOFFI	Director General du Crédit et des Investissements
12	26-Sep	Head of Delegation	I	G Geneva Operations	ABBOTT	Director, DG I.G
13	31-Oct	Director	XVIII	A financieres	GOLDSCHMIDT	n.a.
14	21-Nov	Director	XIII	B Technologies et services avancés de communication	ALLGEIER	Director, JRC, Institut de prospect. techn.
15	28-Nov	Director General	SDT	-	FLESH	Director General, DG X (Inform. Communic. Culture)
16	28-Nov	Director General	IX	-	SMIDT	Director General, DEV
	1997	Post	DG	Directorate	Appointed official	Previous post hold
17	30-July	Director	VI	C Organisation of markets in crop products	HOELGAARDS	Director, DG VI.BII
18	19-Nov	Director	III	A Industrial policy	KECK	Head of delegation,

						Japan	
	1998	Post	DG	Directorate	Appointed official	Previous post hold	
19	7-Apr	Inspecteur	IGS	-	Inspecteur General des Services	AVERY	Principal Adviser, DG I.A
20	1-July	Principal Adviser	I.A	-	-	JARBORG	Director, DG IX.C
21	1-July	Director	IX	C	Buildings policy and management	BROUWER	Principal Adviser, DG I.A
						Japan	
	1999	Post	DG	Directorate	Appointed official	Previous post hold	
22	11-Feb	Director	V	C	Resources management	WRIGHT	Principal Adviser, DG III
23	17-June	Principal Adviser	XIX	-	-	COLASANTI	Director, DG XIX.B
24	17-June	Director	XIX	B	Resources auprès du Directeur	ROMERO	Chief Adviser, DG XI
25	14-July	Principal Adviser	IV	-	general	PETITE	Director "State aids I", DG IV
26	20-July	Principal Adviser	IX	-	auprès du Directeur general	EVANS	Director "Droits et obligations; pol et actions sociales"
27	27-July	Principal Adviser	IV	-	auprès du Directeur general	POWER	Director "State aids II", DG IV
28	Sept	Principal Adviser	XIX	-	auprès du Directeur general	GUTH	Director "Depenses", DG XIX

Source: Commission' minutes, 1995-1999.

Notes: not included in the list cases of redeployment in the interests of the service to posts of Advisor hors classe.

Quite contrary to the pre-reform practice, a substantive number of article 7(1) decisions were taken during the term of the Prodi Commission. Between October 1999 and October 2004, 92 decisions concerning allocation of senior staff were made through "transfer in the interest of the service". In around 12% of these cases (11 appointments), an explicit mention was given in the minutes of the weekly meeting of the College to specify that these transfers had been decided "in line with the new policy on senior mobility". Almost 80% of these "special mention" appointments took place within a single mobility round in November 2002, and all but one occurred during the last two months of 2002<sup>29</sup>.

Table 4.1.1.1.b presents all redeployments in the interests of the service occurred between 1999 and 2004. As for Table 4.1.1.1.b, data include information on the posts *from* where as well as *to* where these transfers took place.

<sup>29</sup> Again, a few cases may be missing due to unavailability of some Commission's minutes.

TAB. 4.1.1.1.b *Redeployments in the interests of the service, Prodi Commission*

	1999	Post	DG	Directorate	Appointed official	Previous post hold
1	30-Sep	Director General	TRADE	- -	BESELER	Director general, DG I (Relex: trade)
2	30-Sep	Head of delegation	RELEX	- Washington	BURGHARDT	Director general, DG IA (Relex: European & new indipen states, CFSP)
3	30-Sep	Director General	RELEX	- -	LEGRAS	Director general, DG VI (Agriculture)
4	30-Sep	Director General	SANCO	- -	COLEMAN	Director general, DG VII (Transport)
5	30-Sep	Director General	DEV	- -	LOWE	Head of Cabinet, Kinnoek
6	30-Sep	Director General	ADMIN	- -	REICHENBACH	Director general, DG XXIV (consumer policy)
7	30-Sep	Director General	FISH	- -	SMIDT	Director general, DG IX (Administration)
8	30-Sep	Director General	ENLARG	- -	VAN DER PAS	Head of Service (TF Enlargement)
9	30-Sep	Director General	ENLARG	- -	LANDABURU	Director general, DG XVI (Regional policy)
10	30-Sep	Director General	REGIO	- -	CRAUSER	Director general, DG XXIII (Enterprise, tourism, etc.)
11	30-Sep	Director General	JAI	- -	FORTESCUE	Advisor hors classe, Head of TF JAI
12	30-Sep	Director General	TRANS	- -	LAMOUREUX	Deputy Director general, DG IA
13	30-Sep	Head of service	PRESS	- -	FAULL	Deputy Director general, DG IV
14	7-Oct	Deputy DG	COMM	- -	LEMMEL	Deputy Director general, DG III
14	7-Oct	Deputy DG	ENTREPR	- -	LEMMEL	Deputy Director general, DG III
	2000	Post	DG	Directorate	Appointed official	Previous post hold
15	10-May	Head of delegation	RELEX	- Geneva	TROJAN	Secretary-general
16	10-May	Director	SG	F Unit	LEVI	Spokeperson
17	10-May	Principal Adviser	SG	- -	THEBAULT	Director, Forward Studies Unit
18	26-May	Chief Advisor	SG	- responsible for governance	VIGNON	on leave on personal grounds
19	26-May	Chief Advisor	PRESS	- -	CARVOUNIS	Chief Advisor a.p., DG Enterprise
20	26-May	Chief Advisor a.p.	ADMIN	- -	KNUDSEN	Director, Anti-Fraud Office
21	26-May	Hearing Officer	COMP	- -	TEMPLE LANG	Director, COMP.C (Information and Communication, multimedia)
22	26-May	Director	MARKT	C Financial Institutions	THEBAULT	Principal Adviser, SG
23	31-May	Chief Adviser	ADMIN	- -	TANZILLI	Head of SCIC (Joint

24	7-Sep	Chief Advisor a.p.	ADMIN	-	(Luxembourg)	GMELIN	Interpreting and Conference Service)
25	1-Dec	Chief Advisor	BUDG	-	-	WALKER	Director, TREN, Euratom Safeguards Office
26	1-Dec	Chief Advisor	TRANSL	-	-	BOMBASSEI	Director, SCIC.B Chief Advisor a.p., ENTERPRISE
	2001	Post	DG		Directorate	Appointed official	Previous post hold
27	8-Mar	Head of Delegation	RELEX	-	United Nations (New York)	RICHARDSON	Deputy Head of Delegation, Washington
28	15-Mar	Deputy Head of delegation	RELEX	-	Washington	DEPAYRE	Chief Adviser, RELEX
29	21-Mar	Chief Adviser	RELEX	-	-	BOSELLI	Head of Delegation, New York
30	21-Mar	Chief Adviser a.p.	RELEX	-	-	JARBORG	seconded to Swedish Foreign Ministry
31	13-June	Director	SG	D	Relations with the Council	DE OLIVEIRA E SOUSA	Director, EuropeAid
32	19-Sep	Director	ENTR	B	Promotion of entrepreneurship and SMEs Eastern Europe, Caucasus, Central Asia	SUMMA	Director, RELEX.E (Eastern Europe, Caucasus, Central Asia Republics)
33	19-Sep	Director	RELEX	E	Republics Central Financial	DIXON	Director, ECFIN.D (International questions)
34	26-Sep	Director	BUDG	D	Service	TAVERNE	Director ADMIN.A
35	30-Oct	Director	AIDCO	G		STATHOPOULOS	Chief Adviser, RELEX
	2002	Post	DG		Directorate	Appointed official	Previous post hold
36	23-Jan	Deputy DG	RESEARCH	-		RICHARDSON	Deputy DG Joint Research Centre
37	30-Jan	Director	RELEX	K	External Service	FALKOWSKI	Director DEV
38	30-Jan	Director	SEC GEN	-	Protocol Service responsible for	DE BAENST	Director ADMIN
39	12-Mar	Chief Adviser	ECFIN	-	coordination	DIXON	n.a
40	19-June	Chief Adviser	RELEX	-	Washington Delegation	CARRÉ	Director Ecfm.C (Economy of Euro zone)
41	19-June	Head	RELEX	-	Tokio Delegation	ZEPTEP JUUL	Adviser hors classe in the Sec Gen
42	26-June	Chief Adviser	RELEX	-	-	JOERGENSEN	Head Tokio Delegation
43	10-July	Chief Adviser	TAXUD	-	-	KOMAZ	Director Taxud.A (General Affairs)
44	10-July	Director	TAXUD	A	General Affairs	ARNAL MONREAL	Director Fish.D (Structures and areas dependent on fisheries)
45	17-July	Chief Adviser	AGRI	-	-	BARBASO	n.a.
46	28-Aug	Chief Adviser	TRADE	-	-	DEFRAIGNE	Chef de Cab (Lamy)



47	28-Aug	Chief Adviser	COMP	-	-	CHENE	Chief Adviser in Admin Director EAC.C (Culture, audiovisual, sport)
48	13-Nov	Chief Adviser	EAC	-	-	BAER	Director EAC.B (Vocational Training)
49	13-Nov	Chief Adviser	EAC	-	-	DIBELIUS	DG INFSO.B (Info technologies, services for citizens)
50	13-Nov	Director	EAC	B	Vocational Training	RICHONNIER	
51	13-Nov	Director	INFSO	A	Infoso strategy and e-Europe	DE SAMPAIO NUNES	DG TREN.C (Conventional energies)
52	13-Nov	Director	TREN	C	Conventional energies	SCHMITT VON SYDOW	Adviser a.p., DG ENTERPRISE Director ENV.E (Global and international affairs)
53	13-Nov	Director	SDT	RL	Resources and language support	THURMES	Director SDT.RL (Resources and language support)
54	13-Nov	Chief Adviser	SDT	-	-	BOMBASSEI	DG ESTAT.A (statistical info, data analysis, etc)
55	13-Nov	Chief Adviser	ADMIN	-	-	NANOPOULOS	
56	13-Nov	Director	ESTAT	A	Statistical info; data analysis, etc.	DIAZ MUNOZ	DG ESTAT.D (Business statistics)
57	13-Nov	Director	ESTAT	D	Business Statistics	JENSEN	DG ESTAT.E (Social statistics) DG EMPL.E (social protection and social integration)
58	13-Nov	Director	ESTAT	E	Social Statistics	CLOTUCHE	
59	13-Nov	Director	EMPL	E	Social protection and social integration	VIGNON	Chief Adviser, Sec Gen DG DEV.D (Western and Central Africa, Caribbean, OCT)
60	13-Nov	Chief Adviser	DEV	-	-	HAMBURGER	
61	13-Nov	Director	DEV	D	Western and Central Africa, Caribbean and OCT)	BROUWER	DG ADMIN.C (Buildings policy and manag. of services) DG MARKT.D (goods, regulated professions, postal serv.)
62	27-Nov	Chief Adviser	MARKT	-	-	WATERSCHOOT	DG MARKT.E (services, e-commerce, intell. Property, media)
63	17-Dec	Chief Adviser	MARKT	-	-	STOLL	DG SANCO.C (Scientific opinions)
64	17-Dec	Director	MARKT	D	Public Procurement Policy	CARSIN	
	2003	Post	DG		Directorate	Appointed official	Previous post hold
65	21-Jan	Director	BUDG	A	Expenditure	BRUCHERT	Director ADMIN.B (Staff Regulations...)
66	11-Feb	Director General	JAI	-	-	FAULL	Director General, PRESS
67	11-Feb	Director	REGIO	G	Financial	DEFFAA	Director SG.C

					Manag.,Legal matters,Monitoring, Informatics,HR		(Planning and coord of policies)
68	30-Apr	Director	SG	D	Relations with the Council	BORCHARDT	Director JAI.A (Free movement of persons, citizenship and fundam rights)
69	11-June	Head of Delegation	RELEX	-	Delegation in India	DA CAMARA GOMEZ	Director DG RELEX.G (Latin America)
70	11-June	Head of Delegation	RELEX	-	Delegation in Brazil	NAVARRO GONZALEZ	Chief Adviser, AIDCO (the post is abolished) previously Director DG FIN.CONTR., A,ex-
71	1-July	Chief Adviser	IAS	-	-	HUENKE VANDEN	ante fin contr Director-General,
72	9-July	Director General	ESTAT	-	-	ABEELE	Translation (?)
73	9-July	Director General	RELEX	-	-	LANDABARU	Director General AGRI
74	9-July	Deputy DG	ELARG	-	-	BARBASO	Deputy DG, AGRI
75	1-Oct	Director	ESTAT	A	Resources	KAISER	Director DGT.A
76	1-Oct	Director	DGT	A	Resources	O'LEARY	Chief Adviser, EUROSTAT
77	21-Oct	Director	JRC	-	Institute for Prospective Technological Studies (SEVILLE) Single market: regulatory environm,	KIND	Director, DG RTD.B (Structuring Europ. Research Area)
78	5-Nov	Director	ENTERPR	G	standard.,etc responsible for Units	AYRAL	Director, DG TREN.F (Air Transport)
79	10-Dec	Chief Adviser	RELEX	-	0/3 and 0/4	AVERY	Chief Adviser, DG ELARG
	2004	Post	DG		Directorate	Appointed official	Previous post hold
80	7-Jan	Director	PRESS	C	Resources	VANDERSTEEN	Director of the Ispra site, JRC
81	24-Mar	Chief Adviser	ADMIN	-	-	PETTERSSON	Chief Adviser, AIDCO
82	7-July	Head of delegation	RELEX	-	OECD	VANDEN ABEELE	Director-General, EUROSTAT
83	19-July	Chief Adviser	RTD	-	-	MARCHIPONT	Director, RTD.K (Social Sciences and Humanities, Foresight)
84	19-July	Director	RTD	K	Foresight	LENNON	Director, SANCO.A (General Affairs)
85	19-July	Director	REGIO	F	Programmes projects in Cypr,GR,H,IT,Malta, NL	CHECCHI LANG	Director, SANCO.E (Food safety: plant & animal health; internat questions)
86	22-Sep	Chief Adviser	ENV	-	-	SORENSEN	Director, ENV.D (International Affairs)
87	29-Sep	Chief Adviser	ENTR	-	-	LALIS	Chief Adviser, ADMIN
88	13-Oct	Chief Adviser	PRESS	-	-	LE BAIL	Director, TRADE.D (??)

89	13-Oct	Director	INFSO	A	Internet, network security and general affairs	PAULGER	Director, EAC.C (Culture, audiovisual policy and sport)
90	20-Oct	Deputy DG	AIDCO	-	-	RICHARDSON	Deputy DG, RESEARCH
91	20-Oct	Deputy DG	DEV	-	-	THEODORAKIS	Adviser hors classe, DEV
92	20-Oct	Director General	ECHO	-	-	CAVACO SEVINHO	FISH (Head of Cab VITORINO)

Source: Commission' minutes, 1999-2004.

Notes: not included in the list cases of redeployment in the interests of the service to posts of Advisor hors classe.

A few remarks can be made once these data are looked at jointly. First – if we compare Santer's and Prodi's tenures – the limited use of redeployment in the interests of the service by the former has to be considered in parallel with the generally more limited number of decisions on allocation of senior officials that were taken in the second half of the '90s. I recall that about 70 more senior appointments took place during the period 1999-2004 as compared to the period 1995-1999 (cf. *supra*, 3.1.1).

Second, the new mandatory mobility policy has *automatically* increased the number of senior officials affected by redeployment. The empirical assessment will tell whether these two considerations are sufficient to explain the impressive growth of transfers in the interests of the service, or whether there are other reasons (namely those provided for in the two senior mobility hypotheses) that contribute to the explanation.

The assessment of the (particularly) limited use of redeployment in the interests of service until 1999 will also tell what kind of legacy, in terms of use of this Staff Regulations' legal basis, was passed onto the new Commission in 1999, which in turn will be key to understanding whether the Prodi Commission continued a previous legacy or not, and – more substantially – whether it “invented” an administrative practice that had not existed before.

Another additional remark concerns specifically the Prodi Commission. On a number of occasions, this Commission officially claimed that the new mandatory mobility policy would take place in “rounds” of senior redeployments. Table 4.1.1.1.b shows however that only 32 transfers out of a total of 92 senior transfers can be considered to have occurred within *rounds*, amounting therefore to less than a third. These round-framed senior

redeployments took place in three rounds, the first occurring in late September 1999, involving 13 senior officials, the second in May 2000, for 5 officials, the third in November 2002, involving again 13 officials. If we consider that the second of these three cases involved mostly posts of Chief Advisor, and that all other mobility measures never concerned more than 3 officials at one time (which resembles more a “triangle” than any possible “round”), we note that *between 1999 and 2004, the Commission engaged in a fully-fledged mobility round on only two occasions* (for a total of 26 officials, i.e. less than 30 of all officials redeployed in the interests of the service over the five years). Table 4.1.1.1.b thus shows that the real impact of mobility rounds was – in quantitative terms – absolutely less relevant than the sum of all other individual decisions based on article 7(1), that is the sum of all other *punctual* mobility measures.

The empirical assessment will tell whether the reasons explaining individual mobility decisions (1) are the same as those put forward by the Commission on the occasion of the mobility round(s), including discontinuing national flags, (2) are closer to “traditional” reasons such as normal personnel management, or (3) are based on reasons falling outside the public motivation given at the time of adopting the new mandatory policy, including interventions coming from outside the Commission.

#### ***4.1.1.2 Article 50 of the Staff Regulations: retirements in the interests of the service***

During the period under examination, a rather significant number of decisions based on article 50 of the Staff Regulations were adopted. Once again, a substantial difference can be noted between the two Commissions. *For the period from 1995 to 1999, Commissions’ minutes do not report any case of retirement in the interests of the service.* Quite the opposite, the same measure concerned no less than 60 senior officials between 1999 and 2004. These figures also include cases of retirement of officials holding posts of Advisor hors classe, even if it can be considered that they had already been retired *de facto*, and that their formal retirement was simply postponed.

The College weekly minutes for the Santer Commission report cases of retirements, but not retirements in the interests of the service. The difference between these two cases is that the official “initiator” of the retirement procedure in the former case is the senior official, not the institution. Minutes thus report that “*La Commission décide d’accepter, avec effet au..., la demande de démission introduite par...*”. On the contrary, since the entry into force of

the Prodi Commission, a new formulation appears, whereby article 50 becomes a new basis for retirement requested by the Commission, not the official concerned. Article 50 states that “[a] senior official [...] may be retired in the interests of the service by decision of the Appointing authority. Such retirement shall not constitute a disciplinary measure”. In the following assessment, no cases of retirement other than those that occurred in the interests of the service will be considered. That is, retirements due to age limits and based on article 52 of the Staff regulations, or cases of voluntary resignation based on article 48, will not be taken into account.

The full list of decisions based on article 50 during the Prodi Commission is given in the following Table 4.1.1.2.

TAB. 4.1.1.2 *Retirements in the interests of the service, Prodi Commission.*

	1999	Last position	DG	Directorate	Official retired	Decisions effective as of
		<i>No decisions art 50</i>				
	2000	Last position	DG	Directorate	Official retired	Decisions effective as of
				Service commun des		
1	2-Feb	Director General	RELEX	- rel ext.	SOUBRESTE	n.a.
2	2-Feb	Director General	EMPL	- -	LARSSON	n.a.
3	2-Feb	Director General	ENERGIE	- -	BENAVIDES	n.a.
			FIN			n.a.
4	26-May	Director General	CONTROL	- -	VENTURA	
5	29-June	Advisor hors classe	RESEARCH	- -	ROUTTI	n.a.
6	7-July	Chief Advisor	INFSO	- -	WENZEL	1-Dec-2000
8	26-Oct	Chief Advisor a.p.	ADMIN	- -	GMELIN	1-Jan-2001
9	26-Oct	Director	TAXUD	B Customs Policy	OYARZABAL LECUONA	1-Mar-2001
	2001	Last position	DG	Directorate	Official retired	Decisions effective as of
10	18-Jan	Adviser hors classe	ADMIN	- -	PAPPAS	1-Feb-2001
11	22-Feb	Director	DEV	A Sectoral Strategies Food and Veterinary	HOUTMAN	1-July-2001
12	17-Apr	Director	SANCO	D Office (Dublin)	PRENDERGAST	1-Aug-2001
13	26-Apr	Chief Adviser	RESEARCH	- -	FINZI	n.a.
				Regional operations in DE, DK, FINL, UK,		
14	3-May	Director	REGIO	C SWED	SLAVKOFF	1-Aug-2001
				Headquarter resources, information & interstitut relations		
15	8-May	Director	RELEX	I	JARBORG	1-Jul-2001
16	31-May	Chief Adviser	RESEARCH	- -	GARCIA- ARROYO	1-June-2001
				Multilateral relations and Human Rights		
17	3-July	Director	RELEX	B	VINAS	1-Sep-2001

18	11-July	Director General	ENV	-	-	CURRIE	16-Oct-2001
19	11-July	Director	INFSO	A	Communication services, policy etc.	ARGYRIS	1-Nov-2001
20	18-July	Director	ENTR	B	Promotion of entrepreneurship and SMEs	MACKENZIE	16-Sep-2001
21	23-Oct	Chief Legal Adviser	ECFIN	-	-	ENGEL	n.a.
22	21-Nov	Deputy SG	SG	-	-	FILIPPONE	1-Feb-2002
23	21-Nov	Chief Legal Adviser	LEGAL SERVICE	-	-	OLDFELT HJERTONSSON	1-Dec-2001
	2002	Last position	DG	Directorate		Official retired	Decisions effective as of
24	30-Jan	Deputy DG	INFSO	-	-	PARAJON COLLADA	1-June-2002
25	30-Jan	Deputy DG	ADMIN	-	-	ZITO	1-June-2002
26	5-Feb	Chief Adviser	ADMIN	-	-	STERNER	1-Apr-2002
27	9-Apr	Deputy DG	ENTR	-	-	KECK	1-Sep-2002
28	5-June	Chief Adviser ad personam	DEV	-	-	GRANELL	1-Oct-2002
29	28-Aug	Director General	FISH	-	-	SMIDT	1-Sep-2002
30	11-Sep	Adviser hors classe	COMP	-	-	PONS	1-Oct-2002
31	18-Sep	Director	INFSO	E	Essential inform. society technologies & infrastr. Africa, Caribbean, Pacific	METAKIDES SILVA	1-Dec-2002
32	18-Sep	Director	AIDCO	C	-	DOMINGOS	1-Jan-2003
33	6-Nov	Adviser hors classe	AGRI	-	-	ROBERTS	1-Dec-2002
	2003	Last position	DG	Directorate		Official retired	Decisions effective as of
34	30-Jan	Deputy DG	ENV	-	-	VERSTRYNGE	1-Mar-2003
35	5-Feb	Chief Adviser	SDT	-	-	BOMBASSEI	1-June-2003
36	19-Feb	Chief Adviser	ECFIN	-	-	DIXON	1-May-2003
37	19-Mar	Adviser hors classe	MARKT	-	-	MOGG	1-Apr-2003
38	8-Apr	Director General	SANCO	-	-	COLEMAN	1-Oct-2003
39	24-June	Adviser hors classe	JAI	-	-	FORTESCUE	1-July-2003
40	16-July	Chief Adviser	TAXUD	-	-	KOMAZ	1-Oct-2003
41	15-Oct	Director	ENTR	G	Conformity and standardisation	VARDAKAS JUUL	1-Jan-2004
42	29-Oct	Chief Adviser	RELX	-	-	JOERGENSEN	1-Dec-2003
43	10-Dec	Director	ENV	D	LIFE programme, legal implem. and civil protection	FROMMER- RINGER	1-Apr-2004
	2004	Last position	DG	Directorate		Official retired	Decisions effective as of
44	25-Feb	Chief Adviser	ESTAT	-	-	JENSEN	1-May-2004
45	3-Mar	Director	SCIC	A	Interpretation Africa, Caribbean, Pacific	MUYLLE	1-Aug-2004
46	9-Mar	Director	AIDCO	C	Environmental quality & natural resources	NAQVI PERERA	1-Apr-2004
47	24-Mar	Director	ENV	B	-	MANZANEDO	1-Aug-2004
48	30-Mar	Adviser hors classe	REGIO	-	-	CRAUSER	1-May-2004

49	7-May	Head of Delegation	RELEX	-	Brasil	NAVARRO	
50	30-June	Chief Advisor	ADMIN	-	-	GONZALEZ	16-May-2004
51	7-July	Director General	JRC	-	-	LIUKKONEN	16-July-2004
52	14-July	Director	ECFIN	-	Relations with EBRD Office of the administration and payment of individual entitlements	MCSWEENEY PETIT- LAURENT	1-Sep-2004  1-Oct-2004
53	3-Sep	Director	PMO	-	-	KITZMANTEL	1-Oct-2004
54	8-Sep	Chief Adviser	ADMIN	-	-	PETTERSSON	1-Apr-2005
55	8-Sep	Director	BUDG	C	Budget execution	OOSTENS	1-May-2005
56	22-Sep	Director General	ENTR	-	-	MINGASSON	1-Oct-2004
57	29-Sep	Director	IAS	A	Horizontal Affairs	WRIGHT	1-Jan-2005
58	29-Sep	Director	DGT	C	Resources	THURMES	1-Dec-2004
59	13-Oct	Chief Adviser	ADMIN	-	-	MANFREDI- MAGILLO	16-Apr-2005
60	13-Oct	Director General (acting)	ECHO	-	-	ADINOLFI	1-Dec-2004

Source: Commission' minutes, 1999-2004.

Notes: dates in the second column refers to the minutes mentioning the second stage of article 50, that is the final stage in which retirement in the interests of the service was formalised and became effective. Table not includes retirements in the interests of the service of Soubestre (2000), Finzi (2001) and Engel (2001), for whom reference to the second stage of article 50, and thus to the date by which the decision to retire them became effective, could not be found.

These data referring to the period between 1999 and 2004 show that decisions based on article 50 concerned nine Directors general (including one acting Director General), five Deputy DGs, and 19 Directors. This implies that in almost half of the cases, decisions of compulsory removal addressed senior officials in managerial rather than advisory positions, that is, officials fully integrated in the Commission hierarchy at the time of being retired. 15% of all decisions based on article 50 concerned Directors general, which is a high percentage if considered in the light that Directors general represent a very tiny minority of all senior Commission officials. Finally, only six retirements (10%) concerned senior officials already side-lined to posts of Advisor hors classe.

As a general remark, it can be said that article 50 was relevant, at least in quantitative terms, for the Prodi Commission. This is even more significant if we consider that 60 is *four* times the number of senior officials (16) who resigned voluntarily or were retired due to age limit over the same period. Therefore, *retirement in the interests of the service was by far the main reason why top officials left the Commission between 1999 and 2004.*

The cases presented in Table 4.1.1.2 will be assessed to see to what extent they can contribute to explain the use of redeployments of senior officials in the interests of the service, including the potential role of member states, and more in general the new senior personnel policy of the Commission.

## 4.2

### FINDINGS ON REDEPLOYMENTS (AND RETIREMENTS)

#### IN THE INTERESTS OF THE SERVICE

The findings of the empirical assessment for hypotheses 2a and 2b on senior mobility are presented in this section. I thus assess what concrete use the Santer and Prodi Commissions made of the possibility of transferring officials in the interests of the service, and whether this use was instrumental to achieve any specific goal (4.2.1). Similarly, the use made of article 50 of the Staff Regulations, which grants the Commission the possibility to retire a senior official in the interests of the service, will be considered in detail (4.2.2).

##### 4.2.1 Redeployment in the interests of the service.

Behind each redeployment there are, in fact, *two* different reasons (and decisions): (1) a reason that explains why the official is moved *from* the post he is in; and there is (2) a reason why the same official is then moved *to* a certain post, rather than another. In almost all cases, one of these two reasons is stronger than the other, and this is exactly what the empirical assessment confirmed. It may happen, for instance, that the need (or interest) to remove the official from his current post was stronger than the need (or interest) to redeploy him to another specific post. That is, the Commission was interested first and foremost in (re)moving the official, and redeployment then became a sort of “unavoidable burden” on the shoulders of the institution that had to find a new assignment to the concerned official. At the same time, it may also happen that there was an interest into moving a clearly identified official to a specific post, and it then became a secondary consideration what empty chair such redeployment would leave.



Internal, “normal” senior personnel management (including implementation of new rules on compulsory mobility), poor performance, “political” incompatibility with the higher level, and national pressures, were the four main categories that contributed to explain redeployments on both sides of the decision, i.e. *from* and *to* a certain post (cf. supra, 2.5.2). In order to assess how these different motivations impacted on decisions to redeploy under Santer and Prodi, all cases of redeployments will be regrouped on the basis of the reason that was most significant at the time of redeploying the senior official, irrespective of whether this reason supported the decision 1) to (re)move the official from the initial post, 2) to appoint the official to his new post, or (3) both.

#### ***4.2.1.1 Redeployments in the interest of the services under Santer.***

Summarizing the findings of the empirical assessment for senior mobility before 1999, data show that nationality and member states did not play any significant role in decisions to redeploy senior officials during the Santer Commission, that is prior to the introduction of compulsory mobility as a new administrative rule.

At least one case of redeployment in the interests of the service was due to very poor relations between the senior official and his boss:

[Mr X] was clearly a *side promotion*, because in fact he had been [in post X] and from there he had then moved to [DG Y], but he had not gone well with the following commissioner, so after some time he had been moved to [DG Z], [...] [where] in fact [the issues to be dealt with] were of absolutely no interest to anybody (interview n. 17, October 2006).

In other cases, the new assignment took place as a second best solution to the official’s preferred outcome:

When [Mr X] moved to DG [X], he replaced [Mr Y] as [Mr Y] retired. I think it was a second choice for him, clearly a consolation prize. He would have preferred something at External Relations, in fact he was [an expert in field X] and he often mentioned that (interview n. 10, July 2006).

In addition, towards the end of the Commission, a few officials were redeployed to posts of principal advisors as they concretely moved to work into a cabinet of the new Prodi Commission. Finally, cases of poor performance were not detected (although in one third of the cases I could not establish with clear evidence what had occurred).

Even when posts of destination were particularly sensitive, nationality was not a key factor. In this respect, Cloos mentioned the redeployment of Paemen to the post of Head of Delegation in Washington in July 1995:

as soon as the post became vacant, Britain wanted to appoint [Mr X]. [But] [Mr X] had been the n. 2 in Washington. Now, there is a non-written rule in diplomacy according to which when somebody leaves, the n. 2 does not become ambassador in the same place, you don't do that. And we, we got it. So, a big issue arose with Britain, there were several candidates, Paemen, [Mr X], [Mr Y], etc. [...]. Later there was a choice between Paemen and [Mr W], and [...] there, we said "that's up to you... On the contrary, we disagree on [Mr X]". It was rare that we did so, and it was not a question of nationality: [...] was that because he was British? Not at all! Because any member state claims a special relationship with the US. You can put there [in Washington] an Irish as much as a Luxemburger! No, it was not! And it was not because we wanted a Belgian. There was no reason whatsoever to have a Belgian there.

In other cases, pressures coming from national government could have an impact. That was the case, for instance, of an official who was redeployed rather than retired, due to the intervention of a member state. A senior colleague recalled that

[Mr X] ran [policy X], and it was catastrophic. He had passed [from post A to post B], [government X] was attached to that [and] [...] who better than him, who had been following [the same dossier from another position] for at least 10-15 years? [...] Although, then, being [in post A] was something, while running [post B] was totally different, and there, he was catastrophic. They had to redeploy him as there were delays with commitments and payments. [...] they wanted to fire him. But [government X] did not accept to send him back home (interview n. 21, October 2006).

Member states' intervention on mobility decisions could also become counterproductive, and detrimental to the senior official concerned, and thus to the member state itself. Failure in redeploying people was in fact always possible. A director general commented in this respect the *de facto* redeployment (formally a promotion) that involved one of his colleagues during the Santer's term:

I have some examples [of bad mobility] that are graved in my mind! [...] [For instance], enlargement [to country X]. Well, the first officials [of country X] come here, the young by concours, and the senior through parachutage from the government. That was something traditional [...]. A deputy director general, [...] [national of country X], new, comes to the external relations, [...]. He is a senior diplomat [of country X], among the heads of delegation [of country X] for enlargement – they mostly came like that – and he does a very good career in external relations. This guy is good, he finds again his senior diplomatic functions, he works well. Then a time comes when [...] [country X] does not have enough deputy directors general, [...] [and] the post of director general at DG [X] becomes vacant. So *voilà*, our diplomat [from country X] is then pushed by the government [of country X], which tells him “listen, you are the best positioned [for that post]. You are already deputy director general, and we do not have others, [Mr Y] is already director general since the accession, so you, you should go there”. Well, he goes. He applies and he is appointed. He does not suspect, not even for a while, that he is no longer at the external relations, no longer within a diplomatic field, that he is now with engineers! It is gonna be a sector of equations, a field totally different from what he had been doing until then. He did not reflect for a second – this man – the question whether this could come, indeed, to represent a problem or not. Not a second. He gets to directorate general [X], and in three weeks he is judged completely incompetent by all his directorate general. The guy is disqualified “the crazy, up there... the diplomat...”, because the whole directorate general is populated with engineers [...]. And in fact [some times] later, he is fired. [I a short period of time,] it had become clear that he could not accomplish his tasks. Including vis-à-vis the rest of the world, because his interlocutors, evidently... all his directorate general at the end of the day was throwing banana skins in his way. As soon as you do not have the trust of your directorate

general, it is no longer worth going on. Thus, he was fired (interview n. 12, July 2006).

The empirical assessment showed the following results (presented in Table 4.2.1.1) concerning the 28 redeployments in the interests of the service occurred during the Santer Presidency (in nine cases empirical evidence was not enough for some of the indicators and did not produce clear results).

TAB. 4.2.1.1 *Redeployments in the interests of the service, Santer Commission.*

Category	Main reason for redeployment	N.	%
1	“normal” senior personnel management	15	54
2	poor performance	0	0
3	incompatibility	1	4
4	nationality / member states’ concerns	3	11
	<i>unclear evidence</i>	9	32
	<b>TOTAL</b>	<b>28</b>	<b>100</b>

Table 4.2.1.1 shows that considerations based on nationality and/or member states’ played a key role in redeployments of senior officials in the interest of the services only in about one case out of ten. Quite the contrary, “normal” senior personnel policy concerns motivated the redeployment in more than half the cases.

Lack of evidence in one third of the cases means that these figures have to be considered in very general terms. These nine cases may certainly include redeployments based on poor performance and on incompatibility between the senior official and his boss. As much as they could include other cases of national and/or member states’ concern backing the decision. At the same time, however, it is likely that these nine redeployments would not end up all into one and the same category. So the empirical findings are sufficiently accurate (although maybe insufficiently detailed) to draw conclusions on the use of the statutory tool of redeployment in the interests of the service during the Santer Commission, and thus contributing to see whether either of the two senior mobility hypotheses is confirmed.

#### *4.2.1.2 Redeployments in the interests of the service under Prodi*

Summarizing the findings of the empirical assessment for senior mobility before 1999, data show that nationality and member states did not play any significant role in decisions to redeploy senior officials during the Prodi Commission, including cases of compulsory mobility decided on the basis of the new senior personnel policy.

Such a finding confirms that the Commission was determined to implement the new rules genuinely and thoroughly. That was the only way to succeed and overcome pressures pointing towards different directions. In a number of cases, the implementation of the new rules forced some officials to move without further delay, as was the case with the transfer of Guy Legras from the post of Director general for Agriculture, that had become the symbol of the old politics of national flags and thus a test-case to assess Commission's real willingness to adopt new measures on senior officials' redeployments. The head of cabinet of the Commissioner responsible for Agriculture at the time recalled that:

[the directorate general of Legras ended] because it was contrary to the mobility rule. We [the Commissioner for Agriculture and his cabinet] tried to keep him by saying, "he is now close to retirement, let's do an exception for him as we have the negotiations to reform [the CAP] still to be finished, and then he leaves. He stays two more years and then he moves away". But for the European Parliament, Legras had become *the* case, *the* symbol [of the old system]. Therefore, we need to send him away [from DG Agriculture].

Clearly, the fact that the new Commission had just been installed was an advantage to instigating such an important mobility round early on in September 1999. A senior official recalled that there were

Little resistance because, [...] what can you expect? – a new Commission comes, and the administration can't do much, there had not been the time to create strong ties between the new commissioners and their directors general, so they did not feel close, they were not mutually indebted yet, so the operation was conducted without much pain (interview n. 5, April 2006).

Such determination to show firm commitment to implementing the reform faithfully meant not only a radical mobility round at the very beginning of the 5-year term, but also the need to limit to almost zero the number of exceptions to the general rule of compulsory mobility throughout the whole Commission's mandate. A member of the CCN recalled one of this very rare exceptions:

in DG REGIO, Leygues should have moved because he had been there for such a long time, but [...] then in the absence of a Director General, and given that he was the personification of regional policy, the living memory of the place, and we needed strategic insights [...] it was felt that he should stay on. [...] So, some exceptions were made, but [...] on the whole, we did not make too many exceptions, because the rule was already very difficult to implement at the beginning (interview n. 20, October 2006).

Another exception concerned the redeployment of Ayrat, Director in DG TREN, decided in November 2003. A senior official dealing with redeployments commented that

Ayrat [...] was in charge of air transport, he should have taken part in the mobility round of November 2002, but he was negotiating with the US the “open sky” package, so in agreement with everybody, he was left to bring the dossier to an end, [...]. He was then moved because he had to move, he had been doing air transport for too much time (interview n. 17, October 2006).

Making no exceptions to the strict implementation of the new rules turned out to generate odd decisions in a few cases. That was the price to pay for a credible reform. An example of this was the process in which some of the directors general were involved in the course of the first mobility round. In the words of one of them,

Since it was the first time, it was not just “you are going there, you are going there, and you are going there...”. Part of that move was handled like that, but then in my case and in the case of a few others, no decision was taken as to the new post, I was identified as someone who had to move on without knowing where I would end. And then, among commissioners, and the administration, search started for open posts. But when they had identified the open posts, they said “but it is on those open posts that we shall apply now also the

principle of hearings”. In other words, I have had to put in my candidature, although I was a director general, I have been heard by a jury, and I have gone through the procedure of nomination afterwards. Which was not easy. Not in the sense that I did not know the answers, that was easy enough, I have been in the Commission so long. But because I was in competition with another colleague, and I did not like that at all, who was also a very good director general, and [...] that was not very easy. [...] In the rotation system normally you do not have to requalify. You get another post. But in this particular case, I still had to requalify (interview n. 14, September 2006).

Things were even more complicated as the Commission decided to rotate also senior officials who had not been serving very long in their last position, as part of an overall reshuffle exercise. Unfortunately, however, swapping chairs is never an easy task. In the words of a head of cabinet,

We were a bit annoyed, I would say the least. [...] What happened was that there was a director general already in DG [X], a director general [of nationality X], [Mr X], who was a very good director general. He [...] had only been nominated director general for two or three years. And we were about [...] two months in office, I think, and Kinnock decided that he was going to move the personnel. We were furious because [ours] was a [...] DG, [...] so without having a director general in place, we were going to be in an awful mess. So, I went, then, as soon as I knew that [Mr X] was going, and I contacted a number of other directors general who were maybe on rotation or had to go into rotation, and I ranged four or five of them, [Mr Y] was the one we finally selected out of that. But that was because [Mr Y] himself was in rotation. [Mr Y] was not looking for [DG X]. So, if [Mr Y] had not taken that, he might not have a job on the rotation exercise (interview n. 24, November 2006).

In addition to cases relating to internal management, I have included under category “1” all cases of redeployments that had no other major rationale – on both the decision to move the official *from* his post, and the decision to move him *to* another post – other than compulsory mobility. Other concerns may have contributed to these decisions, but they remained nonetheless in the backstage and were secondary to the most compelling need to implement the new rule on the 5-year compulsory term. Quite the contrary, when the

redeployment was driven by other relevant concerns, although formally motivated on the need to implement compulsory mobility, I have given prominence to substance and put the transfer into one of the three other categories, including potentially the fourth one which regroups cases of redeployments where nationality and/or member states did play a role, and thus cases potentially confirming one of the two senior mobility hypotheses.

In most of such cases, compulsory mobility combined with the search from the institution to maximise the benefits of redeployment, by ensuring the best possible allocation of human resources at the top level. One example in this respect was the redeployment of Walter Deffaa in February 2003:

I have never applied for the job. This was a decision where the commissioner asked me that I should go there. [...] it was basically the president and Kinnock who asked me to move there, because there was a vacancy there, Brian Gray had [left] [...] and they were desperate to find somebody [...]. It is a very delicate position, the financial directorate in DG REGIO.

When it was not a question of allocation, the decision was in any case supported by the willingness of the Commission to promote its human resources as much as possible. One director general mentioned the following case:

[Mr X] was [position X] in DG [X], [...] he had run into a lot of problems in [previous post within the same DG X], which is [...], it is a shitty job, it is awful. When I say “awful”, it is awful! And he was running out of steem, so at the end of the day he was reallocated to [DG Y], I did not feel that he should be punished, [...] to me he seems like an honest guy, I sort of said “let’s take him in [DG Y]” (interview n. 33, December 2006).

In some cases, the need not to “waste” useful resources of the institution combined with the need to show that nationality and member states’ support was indeed not a precondition to have a job inside the Commission. A former Head of cabinet recalled that:

[Mr X] got into trouble in DG [X], but he had been working as [previous position], [and] is a character that you should not just throw out. It is true, he



had a tough character. He was very upset that he was not promoted higher or like director general, because he was head of cabinet of [Commissioner X]. Again, I have to say that, personally, I had worked with him [...] so I could say to [my commissioner], “he is ok, you have to keep him under control, but he is ok! He can do it, and I think he would be very strong vis-à-vis [counterparts to the Commission], he is a stubborn [national from country X], but [nationality did not play a role], actually, [his government] did not particularly like him. And this is another thing you have to know, that *in this house there is a tendency also to protect those who are not liked by their national administrations* because we don’t like that (interview n. 33, December 2006).

This is a clear indication of how some indicators, such as proximity between candidates and national authorities, may also have negative values, and could thus be used to assess the role that member states did not play in senior Commission personnel decisions. Under category “1” I have also included all cases where compulsory mobility was taken by officials as a good chance to move to another post that may be of greater interest, and satisfaction, to them. A head of cabinet commented the redeployment of two directors in his DG by saying that “[Mr X] decided to leave because he had this possibility of going to DG [X], to [...] a quieter area, [...] let’s say maybe a less stressful area”, while “[Mr Y] [moved because he] wanted to do something else. [...] he must have been near time for rotation. He was not the happiest doing what he was” (interview n. 24, November 2006). To some extent, redeployments of this kind were in the interests of the service as much as in the interests of the official concerned!

Other cases of redeployment included in this category were made to accommodate retirements. These redeployments were sort of “advance planning”, to use Catherine Day’s expression, and were used to manage the end of some career officials. As for Santer, cases of redeployment to advisory positions, due to the fact that the concerned official moved to work in a commissioner’s cabinet, were also included in category “1”. In all those cases of redeployments in the interests of the service, as in many others, the main reason motivating the decision had nothing to do with nationality and/or intervention by member states, as it was proved by the fact that the empirical assessment – just to mention three of the indicators used – did not find trace of contacts between cabinets and national governments, did not detect any significant proximity between the official and his national

capital, and showed that when some viscosity in redeployment occurred, that was not due to some passive resistance by any member state.

More pragmatically, redeployments could also be the result of new organisation charts. Officials were then moved to a new DG, and most of the time their new assignment was decided on the simple need to find a new post, thus neither to sideline them because of poor performance, nor to respond to some input from a national capital. A number of redeployments to posts of principal adviser were of this kind.

On the contrary, other redeployments to advisory position were preliminary to appointments (or further redeployments) to key posts. According to Marina Manfredi, “these are the so-called ‘*voie de garage*’, [and they can represent] a good parking for some time, while awaiting that another post is created somewhere else”. Even though national pressures may play some role at the time of further redeploying the official from the *voie de garage* to a different post, from the point of view of my assessment, this amounts to a *second* decision to redeploy, which is considered – and counted – separately. The empirical assessment confirmed in fact that these “further redeployments” of the same official to a different post within a limited amount of time were often included in a different category.

Other redeployments included in this rather “catch-all” category n. 1 concerned officials who could not be appointed to other, more significant posts, and were thus in quest for some sort of “compensation”. This is, again, an issue of internal management.

Similarly, I have included here those cases of directors redeployed to a different directorate within the same DG. The vast majority of these redeployments were not even recorded in the minutes of the weekly meeting of the Commission as they did not require a formal decision by the College and were made on the basis of an agreement between the Director general and the Commissioner responsible for the DG. In general, these intra-DG redeployments do not leave much trace. Those recorded in the minutes were publicised to show transparency and legitimacy, or because they took place as part of wider mobility operations that involved other DGs, as in the case of the appointments taking place in Eurostat in November 2002. Directors general often used this “technique” of redeployments within their own DG to avoid more substantive, “real” redeployments that would have forced them to loose their (best) directors.

Under category “1”, I have then regrouped redeployments mostly justified on the basis of personal relationships, which were requested by the officials themselves and did not necessarily respond to any other reason. A senior official commented one of these appointments by saying that the redeployment of

[the case of Mr X] is really a favour *ad personam*, because this man [from country X], formerly at DG [X] and DG [Y], and friend of [Mr Y], had first decided that he wanted an article 50 – and a first phase of article 50 had been even brought before the Commission – and afterwards he changed his mind, the procedure [concerning article 50] was frozen, and he was even given a [task X]. He was parked as chief adviser [in DG X], where my feeling is that he did not have any dossiers, and where he thus stayed for a few years, paid by the Commission, to do relatively little (interview n. 9, July 2006).

A different case concerned a senior official who got a redeployment towards the end of his career as a personal reward for the great job he had done inside the Commission to solve very critical situations in several occasions (interview n. 39, January 2007).

In all these cases, there was clearly the agreement of the “receiving” director general and/or commissioner, but considerations of nationality or member states’ interests were not really at stake (neither in terms of Commission exploiting the decision to redeploy in order to further reduce national influences, nor in terms of member states exploiting these decisions for compensating their reduced capacity to impact on senior appointments). So, the empirical assessment showed that none of these redeployments could contribute to confirm either one or the other senior mobility hypotheses.

Cases of redeployment based on internal personnel management reasons were surely the most frequent. Considerations on officials’ merit and skills did however play a role in several occasions as to where a senior official should, or could, be moved (these cases were included in category “2”). Compulsory mobility was often seen by many directors general and/or commissioners as a chance to bring well-reputed top officials to their services, or to get rid of officials they did not consider up to the job. Again, in these cases, nationality did not play a significant role, and thus mobility was not a tool in the hands of member states, as hypothesized with H-2a. For instance, one reason that was often mentioned when

assessing redeployments was the poor capacity of the official to work on the basis of the new Commission approach: a sort of old style ill-fitted for the new machine.

In some of those cases, senior officials were redeployed to advisory position. In the vast majority of those cases, nationality or national governments hardly played any role – as witnessed *inter alia* by the indicator relating to the analysis of the post of origin and destination, which showed the lack of any relevance of these posts for member states – and it was simply a situation in which “the service in question felt that the person could not contribute as much in the new structures and reorganisation” (interview n. 20, October 2006). There was, nevertheless, a difference between those cases where officials had to move and were offered a second chance for career progress within a short period of time afterwards, and those other cases in which the official was sidelined indefinitely. That is, there were different reasons behind apparently similar redeployments (Commission restructuring/organisational economy; poor performance/no longer fit; national pressures), which explains why they may have been regrouped under different categories.

Similarly, redeployment for “service reasons” was also used when a new management restructuring was needed in one Directorate general, or to run a specific sector. That was the case for instance of many decisions on senior personnel concerning Eurostat in the aftermath of the “crisis” that the service underwent in 2003.

In other cases – although limited – redeployment was due to “typical” cases of poor performance. Attempts to put national pressures may then arise, particularly when redeployment was used to sideline poorly performing officials that could no longer be kept where they were. In a number of cases, the Commission was able to do such redeployments despite pressures (and thus potential viscosity) pointing towards a different direction turned out to be particularly strong.

The empirical assessment showed that reasons concerning performance, personality and competence, were very important and critical at time of redeploying senior officials inside the institution. In the words of the former head of cabinet to Vice-President Kinnock,

The most difficult thing with reassignments is not nationality. It's [...] convincing Directors General who need to receive someone, that the person is going to be good in the new job, especially in the beginning when people still

used to working very much in their DGs and careers across the Commission were still relatively slow. [...] So, that is ten thousand times more important than nationality when it comes to redeployments, and the real difficult cases practically, all had to do with people who were maybe not as performant as they should be.

A third reason behind redeployment was personal and/or political incompatibility between the official and his hierarchy (director general and/or Commissioner), again something which does not confirm neither of the hypotheses on the relevance of the senior mobility tool for the relationship between the Commission and member states. A member of the CCN mentioned that many decisions concerning redeployments

these are *ad personam* operations, some of them justifiable from the technical point of view, or from the services's perspective, [...] the rest were all settling of scores, or *ad personam* operations to address difficult cases. For settling of scores I mean [the case of Mr X], who was at [DG X] with some incompatibility with the director general who moved him to [to another DG], and [Mr Y] was in the same [situation], because [his] director general [Mr Z] at [DG Z] had a quarrel, there was a incident between [Mr Z] and [Mr Y], so he was redeployed *ex imperio* during the summer. These cases are all the same: [Mr U], [Mr V], [Mr X], [Mr Y]. There was not a strategy behind, [...] these were isolated cases meant to find a solution to personal situations (interview n. 9, July 2006).

Under category “3”, I have also included cases of redeployment that were due to reasons of “political” opportunity. The most relevant redeployment in this case concerned Carlo Trojan, who was transferred in May 2000 from the post of Secretary general to the post of head of the Commission delegation in Geneva. Facing strong pressures from the European Parliament, and despite the fact that he had no direct involvement in the cases of mismanagement that occurred under Santer – which had led to the fall of the Commission in 1999 – the new Prodi Commission felt that Trojan could not remain in such a key position. That was a case of opportunity, and need for discontinuity with the past, rather than performance or merit. A very similar concern determined the transfer of Lotte Knudsen, Director of OLAF, whose redeployment was also decided in May 2000.

Finally, in a very limited number of cases, nationality played some role, although with nuances. It may happen for instance that the senior official could not oppose the decision to be redeployed but could try to influence the decision on *where* he would be moving. A senior official commented that “when a director general was not happy about the post where [the Commission] was going to move him, he phoned and he made others phone, that was clear” (interview n. 17, October 2006). Sometimes, however, the person to call was no longer there, and the Commission could promote his senior personnel management policy. According to a deputy DG, one of his colleague was transferred from a very key post for “it was necessary to free his post for [another senior official in mobility] and because he had now lost his historical supporters, namely Kohl and Delors” (interview n. 8, July 2006). In that case the Commission could seize the opportunity to redeploy also because there was no longer any strong pressure coming from a national government.

Similarly, national considerations may impact at the time of deciding the future career of an official. It may happen, for instance that an official was redeployed to a director post, rather than to an advisory position or even retired in the interests of the service, because he came from a country that was under-represented at the higher level within the Commission.

In some cases, nationality or member states’ preferences were given some attention, but as a side-effect rather than as a main factor intervening into the decision to redeploy. Several concerns may well overlap. A senior official mentioned one of the very first redeployment taking place with the new Prodi Commission:

take for example the reassignment of Mr Legras from DG AGRI to DG RELEX. I mean, this was the direct consequence of the policy not to have people [...], all the same person for too long, Mr. Legras having been Director General for DG Agri for a long time. So, I mean, at the same time, he was a very senior official with a lot of experience and it also happened to be French. Now, he was asked [...] he was moved to DG Relex with his agreement to this very senior position. Of course the French were happy to see one of the most senior Director General going to DG Relex, but to say that that was the most important factor influencing that decision, no! I mean, he was a very senior and very competent official, he was given a new assignment in conformity with the new philosophy underlined in the Commission. [Similarly,] the British were

very happy that Jonathan Faull became Director General and he was the spokesperson for Mr Prodi. But the real issue was getting a top quality spokesperson, it was more Prodi who wanted this appointment than the British or Mr Kinnock, so again *things overlapped* (interview n. 20, October 2006).

It is hard to say that Legras was redeployed because of French pressures. Rather, once it had been decided that he had to move, it then became necessary to find an adequate solution for him (and for France, that had always considered Agriculture as a French flag and was thus looking for a “compensation”).

In other cases, member states could play a stronger role and influence decisions on redeployments. However, the pressure they could make was more in overall terms, when they felt they were under-represented at the top level, rather than specific on one post or the other. A director general recalled what happened with the transfer in the interests of the service of one of his colleagues:

the feeling was that they needed someone new in DG [X], because it had ended up in a lot of conflicts when [Mr X] was the Commissioner and [Mr Y] was the Director general. [...] The idea was [...] that he would actually move to work in New York, as ambassador [...] [at] the UN, but [...] [country Y] did not have any other director general, so they said “we have to keep a director general”, and so it is how they could fix it. [...] [Commissioner Y] said “well, I do not know [Mr Y], but I can take him, for [DG Y], that’s fine”. There was a new area for [DG Y] at the time, and so he accepted to test him [so as] to solve a problem for the Commission, for they needed under [...] pressure [coming from country Y] to keep a director general, rather than sending him as ambassador to New York. That’s the way it happened (interview n. 13 July 2006).

In this case, the empirical assessment showed that member states’ pressure did not motivate the initial decision to transfer the senior official but was taken into account at the time of finding a new post (indicator referring to analysis of posts of origin and destination). Equally true, a good combination of circumstances arose, in the sense that the decision not to send the official to New York solved a problem of allocation to his new

DG of destination. In this respect, the then Head of Cabinet of the recruiting Commissioner recalled:

we chose him [...] because he was the best among those who had become available. That is a typical problem of the new system, of the rotation. At some point it is decided to do a rotation exercise – that was the first rotation we did – [...]. We did choose [Mr Y] because there were just three directors general left in rotation, if I remember correctly. Three who had not find a new post yet. Two of them were catastrophic, and then there was [Mr Y], who had been director general [of DG Y], [...] and we knew him from the negotiations, we were in good relations, we could work with him, so we immediately ran for him. [...] rather than playing to loose [Mr Y], and risking to have [Mr W] or [Mr Z] who were not good, we told ourselves “let’s take him!”. That is exactly what we decided with [Commissioner Y], “run, run! Take the phone! Otherwise another directorate general takes the only good one which is left” (interview n. 6, July 2006).

So, the solution did not dislike the member state and was rather convenient for the Commission as well.

It was not so rare that competence and national pressures overlapped. The official was thus redeployed because he deserved a senior post of some prestige but also because he was well backed by his country. A senior official commented one of these cases in the following way:

Post [X] is very much sought after. It is very well considered, here again on personal level. And [...] [Mr X] was sent there, because [Mr X] had been [in a very senior post] under Santer, and so he was another one of those to be saved, because the person was good and because he was truly and really supported by [government X]. The voice was that [government X] would appoint him under-secretary of State somewhere, but he has actually remained in [post X] for all these years awaiting to become under-secretary and that has never materialised (interview n. 17, October 2006).



In terms of another key indicator, some proximity between redeployed officials and national authorities was thus detected with the empirical assessment in a number of cases. In other cases, redeployment was possible because national pressures *may* have arisen, but they eventually did not. The member state was not interested into what was going on in the specific Directorate general, since its “national strategy” was no longer based on that single official concerned by redeployment:

[Mr X] resisted, personally, but neither his government nor the commissioner [of his nationality] insisted, because it was known that one way or the other an [official from his same country] would have been put in DG [X], and they even put one better [than him], so... (interview n. 9, July 2006).

The opposite case was also detected, as when redeployment was seen as part of a wider national strategy to place a senior official in very top position relevant to the interests of a member state. In the words of a senior official,

[Mr X] moved to DG [X] coming from DG [Y]. This was an operation [made] [...] by [Mr Y], because [policy X] was very important to [country X]. Before that, there had already been commissioner [X]. At that time, [country X] had the problem [X, related to policy X]. [Country X] has always given a big political weight to [policy X]. [Mr X] is a very good [national of country X], he comes from [cabinet of commissioner X] and thus he was seen as a good candidate potentially to become director general at [DG X]. Things have not gone that way afterwards, but he had been placed there in order to become director general (interview n. 9, July 2006).

There were very few cases in which national links mattered on decisions of redeployments. In general, these were cases where the official was well-backed and could thus count on some support at times of both appointment and redeployment. One such cases was described as follows by a former head of cabinet:

[Mr X] is a particular character. [...] he was pushed in by the [country X] at some stage, because they needed someone, and he was good friend with the Commissioner. So he landed here in the Commission. Of course, he liked that, but he actually learned to trade in DG [X]. He is not so bad, in my view, as a

lot of people think. [Mr X]’s problem was – it’s true – he is not an expert in policy [X], he does not have it like [director general of DG X] has in his lifeblood. And a lot of people saw him as somebody who had been parachuted and maybe there was some kind of political manipulation, and this, the system does not like, so he has had a difficult time. [...] The memory is always there (interview n. 40, March 2007).

Another telling case was mentioned by a senior official and concerned the continuity two member states were able to keep in terms of “their” officials managing a key dossier over time:

[Mr X] moved to [DG X]. And he was given [dossier X] of [DG X], which was a post [flagged with same nationality of Mr X], because [country X] and [country Y] share among themselves dossier [X] since always, with a majority [from country Y] and a scandalous channel [from country Y] in [dossier X], where in the past there was a director general [from country Y], a director from [country Y] for [dossier X], and there was a [national from country Y] within the cabinet [of Commissioner Z] who followed all this stuff. There was a direct full channel. [...] That was a truly the preserve which has not been touched upon. There is a directorate, in this field, that has been left to [officials from country X] (interview n. 9, July 2006).

The empirical analysis also showed that in a number of redeployments *ad personam* concerns had a strong influence on deciding the new post of destination, once the decision to redeploy had been taken on the basis of the new compulsory requirements. One case mentioned by a senior official was rather exemplary in this respect:

[Mr X] had been very recently appointed to the post of director [X], but since there was a need to redeploy [Mr Y], and the only thing this latter was competent in was [policy dealt with by Directorate X], [Mr X] was moved [to another directorate] to allow [Mr Y] to do something he was competent in, and where he would have been accepted (interview n. 9, July 2006).

This case should not be regarded as exceptional. In many decisions concerning redeployment, personal considerations mattered substantially, and the Commission had to

accommodate very specific concerns. That was the only way the Commission could hope to square the circle. Human resources management was thus the key driver behind many – if not most – decisions relating to senior redeployments that took place since the implementation of the reform. In this respect, a senior official involved in a senior redeployment revealed that:

[Mr X] was director [for policy X] for little time, and I believe he was not that happy there, because he was not at the end of his mandate. He had done much less than five years, and in any event it was clear that a solution had to be found to allow [Mr X] to [change his assignment]. And we found it at [DG Y], [...] where there was [Mr Y], who was *faisant fonction* but was not considered a good manager. So the possibility to parachute a director from outside was extremely interesting because that stopped any foolish ambition on [Mr Y]'s behalf to become a director. If the post had been published, it would have been hard for the director general *not* to promote [Mr Y]. Rather, in this way, the director general accepted for a director to be imposed from outside, and he thus ran with the hare and hunted with the hounds (interview n. 5, April 2006).

The new rules on compulsory mobility forced the DG ADMIN to find clever solutions to allocate its human resources at top level and face different – and sometimes diverging – interests at the same time. The two main forces behind decisions were in any case a genuine aim at institutional economy and efficiency, as well as the need to respond positively to the many inputs and requests coming from senior officials themselves, both at time of being redeployed, or when they had to select directors in their capacity as directors general.

These two main forces progressively operated in the new overall framework, that was in turn the result of two key developments: first, the fact that while, before the reform, redeployment and mobility were occasional tools used to face specific situations on a case-by-case approach, with the implementation of the reform, this scattered approach became a fully-fledged senior personnel policy of the Commission. And second, that this development has been not only administrative or statutory, but first and foremost *cultural*, and that “it has now been accepted by everybody in the Commission that redeployment comes and you have to change” (interview n. 14, September 2006).

To sum up the finding of the empirical assessment, the following results (Table 4.2.1.2) concerning the 92 redeployments in the interests of the service occurred during the Prodi Commission were found (in 16 cases empirical evidence was not enough and did not produce clear results).

TAB. 4.2.1.2 *Redeployments in the interests of the service, Prodi Commission.*

Category	Main reason for redeployment	N.	%
1	“normal” senior personnel management (including new compulsory mobility)	52	56
2	poor performance	10	11
3	incompatibility	8	9
4	nationality / member states’ concerns	6	7
	<i>unclear evidence</i>	16	17
	<b>TOTAL</b>	<b>92</b>	<b>100</b>

Table 4.2.1.2 shows that considerations based on nationality and/or member states played a key role in redeployments of senior officials in the interests of the service only in a very limited number of occasions: 7% of the cases for which enough empirical evidence could be gathered. The main reason explaining why senior officials were removed from their posts and redeployed to other specific positions lays essentially in the need to implement the new rules on compulsory mobility or, in any event, in the need to reallocate senior human resources for specific concerns internal to the institution. Poor performance was the key driver behind redeployment in one case out of ten, and an almost equal number of cases concerned redeployments in the interest of the service due to “political opportunity” or poor relations (“lack of compatibility”) between the concerned official and his superior(s).

#### ***4.2.1.3 Overall findings for the senior mobility hypotheses***

The empirical assessment of the two senior mobility hypotheses showed that under both Santer and Prodi *redeployments in the interests of the service were generally a tool of genuine personnel management policy*. Their number increased enormously (more than tripled) from Santer to Prodi, as a result of the reform, but this did not imply a stronger impact of nationality nor a greater leeway to national governments. During Santer’s term, the reason for the limited impact of external influence was that member states could rely on a system of national flags and could try to have leverage directly on appointments, rather than redeployments, when

they had an interest in allocating their preferred candidate to a specific post. As for the Prodi Commission, the “national factor” was hardly relevant because if the reform allowed for a far greater number of redeployments, it also brought in the idea that member states should be kept fully outside the door, and that nationality would come to play a much more limited role in decisions concerning top Commission officials. It thus seem that none of the two senior mobility hypotheses was fully confirmed: redeployments at the top were not used by member states as a backdoor into the Commission; nor did the Commission use senior redeployments to further enhance its autonomy vis-à-vis member states in senior personnel decisions.

More in details, pressures coming from member states did not turn out to be very well placed. Although their success rate was rather low, national governments did not stop trying to influence senior personnel decisions, including senior redeployments. However, since the overall framework had changed in the meanwhile, member states’ attempts to support their candidates changed accordingly. Member states were increasingly aware that they could not pretend (or hope) much, and yet, this led them to redouble, rather than give up, their efforts. In the words of a deputy DG,

Before, the political influence [existed] only when a post became vacant or when a new Directorate general was established. Now, any time that mobility takes place. It could be argued that member states are pretending less because posts are not assigned on the basis of nationality, but precisely for that reason, precisely because there is no rule any more, the fight [for senior posts] has become stronger. At every waltz, member states fight to improve their position [in terms of senior posts] inside the Commission (interview n. 8, July 2006).

At the same time, the Commission has become more sensitive to member states’ *perception*, and willing to avoid any instrumental use of the “passport argument” against its legitimacy or independence. This is why exceptions were not made even when they could have been tolerated from a substantive point of view. A typical case occurred in the early years of the Prodi Commission and concerned a post of Director general:

my passport was the same as Mr [X]. I had said to the then Vice-President of the Commission, Mr Kinnock, “Come on! I mean I have a passport [from country X] but have you ever seen me acting as a partial [country X] in this

context? Europe is my model, Europe is my task, Europe is my vocation, so...”. And his answer was – politically wise – “I am sure everything you say is correct, but if in [country Y] or in [country Z] somebody says that [policy X] is dealt with by a Commissioner [from country X] and a Director general [from the same country], and the rumours start around, you know that a conflict of interests might be there, then you can say whatever you like”. You have to avoid perceptions that can be negative (interview n. 14, September 2006).

The empirical assessment revealed that with the adoption of the new rules on compulsory redeployment, mobility has now become one of the key tools of the Commission’s human resources policy. This is something new. For long, in fact, mobility had remained a rather odd concept inside the Commission, including at the higher administrative level. In the early decades of the institution, the situation was actually completely different. A senior official commented the approach towards mobility adopted by the first, extremely powerful Secretary general of the Commission:

According to Emile Noël, mobility amounted in practice to a “crime of high treason”. Noël would bear a grudge, particularly if you left the Secretariat general, and that became a sort of original sin that was hard to fade away. It was definitely not in the tradition of the house, people moved very little (interview n. 17, October 2006).

In addition, mobility was implicitly discouraged by the high degree of specialisation within the institution. With the evolution of the Commission from policy developer to policy manager throughout the ’90s, the way mobility was considered began to change as well:

[at the time of Noël,] directorates general were still rather technical, and required a degree of expertise which could hardly be found elsewhere. If you were the expert of caged- chickens, where else could you go? Then, once Noël’s époque was over, the Williamson’s era came, then the Trojan’s era as well [...] and the activities of the Commission changed. We progressively moved towards more political policies, and so people started to become more mobile as it was easier to spend one’s own expertise elsewhere, and a voluntary mobility began (interview n. 17, October 2006).

This voluntary mobility then constituted the ground on which a fully fledged policy that involved all senior officials could thus be further developed. The process took less than a decade:

[Under] Delors, people began to move, and two categories of people in particular began to move: either those who were particularly good, who after “x” years [in the same post] were bored and were willing to experience something different, and so they made the investment to get closer to another policy and learn new things; or those who were particularly bad, which directorates general tried to get rid of as they could. [...] This latter category, after the first or second redeployment, became a social case. People started to figure out. Whereas people in the first category saw that through mobility they could get visibility, and thus advance their career faster. Then, with the beginning of the Santer Commission, the idea that mobility should be something more regular began to find its way (interview n. 17, October 2006).

The new Prodi Commission was then very keen in substantiating, first and foremost with its own staff, why mobility is good for any public administration: a new job is a source for new commitment and enthusiasm and “tends to stimulate new thinking and improved performance” (European Commission 2002c: 23). In addition, mobility helped to shift the focus from technical expertise to managerial skills, and to change the profile of those at the top. As an official from DG ADMIN put it, “senior officials are really managers, we do not need the best experts in the policy field, but we need the best managers” (interview n. 3, February 2006).

At the same time, the empirical assessment showed that the *use of senior mobility was in practice even more frequent than expected*, since the Commission was sometimes willing to use mobility far beyond the new compulsory requirements. In the words of a former member of the CCN:

many appointment for mobility reasons take place after two or three years only. This is quite disruptive and generates uncertainty that does not help conducting a good job. Senior officials have just got acquainted with their new post and functions after a couple of years, and precisely when they could give more, and could start to be really productive, they are moved to another post.

This creates instability. Mobility has become to some extent an exercise in itself (interview n. 5, April 2006).

A Communication issued in December 2005 to take stock of the first few years of implementation of the new rules concerning compulsory mobility showed that the Commission was nevertheless rather aware of such limit: “[w]hile the experience of mobility has been positive overall, some adverse effects of compulsory mobility for sensitive posts, such as loss of expertise and institutional knowledge, were noted” (2005: 7).

The new mobility rules had also important *side-effects on senior appointments* as well. According to Catherine Day, former Director general and currently Commission Secretary general,

the whole fact that you have rotation at senior level, it is something [...] that changes the whole personnel policy, both the way the individuals look at their careers and also the way that senior management is organized, because people now longer think that they are going to be in the same job for 10 or 15 years. I think on the management side and now, in selecting senior candidates, we also look not only at the suitability of the person for the job they are going for, but we try to think “could this person be moved somewhere else in 5 years time?”, and that may weigh in the final choice between two – say – roughly similar candidates.

The empirical assessment was also key to finding out the way in which the Commission put in place the new rules on mobility. Not always did mobility take the form that the Commission had originally envisaged. In this respect, the best example is probably the *progressive downsizing of the originally-envisaged full mobility “rounds” into smaller groups* of senior officials being redeployed together. This was the result of a rather unexpected complication in managing many redeployments at one and the same time. According to a senior official,

on paper, that is a very good idea, but the real problem is when you have to move twenty, thirty officials at that level, in all services, by trying nonetheless to redeploy people with certain competences in the right posts – and not all of them are multitasking! – and by avoiding to destabilize completely the directorates general, [...]. This has been the problem at the beginning of the Prodi Commission, [...]. [The Prodi Commission] launched an operation



whereby mobility became the rule every five years, [...] after which there was a package of thirty people to be moved. How can you redeploy thirty people at the level of directors general and directors, by involving ten to fifteen different services [and directorates general], without creating chaos in the house and the organisation? [...] A whole series of negotiations were necessary to be eventually able to find a solution, but the first time that they wanted to do this sort of package, it took six months (interview n. 17, October 2006).

Rather than big mobility rounds, the Commission thus began to do smaller “back-to-back operations or mini-triangulations”, although it then continued to sell them as part of a single decision, and therefore as a single package (interview n. 9, July 2006). These smaller-scale operations were still rather complex for any member state (not to mention for a group of member states) willing to intervene and possibly arrange reshuffles according to its preference. The “fair share” exercise of the early years of the European integration was not only no more legitimate. The finding of the empirical assessment was that it was also no more feasible, which is fully consistent with a typical dynamics developing between an agent facing multiple principals, whereby the principals are not able to find a compromise solution amongst them, and this enhances the scope for action of the agent (cf. supra, 2.3.1)

A key factor that has made mobility part of the new administrative culture of the Commission was clearly the *willingness of Directors general to implement the reform*. They all paid special attention not to find themselves worse off as a result of compulsory redeployments across Directorates general – which helped to resist pressures, including national ones, when the redeployed official was not up to the job – and that is why they often promoted reshuffles among best directors within their own DGs, and then tried to “sell” the operation as substantive mobility. In this way they were often successful in avoiding to lose their best directors to the advantage of other Directorates general. In the words of the first Permanent rapporteur,

although mobility is compulsory for all, all know that for the way it is managed, mobility is “more compulsory” to some than to others. Because in many cases, cunning directors general made mobility operations internally to their DG, in order to keep their best directors. They moved [these directors] from one dossier to another, [...] and so they saved them from migrating to another DG.

The Commission tolerated this “strategy” by Directors general, but required at the same time full flexibility and availability on their side. A director general mentioned in this respect the need to be cooperative in the “mobility game”:

When people have been in the job for a certain time, first of all they have to rotate, and you have to find a slot where they are useful. [...] So we are looking at where the holes are, what can we do, and of course some people then have to move out of post and then they are “available” and you can take them or you cannot take them. If you don’t help, then you are sure to run into trouble at one stage. So you have to be helpful, everybody has to be helpful in order to say “ok, then I take this person...”, and we see and we look at balance of qualifications, balance of flags, so to achieve some kind of balance (interview n. 40, March 2007).

In order to increase the incentive to be helpful, the Commission began to implement a key principle (although never formally adopted) for its mobility policy, according to which *posts becoming vacant as a result of compulsory redeployment could not be filled through appointments*, but had to be refilled through other redeployments. A member of the CCN explained clearly the relevance of such a principle:

each [Director general] tried to take the least worst, knowing that for good or bad he had to take somebody. Since he lost one of his [senior officials], it was clear that he had to accept somebody else in mobility, because that was the principle, that the posts becoming vacant as a result of mobility were to be covered through mobility as well. Otherwise that would become the dream of any director general, to say “I give one [senior official] to you, and then I publish the vacancy!”. Many [directors general] tried to do that, evidently (interview n. 9, July 2006).

#### **4.2.2 Retirement in the interests of the service (article 50).**

Summarizing the findings of the empirical assessment for the use of article 50 of the Staff Regulations since 1999, data show that *nationality and member states did not play any role in*

*Commission decisions to retire senior officials in the interests of the service*, and that other reasons – the main one being the unofficial request coming from the official himself – can explain why the Commission used this senior personnel management tool so frequently. The empirical assessment also contributed to explain why a strong discontinuity existed from Santer to Prodi in the use of article 50.

From 1995 to 1999, no official is reported in the Commission's minutes as having been retired in the interests of the service. This was not by chance. Rather, it was the result of a specific policy approach. According to Maria Pia Filippone, the deputy head of cabinet to President Santer at the time,

There were not [decisions based on article 50] [...] because Jim Cloos [Santer's Head of Cabinet] was against, as they were very expensive. So he de facto avoided them. He clearly said "no" to article 50 requested by people who were too young and [whose leave] would thus cost too much, while he accepted that some other people closer to retirement could leave, although in those cases, some dossier that were born as "article 50" eventually ended up in resignations, and thus directly with retirement. Jim actually asked the administration to make the appropriate calculations to the individuals concerned, and in that way he proved [to the concerned senior official] that since he was 62 or 63 or something like that, what they would get with article 50 would be equivalent to retirement, and thus they could move onto retirement immediately and they had to resign (interview n. 17, October 2006).

The Santer Commission had itself inherited from the Delors period a different practice of using article 50 as a primary tool for senior personnel policy. Jim Cloos recalls the radical shift in the use of article 50 the Santer Commission decided to make:

Article 50, that is an article which allows you to make some room. Without providing any reasons. So, you can fire people any time you want. Now, there was a policy before us [Santer Commission], whereby in some cases the administration used article 50 to get rid of somebody. Either because the person was not good [...]. Or because for this or that reason it was simply necessary to free a post, that happens in life. But there was also a *third* reason, and that was increasingly used. It concerned people who were perfect, and for

which it was not at all in the interests of the house to let them go, but who – *them* – wanted to leave. Take the money and start a new life. That was their right, but my idea was that article 50 was not there for this. So I stopped that as well. [...] we no longer gave article 50 by complacency.

The Santer Commission thus felt it had to put a remedy against article 50, which was in fact no longer used mainly “in the interests of the service”, but more “in the interests of the senior official”. That is why a sort of moratorium on article 50 was passed.

Two main arguments supported this new approach: first, it was a question of skills. The Commission could not afford to encourage a number of its skilled and competent senior officials to leave the institution by providing an economic incentive to them. It could simply not afford such a net brain loss. Nobody could refrain senior officials from quitting, but at least, the Commission could stop a practice which runs almost against its own interests. “If they want to leave, they can resign!”, was Jim Cloos’ comment in this respect.

Second, decisions based on article 50 had progressively come under the fire of the budgetary authority, and were seen as unjustifiable measures of last resort to remedy previous mistakes. It had happened, in fact, that some appointed officials turned out to be not sufficiently qualified, and that retirement in the interests of the service could thus become an option. At some point, however, the European Parliament considered that this practice was no longer acceptable. As a former long-servicing senior official commented:

when the [European] Parliament began to check the costs, they said: “hold on, stop it! Because it is too easy to appoint people who are not up to the job and then you give them money to leave as a golden shake...” (interview n. 21, October 2006).

#### ***4.2.2.1 From Santer to Prodi***

The policy was then revised again with the coming to office of the new Commission. Kinnock, in particular, made a wide use of the possibility granted by article 50, to the point that he upgraded such statutory provision to an important senior management tool in the hands of the institution *vis-à-vis* its top officials. Jan-Gert Koopman was his chef de cabinet. He commented the new policy course in this way:

in the Prodi Commission, with these new rules, you have a systemic change when you start imposing new requirements, and very clearly that of course poses you to challenge senior officials. So you have a generation of people who, for a variety of reasons – very often not to do with their qualities, but just with the new system, the new changes – felt it hard to be fully reintegrated. Or rather it was felt that they would be difficult to reintegrate, and then they got an article 50... so we felt we needed to have that possibility in order to allow the system to work. [...] People who did not feel fully comfortable in the new contest [to leave] [...]. Mr Liikanen [Commissioner for Personnel in Santer Commission] would have said “no, you have to stay” and we said “well, in the new system this is more acceptable”.

If we now move from the general policy to specific cases of retirements in the interests of the service, a set of different reasons could explain decisions based on article 50. Marina Manfredi, first Permanent Rapporteur to the CCN, commented in this respect:

the fundamental reasons to invoke article 50 from the Commission, for much informally, were the geographical surplus – I was perennially charged to look for volunteers from [country A] and [country B] – useless people; resistant to mobility, or posts to be freed in order to allow for triangulations for mobility itself; people were fed up enough and wanted to go home; people “burnt out” or fed up for somebody else’s appointment [...]; thanks or expressions of “gratitude” towards officials who had given a lot to the institution, who asked to quit under good leaving conditions, and were satisfied [in their request].

As a result of a case-by-case analysis, my empirical findings reveal that article 50 can be regrouped under *four different categories*, each presenting a “main reason” backing the decision. These four reasons were:

1. voluntary retirement informally requested by the senior official (including cases of “reward” for the good services);
2. poor performance of the senior official;
3. personal/political incompatibility between the commissioner and the official;
4. intervention of member states and/or national considerations.

Once again, as in the case of redeployment in the interests of the service, national considerations and influences may have occurred in a number of retirements included in one of the first three groups. When it is so, this means that nationality and member states intervention were *not*, however, the main factor behind the decision to compulsory retire the senior officials. Retirements of this kind, where the “national element” was decisive, were regrouped under the fourth category.

In the following parts of this paragraph a detailed analysis of the four categories as well as an assessment of their relevance is provided, so as to measure to what extent nationality and member states’ intervention impacted upon Commission’s senior personnel decisions based on article 50, thus contributing to the assessment of my senior mobility hypotheses. It is important to point out that for some of these decisions a clear assessment of the motivation could not be made. These decisions amount to just around 13% of the total population (8 out of 60), which is very low and thus unlikely to change substantially the overall findings concerning compulsory retirement.

#### ***4.2.2.2 Article 50 “on demand”: retirement in the interests of the... official!***

Formally, article 50 is a management tool fully and exclusively in the hands of the institution. The Staff Regulations do not grant senior officials the possibility to “ask” for early retirement on the basis of such article. The empirical research showed nonetheless than in more than half the cases, the dynamics leading to article 50 were of the kind that Jim Cloos referred to as “à la tete du client”. The first Permanent rapporteur to the CCN, explained what sort of informal procedure existed:

A potential “volunteer” came to talk, in alternative – and based on his own network or contacts – to the head of cabinet of Kinnock, or the Director general responsible for Personnel and Administration, or me. I would say that, in general, directors would come and talk to me, whereas Directors general – volunteers were really rare! – to the cabinet of Kinnock. [...] Normally, the request submitted by the volunteer was accepted. The only question concerned whether there was some money in the budget line. [...] In general, I was the person who told the volunteer that his request had been accepted.

In many cases, the institution and the official negotiated and tried to find a solution satisfactory to both. That is, despite being quite clear, the provisions of article 50 had some degree of flexibility. A very telling case in this respect was Costanza Adinolfi (acting Director General of ECHO)'s article 50:

In 2003, I started to think seriously about what I wanted to do at the end of the [Prodi] Commission, as that was the time. A few months later I would become eligible for mobility, [...] and it is clear – everybody knows that – that the end of a Commission is a good time if someone wants to quit, to get an article 50. To me, it was a question of knowing whether I could bet on an article 50 or not, or rather if I was going to continue for five more years, considering my age. For totally personal reasons, [...] I discovered pretty soon to see how I could get an article 50. However, since all that was not obvious at all, at the beginning I waited a little bit before I run straight forward into that direction and I could have the proper guarantees. Meanwhile, [...] the dossier at ECHO had evolved in such a way that I considered it natural that the service become a directorate general, irrespective of my personal dossier. [...] I convinced Commissioner Paul Nielson [that we had] all the right arguments [to support this case] and that the time had come. We had proved that the service deserved to [...] be recognised for what it was, that is, a directorate general. [...] In fact, this operation of transforming the service [...] is a question independent of my own personal story. In addition, having in mind that I could also leave, it was a pleasure for me to leave a sort of “gift” to the service, by [having it] recognised as a directorate general. Now, what happened was that meanwhile, at the time of the whole operation to transform the service into a directorate general, I had put forward my request for an article 50. As the time was not favourable and I [could] not wait to be formally appointed director general and then leave, because in that case I would risk losing my chance, I said “you appoint me *faisant fonction*, what matters to me is that the service is upgraded, and I start as *faisant fonction*”. Frankly, I was not interested in being formally appointed director general. And so we found an agreement.

The case mentioned by Adinolfi is also exemplary in another respect. It is a clear example of how the Commission could find it profitable to “accept” the request coming from a senior official in order to pursue *its own* senior personnel policy. In parallel to the article 50,

another solution could have in fact materialised, that would have brought Adinolfi to stay longer in the Commission:

the other operation which was made in parallel, before I had any reassurance of getting an article 50 – and indeed the Commissioner was not that enthusiastic when I had announced to him my intention to seek an article 50, and he had replied “they will never give it to you, for your competences and age, the Commission will never give you an article 50. Rather, I would really like if you to apply for the post of [...]”. [...] I did the selection procedure until the CCN, where I know that I scored highly. I also met with [two commissioners], [...] [but] I retired my application before the Commission could take a decision. The Commission would have appointed me, and still [...] Kinnock told me “if you want an article 50, we will give it to you”, and I chose to get an article 50. [...] [the recruiting] Commissioner wanted to appoint me to that post, I said “ok, I take part in the selection procedure”, because I still did not have the certainty of an article 50, and if at some point they said that I could not get it, that I could not leave... at that point I would go at [DG X], which was a post that interested me. In fact, I retired my application when Kinnock mandated [someone] to tell me in a formal way that if I really wanted an article 50, he was ready to defend my case at the [weekly meeting of the] Commission. Therefore, I retired my application before the decision [on my appointment] could be taken by the Commission.

Clearly, the Commission (some commissioners?) had an interest in not having Adinolfi appointed to the new post, which explains why it accepted to grant her an article 50. This case thus shows that decisions based on article 50 may well be the joint outcome of several factors, such as personal motivation of the official to leave the institution, and interest of the Commission in freeing some posts to accommodate better other officials' reshuffles.

The empirical research showed that in a couple of case article 50 was requested (and granted) following the appointment... of another official (!), as a result of the disappointment for having failed promotion in the first place. One case concerned a Director general who had applied to become head of the European Maritime Safety Agency in Lisbon, which incidentally came as a surprise to everybody since the post was at a grade lower than the one he already had. Many colleagues commented that he had been



very incautious to apply without having previously checked the intentions of the recruiting commissioner, who eventually turned out to have different views on whom should head the Agency. A senior official directly involved into the affaire commented:

when he told me he had applied, I said “did you speak to [the Commissioner]?”, and he said “what do you mean?”, and I said, “well, often, they might have in mind somebody already for these posts”, and I said “a director general applying without being invited to apply seems strange to me!” (interview n. 24, November 2006).

The Director general was not appointed, and many insiders argued that he had “lost his face” as a result of the badly way he had managed his own application, which is why he then chose to leave the institution.

The second case is, again, a story of disappointment. The official concerned had been serving as acting Director general for years, but at the time of the appointment the commissioner chose to appoint another candidate.

In some cases there may have been a concomitant encouragement by the institution, or a clear, unspelled understanding. In the words of a member of the CCN:

It was not always clear from where articles 50 originated. Sometimes it was clearly the official who approached [...] or the director general or [...] although he had been encouraged by the commissioner, the director general or both. People were often reasonable. When they understood that it was time to leave, they tried to get out of the house under the best possible conditions. The Commission did not do anything to retain them and this was the confirmation that their feeling had been right (interview n. 5, April 2006).

This kind of encouragement – explicit or implicit – was recorded in at least eight or nine cases. Those cases in which the solution of the article 50 was “strongly recommended” to the official rather than simply “suggested” were included under one of the other three groups any time this strong recommendation was due to the need to remove an incompetent official (category “2”), to solve incompatibility (category “3”) or for national reasons (category “4”). Rather, the 31 cases regrouped in category “1” (cf. *infra*, Table 4.2.2)

were all cases where the voluntary request coming from the senior official turned out to be the *main* reason behind the retirement.

#### ***4.2.2.3 Poor performance***

In a number of cases, decisions based on article 50 of the Staff Regulations were used by the Commission to get rid of senior officials that had performed poorly in their post. The degree of incompetence may vary a lot, from underperformance in terms of management skills to total incapacity to run a directorate or a DG. A senior official mentioned the case of a colleague who “elegantly retired just before getting an article 50 for manifest incompetence and because it had emerged that he did not even possess a university degree!” (interview n. 9, July 2006). In almost all these cases, national interventions were not real forces at stake.

The empirical findings showed that many of these poorly performing officials that retired in the interests of the service were in fact officials who had entered the Commission following an externally-published vacancy in the aftermath of EU enlargement to Austria, Finland and Sweden in 1995.

Sometimes article 50 were given to officials who could not be relocated at the end of rounds of redeployments. However, the hidden reason behind that was not always the same. Commenting the decision to give an article 50 to a Director general, a German senior official declared “what *radio-couloir* said [was] that he was a rather uninspiring Director general, he was more an administrator, he was less somebody who could convey a vision of what [that] policy would be. [...] Many colleagues I met, there were not too unhappy that he left” (interview n. 22, November 2006). A second official commented the case of a colleague being retired in the interests of the service by saying: “These are the kind of people that you say ‘well, when are we going to work? Are we going to do something? Today? Tomorrow?’” (interview n. 33, December 2006). These are cases of article 50 which are not so dissimilar from those of the pre-Santer era and answer the same question “how do we get rid of people we have found out are not up to the job?”.

In other situations, the hidden reason was different and had nothing to do with lack of merit. Quite the contrary, these article 50 concerned – although in a very limited number of

cases – officials who were very strong and with high reputation. The hidden reason is quite telling:

[He was a] bright guy. [...] It was people who had fought hard. How? [...] with some very European ideas, well convinced, not disposed towards compromises that they did not share. People who fought hard. [Senior officials] who were used to be almost-Commissioners. And this disturbed the new commissioners. Because these officials were more knowledgeable than these latter, because in reality they controlled the ranks, because they had the foolish ambition to do politics (interview n. 17, October 2006).

Although mentioned in this section, these latter cases were counted into the following category “3” (personal/political incompatibility).

#### ***4.2.2.4 “Incompatibility”***

Decisions based on article 50 were also occasionally used to get rid of senior officials in strong opposition with their commissioner (or another superior inside the house). Typically, this could happen when the commissioner and the official had different political views and they could not find an appropriate balance to manage their relationship:

There can be the request by the commissioner responsible for a directorate general who says “that person, I do no longer want him, because he did things which are a little...”. For instance, something that Commissioners do not stand is when there are officials who want to make the policy themselves. Time to time there are some officials, when they get to mid to senior positions, who decide that the commissioner does not understand anything and that they do the policy and know everything. Then, at some point, the Commissioner reacts badly, and says “I am the politician here”. Cases of this kind, of political incompatibility with the commissioner, can eventually lead to an article 50, *ex imperio* (interview n. 17, October 2006).

The empirical assessment revealed that such decisions were indeed quite rare, but not statistically insignificant. A typical comment is the one given by a member of cabinet of the commissioner in charge of the DG where the retired senior official was working:

[Mister X] had not created an adequate atmosphere within the directorate general, [...] he was working badly, [...] and moreover he was not maybe made to negotiate, so at some point the Commissioner and myself] we tried to slowly [...] make a change (interview n. 6, July 2006).

As in other cases mentioned before, several considerations – as to poor performance, for instance – may concur to shape the final decision. In this category “3”, I have put nonetheless all cases where incompatibility was the *main* reason justifying the grant of an article 50. The statement made by another senior official on the same case just commented by the member of cabinet, was decisive as to whether the specific compulsory retirement had to go into category “3” (incompatibility) rather than “2” (poor performance):

my sense is that [Commissioner Y] and [Mister X] didn’t get along, although I don’t think [Mister X] fully understood this, but [Commissioner Y] did not trust him and [he] actually wanted to change him (interview n. 13, July 2006).

In other cases, some external pressures were recorded, but again, they were of minor importance on the decision to retire the senior officials. Compulsory retirement may once again be the result of a special combination of circumstances, in which the interests of the Commission and those of the member states – better still, the interests of *some* commissioners and those of *some* member states – overlapped:

There were supposedly external pressure from [member state A]. There were, but I think that those were of minor importance. I think they came after the real decision had been taken. I think the fact that [Mister X] had poor relations with all the [geographical area] countries affected it. [...] he couldn’t function effectively because he had poor relationships with not only [member state A], but [member state B], [member state C], [member state D], and so on. But I think that fundamentally what it was, was that [Commissioner Y] felt “this is not working out, I need to change him” (interview n. 6, July 2006).

Again, however, incompatibility was a reason stronger than member states’ pressure, that is why the case was counted under category “3”. In other circumstances, incompatibility arose at times when the senior official was not able to adapt to the newly reformed

Commission. In this respect, a director general cut shortly: “there were people who did not fit into where the Commission was going, they were not able to manage in the new world” (interview n. 36, January 2007). Such cases were particularly manifest in terms of managerial skills, which had become a main criteria to become a successful top Commission official. In this respect, a typical comment was:

He [Director] was a charming guy, but he could not manage. I mean, he built a tribe of people that loved [him]. Very nice. But when he came to execution, we always had problems. So, [the Director general] did not like him and wanted him [to go] out. It is so happened that he had [...] [personal situation] and it fitted together. So he was not kicked out, but he would probably have been forced to take an article 50 if he had not previously accepted it in that very moment (interview n. 40, March 2007).

To sum up, the empirical assessment showed that in *no less than 8 cases* of decisions based on article 50 of the Staff regulations between 2000 and 2004 (Prodi Commission), the main reason was “incompatibility”, at a personal and/or political level, between the official retired in the interests of the service and his superiors. These figures amount to just above 13% of the total population.

#### ***4.2.2.5 Member states’ interventions and national considerations***

Nationality and member states’ interventions were certainly *not* a major factor driving the use of article 50 inside the Prodi Commission. This is why, in overall terms, retirements in the interests of the service were not used by member states to (re)assert any possible leverage on Commission’s senior personnel decision, as hypothesised by my first senior mobility hypothesis. Nevertheless, the impact of member states’ influence was quite strong in a very limited number of cases, and the empirical assessment revealed some specific findings. The most telling one probably concerned a member state, whose Permanent Representation in Brussels had been asked to draw a “blacklist”. The list was made up of several names and was actually used by the Commission to choose the persons whom should be given an article 50 from that nationality. Clearly, the Permanent Representation in Brussels denied the existence of such a list with the officials concerned (interview n. 5, April 2006).

The two major cases of article 50 mainly due to national considerations and member states' influence both concerned senior officials included in such a list. Comments collected were all crystal-clear, and always pointed in the same direction:

[the retired official] did not want to leave. [...] The [nationals of country X] let him go, and did nothing to keep him until the end as they wanted to appoint other people. He left with much bitterness, he did not want to leave, [his departure] was a little bit forced. He has been kicked out because the quota [of country X] was too high (interview n. 17, October 2006).

Similarly, another official put bluntly that “[Mister X] was a [national of country Z] too much, and the idea was to get rid of him so as to gain room to appoint somebody else [of the same nationality]” (interview n. 5, July 2006).

In some other cases, member states were unable, or unwilling, to back some of their senior officials inside the Commission, who were then granted article 50 for reasons other than poor performance or incompatibility and who could have been redeployed rather than retired. A senior official recalled the case of one of his colleague:

[senior official X] unjustly pays the beginning of the reform. [Some] begin to say that the system has to be changed, that [service Y] should change the philosophy of its approach, [...] should change completely, and it cannot be expected that the director general who has been director general until that moment [...] can now lead the transition towards the new system. So [senior official X] is “sacrificed”, not defended [by country Z], unjustly, since they could have relocated him somewhere else. An extremely valuable person (interview n. 17, October 2006).

In other cases, member states tried to support some of their nationals against article 50. A director general stated for instance that “[Mister X] had a lot of political support, I remember it was difficult, [...] because he had links with different [nationals of his country]” (interview n. 40, March 2007). Both the two latter cases showed that national considerations were relevant, but did not impact upon the final outcome of the Commission's decision. That is why they were *not* included into category 4.

Of special relevance is the case of the very top administrative layer. Although decisions to grant article 50 to Directors general were not necessarily influenced by member states' interventions, the Commission was nonetheless attentive to national sensitiveness and to achieving a certain degree of consensus within the College. This is the comment the first Permanent Rapporteur put forward in this regard:

in the case of senior officials already fired, or soon to be fired, I was sometimes asked to approach them to taste the ground [...]. In most of cases concerning Directors general, however, the cabinet of Kinnock took that role, although this latter often delegated the cabinet of the nationality of the people to be fired, or secured its support in any case.

The overall assessment showed that member states' pressures impacted strongly on decisions to grant article 50 in just two cases. Even if there are a number of decisions which could not be properly assessed, amounting to 13,3% of the total population, it can be expected that they do not fit into one category only, and that the claim can thus be made that *decisions based on article 50 of the Staff regulations to accomodate national interests were definitely exceptional*, not to say statistically insignificant. The finding of the empirical assessment based on this major indicator – use of article 50 – is thus consistent with the overall findings of the empirical assessment of the two senior mobility hypotheses, whereby governments did not manipulate compulsory redeployments to intervene in the senior personnel policy of the Commission, nor the Commission need to use instrumentally this management tool to reduce possible intrusion by member states.

Incidentally, this finding on the use of article 50, which is the result of a case-by-case detailed assessment, is fully consistent with the rough estimate that Gert Koopman, former Head of Cabinet of Vice-President Kinnock, made when asked to comment on the overall impact of the nationality criteria and member states' interventions on decisions based on article 50: "I think there have been one or two cases where it suited us also from that perspective to use the tool, but [...] that was one factor and probably not the most important factor".

#### 4.2.2.6 Overall findings on retirements in the interests of the service

Many commentators agreed that the enlargement to the ten new countries from Central and Eastern Europe and the Mediterranean in May 2004, was a main factor in justifying the high number of decisions based on article 50.

In view of the enlargement, the budgetary authority had not expanded adequately the number of senior posts inside the Commission, and that is why article 50 very likely became one of the tool the European institution used to create some space for senior officials coming from the new member states. This probably explains why the Commission was so well disposed and rather inclined to answer positively to requests of article 50 coming from senior officials themselves. At the same time, enlargement cannot be taken as the main reason behind any specific decision based on article 50.

The following Table 4.2.2 presents an overall view of the empirical findings concerning decisions based on article 50 of the Staff Regulations.

TAB. 4.2.2 *Retirements in the interests of the service (article 50), Prodi Commission.*

Category	Main reason for article 50	N.	%
1	Requested by concerned official	31	52
2	Poor performance	11	19
3	Incompatibility	8	13
4	Nationality / Member states' influence	2	3
	<i>unclear</i>	8	13
	<b>TOTAL</b>	<b>60</b>	<b>100</b>

Table 4.2.2 clearly shows that in the absolutely vast majority of cases (categories “1”, “2” and “3”) such decisions were *not* the result of member states’ influence or even national consideration (category “4”). And this finding is consistent with those on redeployments in the interests of the service (cf. supra, 4.2.1.3).



## CONCLUSION

Jean-Paul Jacqué is Director at the Council Secretariat in Brussels and one of the most respected professor of European law. On 19 May 2006, he was walking at slow pace around the cloister of the Badia Fiesolana, the headquarter of the European University Institute in San Domenico di Fiesole, up in the hills behind Florence. It was about lunch time and he had just come out from a lengthy discussion with other professors and senior colleagues on EU treaty reform and how to advance the European integration process. I was walking next to him, and we were chatting on the administrative reform of the Commission and its likely impact on the appointment of senior Commission officials. At same point, Jacqué stopped and looked at me. He smiled and said (in French), “dear friend, the question you should ask yourself is not whether there still are pressures from member states, but whether these pressures are still effective or not”.

This is exactly the question I have tried to answer over the last few years. On the basis of this question, I have framed my research, derived the hypotheses, and conducted the empirical assessment, in particular by scanning hundreds of Commission’s internal documents and interviewing 37 top Commission officials. In this thesis, I have thus tried to give a comprehensive and detailed answer to what can be synthesised as “the Jacqué’s question”.

### *Puzzle and research question*

Originally staffed with officials coming from national administrations, the European Commission was able to sever these ties with member states rather early, and to put in place a proper *fonction publique européenne* with its own administrative rules and independent career paths. For long, however, member states were able to retain some control over most senior posts inside the institution, namely directors general, deputy DGs and directors (former grades A1 and A2), to which a sort of “fair share” of seats applied. Successive enlargements in 1973, 1981, 1986 and 1995 then forced the Commission (and member states) to accommodate the system of selecting top officials in order to take into account the needs of the newcomers in terms of redistribution of senior posts. At the same time, after any period of accommodation, the share of seats immediately found a new balance and crystallized again. Rather quickly, a system of national flags emerged and led to key posts being the exclusive property of specific member states, with only officials of the “right” nationality in a position of being promoted there.

National flags and strict national quota for senior posts (so-called *fourchettes*) strengthened not only the relevance of the nationality criteria as a main factor for promotion to the upper echelons of the Commission, but also the role played by member states in this respect. Member states became influential in deciding not only what posts should be “assigned” to a given nationality, but also (although less systematically) in suggesting *which* officials with that nationality should be appointed. This was, at least, the unspoken truth circulating in Brussels. Such truth had then rather easily spilled-over into manuals and other academic pieces on the European Commission and the European administration at large. The spillover was possible including because no comprehensive study had ever been carried out on how senior appointments took actually place, or on the extent to which influence by member states was really effective,.

This was the overall situation when the new Prodi Commission took office in 1999, in the aftermath of the fall of the Santer Commission, which had been forced to resign. The new President, Romano Prodi, made administrative reform one of the priorities of his mandate. The reason was twofold: not only had internal reform been in the pipeline for no less than twenty years (at least since the Spierenburg report in 1979); it was also felt that the Commission had to rearrange its internal practices prior to enlarging the institution to officials coming from ten new member states.

One of the key dimensions of the administrative reform concerned senior management specifically. The new Commission abolished the old national quota system, dismantled national flags, implemented a more rigorous system of selection and appointment to top jobs in the Commission – particularly by empowering & insulating its Consultative Committee on Appointments (CCN) –, and introduced compulsory mobility for all its senior staff, who were no longer allowed to stay in the same office for more than five years (seven under exceptional circumstances).

In this thesis, I have tried to assess the impact of such administrative reform on senior personnel issues. I have focused on appointments and redeployments, and in particular on the consequences of the new administrative measures (and the new political course) to see whether – but also how, and to what extent – things have changed in terms of both the relationship between member states and the Commission, and the role nationality has as a factor for career progress. The main research question I have tried to answer has thus been “how has the Commission succeeded in reducing the influence by member states and nationality on its senior appointments and redeployments?”

### *Theoretical framework and hypotheses*

In order to frame the research and derive the hypotheses, I have made reference to *principal-agent theory*. Nowadays, principal-agent theory has been widely used in studies concerning European integration, particular to assess the relationship between member states and supranational institutions, clearly including the European Commission (cf. *supra*, 2.1.2). In particular, I have hypothesised that the administrative features of the new system of selection and appointment of senior Commission officials – namely professionalisation and decentralisation – have had a direct impact on the likely capacity of member states to provide strong input to the Commission at time of making senior appointments. Then, I have derived two further competing hypotheses on the likely impact of the new rules on senior mobility, which has become compulsory for any senior official. In particular, the two hypotheses posit that the new policy of senior redeployments may well have been, alternatively, a way for member states to reassert some of their influence on senior Commission personnel management, or an additional tool in the hands of the Commission to strengthen even further its capacity to insulate itself from external pressures.

These three hypotheses have been empirically assessed by making reference to hundreds of cases of senior appointments and redeployments occurring in the Commission during the Presidencies of Santer and Prodi, and thus covering the decade going from 1995 to 2004. By using a number of specific indicators – going from consideration of merit and real institutional needs or time of involvement of various actors, to contacts between cabinets and member states or proximity between successful candidates and national authorities, to mention a few (cf. *supra*, 2.2.2 and 2.3.2) – I have investigated what were the specific conditions, factors, and reasons that made any of these decisions to appoint or redeploy possible. In this way, it has been possible to assess the role played by different actors, and thus the relevance of influence and/or input provided by member states. The empirical assessment produced some aggregate findings not only on the role of member states and nationality on senior appointments, but also on other key features of the new system in place.

### *Findings*

One of the two main findings of the empirical assessment is that the *role played by nationality in senior Commission appointments has undoubtedly decreased*. From a quantitative point of view, and in very rough figures, this decrease amounted to about one third. That is, if nationality was found to be relevant in about two senior appointments out of every three before the reform, it then passed to matter in about one senior appointment out of every three afterwards. Some differences exist across policy areas, but these figures represent a good summary of the detailed empirical findings presented above (chapter 3). In more qualitative terms, it can be fairly said that the reform concretely achieved what it had intended – and originally claimed – to do: discontinuing the legacy of national flags, and moving the upper echelons of the Commission from being based on national quota to referring to a much more flexible “geographical balance”.

Overall, discontinuing national flags did not bring to swaps between flags. In addition, the break with a system based on national quota inevitably brought about a situation in which *some nationalities became more represented than others*. The numbers of senior officials per nationality floated up and down and geographical imbalances appeared. Some felt that this could not be acceptable, both inside and outside the Commission. And yet, although reactions were sometimes very strong, they did not go so far as to force the Commission to

revert back to the old system. Therefore, imbalances not only occurred, but they were also tolerated (interview n. 20, October 2006).

The second main – and indeed very critical finding – is that the *role of member states in senior appointments has changed little*, or in any case less than expected, if comparing the two Commissions headed by Santer and Prodi. This is not due to the fact that the Prodi Commission was unable to reduce the traditional impact of member states on its senior appointments. Quite the opposite, the role of member states was found to be very limited after the reform. There were clearly cases in which national capitals were successful in pushing their preferred candidates through, or able to make strong and effective recommendations. These cases, however, were clearly a tiny minority, and in no way can be taken as statistically significant or as allowing to claim that national capitals decided who was going to move up and who was going to move down in the post-reform Commission administration. So, how is it possible that member states' role has not changed substantially?

The empirical assessment provided a clear picture concerning the pre-reform period and thus a clear answer to this question: the role and impact of member states on senior Commission appointments did not change much because it *was already rather limited even prior to the reform*. What was in the public discourse – and in the majority of (scattered) academic literature on this issue – did not properly reflect the reality inside the Commission. In the absence of a detailed and scientific analysis assessing all (or the majority) of senior appointments, the belief was that member states were extremely powerful in making pressures and influencing most senior Commission careers: “top jobs in the Commission administration are known to be coveted and sought by specific national governments for their own chosen recruits” (McDonald 1996: 52). This belief had grown over time and was essentially due to two different factors.

First, national influence had been certainly strong at the very beginning and for the first decades of the European Commission (for obvious reasons, there were not senior career officials who had spent their life inside the institution). Such initial feature had contributed to develop the *mainstream narrative* about member states being rather assertive and effective in senior appointments. And narratives are often hard to die. Second, still in the late '90s (and afterwards...), there were certainly cases in which member states were indeed particularly influential and could get preferred candidates appointed to key posts inside the

Commission. Although these cases were very limited and punctual, the “noisy” they made was disproportional: they were reported, and often blamed, in the press; and they contributed in this way to reinvigorate the narrative concerning the “*main mise*” by national governments on senior personnel decisions inside the European Commission. The real narrative, however – which comes out of the empirical assessment – is slightly different from that, and shows that “at the end of the day, it’s all less Machiavellic than one could think” (interview n. 17, October 2006). In addition, the fact that the premises were so inaccurate – not to say totally wrong – has had an impact on my research framework, as I have built my theoretical model and hypotheses on the idea that member states were quite effective – rather than quite ineffective – in senior appointments until before the reform (and thus until 1999 or so). I will come back to this critical point a few lines below.

Directly related to this second main finding, the empirical analysis has nonetheless proved that the *new system and procedure of selection and appointment of senior Commission officials is much more insulated than the previous one from potential influences coming from outside* – including, first and foremost, member states. The reform has not only professionalised the procedure, but it also decentralised it. Several actors are involved, and mechanisms of mutual accountability and responsibility have been further developed. Nobody is in control of the entire procedure from the beginning to the very end. And this makes it extremely difficult for everybody (both inside and outside the institution) to influence all steps in the procedure, which clearly is a necessary condition if someone wants to get a certain outcome at the end. Candidates have to make their own way through the selection procedure. And there are several tests to pass, where things can go wrong. Clearly, for such a system to work effectively and properly, administrative measures cannot be enough. What matters in the first place is officials dealing with procedures being faithful, respectful of the principles and values of the institution, and having internalised a new administrative and institutional culture.

Another relevant finding concerns *redeployments of senior Commission officials*. Compulsory mobility was introduced and this may have impacted in two different ways upon senior management and upon the relationship between member states and the European institution. On the one hand, mobility may have helped the institution to further reduce member states’ capacity to influence senior personnel decisions; on the other, it could have come to represent a sort of backdoor for particularly active member states to influence successfully (a few) senior appointments. The empirical research showed that the latter was

not the case. But also that compulsory mobility was not necessarily a tool the Commission used to reduce external, resilient influences which may have “remained” inside the institution. In fact – and very much related to the comments made above – mobility was a senior management tool that certainly helped the Commission to bring forward change to the administrative culture, including in terms of national concerns and officials’ career, but did not come to represent a tool used against member states. The same was true of the intense use made under the Prodi Commission of article 50 of the Staff Regulations, and concerning retirements in the interests of the service.

The empirical assessment also revealed how the new system for selecting and appointing senior officials has created the conditions for another major development in terms of senior personnel policy of the Commission: since the implementation of the reform, *unfit candidates have no longer a chance to be promoted* despite their lack of competence, skills or merit. Cases of promotions to the upper echelons of the Commission of officials who did not deserve the post were rather rare, including before the reform. Most of such cases coincided with those senior appointments in which member states had to push extremely hard, and successfully. Although very limited in number, the impact of these promotions on the Commission administration was rather disruptive, as they demoralised and frustrated the staff. With the implementation of the reform, these cases are virtually impossible now. The new CCN, in particular, has become a real “quality filter”, and does not allow incompetent people to get onto the short-list submitted to the recruiting commissioner. Unfit candidates are thus stopped rather early on in the selection procedure.

On top of all these specific findings, it is important to mention what is likely to be the *most important outcome of my empirical assessment*. I have mentioned above the critical point concerning the information available in the literature on senior appointments inside the Commission prior to the reform. This information turned out to be limited, inaccurate, and sporadic. Moreover, it had been improperly used to infer wider conclusions on how member states could influence Commission senior personnel decisions at least until 1999. Necessarily, such information constituted the premise on which I built my theoretical framework, to find out later – as a result of the empirical investigation – that reality was different, including for the pre-reform period. That is why I had some difficulty in stating clearly whether my hypotheses were confirmed or not. Take the first – and most important one – on the diminishing role played by member states in senior appointments. In a sense, empirical analysis confirmed the hypothesis, as this role was indeed rather marginal after

the reform. And yet, the same hypothesis was not confirmed as the role played by member states was not that strong before the reform (which was my starting point), and therefore the *decrease* in influence by national governments from the Santer to the Prodi Commission was found to be rather limited in absolute terms. Therefore, the most important finding of the thesis may well be on the immediate pre-reform, rather than the post-reform period, consisting *not so much in the confirmation of my hypotheses, but in the disconfirmation of a rather consolidated (and ill-founded) assumptions and information on senior Commission appointments* – that is the topic of my research.

A final relevant finding concern the *difficulty of generalising the results of my empirical assessment*. On paper, alternatives were few: a senior appointment was influenced by a member state or not; it was based on merit or national concern, or maybe political affiliation. In reality, assessment of hundreds of Commission personnel decisions showed that motivations behind senior appointments and redeployments can be (almost) as different as the appointments and redeployments themselves! That is, ad hoc factors contributing in a rather decisive way to a decision of appointment or redeployment were found to be more common than any theory could predict. Many senior appointments and redeployments thus shared the commonality that... they had nothing to share and were just based on rather *ad hoc* concerns and *sui generis* reasons! In some cases, for example, a decision to appoint somebody was taken because the official concerned was a woman rather than a man. In others, decisions may be based on incredibly extravagant reasons. A director general mentioned the missed redeployment of another director general and friend of his:

[Mr X] was Director general for [...] since [many years]. He had to move and was likely to go to DG INFSO. This was the idea of the [recruiting] Commissioner, of the vice-President, of the President, of the Secretary-general. [...] I mean, everybody agreed to what seemed to be a perfect solution. But then something happened. They all found out that [Mr X] had a very bad relationship with computers and everything relating to IT. Apparently he even used email hardly at all. He was also well known in the house for his brilliant jokes on computer sciences, new technologies and the like. Now, guess what would have happened, had we sent this guy to head the Directorate general in charge of information society! That is why, at some point, the recruiting Commissioner] phoned me and said, “that’s really a shame. Ah, so regrettable! But there is no way I can send him to INFSO!”. And in fact he was no longer



redeployed there, and this had a rolling snowball effect on many careers inside the Commission, including mine (interview n. 15, September 2006).

Irrespective of these “special” cases, generalisation was in any case difficult because of the many “personal” reasons intervening in senior personnel decisions. The most relevant was clearly personal trust, reputation, or a common working experience in the past between the successful candidate and one or several key actors in the selection and appointment procedure. The European Commission was and remain, in fact, a rather small organisation. At the higher level, everybody knows (almost) everybody else. It is hardly conceivable, for instance, that a vacancy is published when the director general has no idea of any of the officials that will be likely sitting in front of him (and the rest of the panel composing the CCN) at the time of making the interviews. Quite the contrary, it was, and remains, very common that a vacancy is published only if, and when, there is at least a candidate whose profile and reputation are likely to reassure the director general about the final outcome of the procedure (cf. supra, 3.2.4). In such a way, the Commission has developed a system which helps directors general – and to a lesser extent, Commissioners – to identify and choose directors and other senior officials rather safely, by reducing the potential for possible “mistakes”. Informal clubs, networks, as well as nested networks remain key for career advancement inside the Commission, and this makes difficult any generalisation of findings, as these networks are not based on common and stable features, such as nationality or political affiliation, but on an incredibly variegated set of conditions which, on top of that, vary over time.

At the same time, all such variety did not have an impact on the possibility to assess empirically the hypotheses, which were aimed at understanding what is the role of member states and nationality in senior Commission appointments (and redeployments), and *not* the reasons why a given candidate rather than another was appointed (or redeployed) to a given senior post.

### *Long term consequences*

The empirical assessment and the main findings also provided a number of insights in terms of long term consequences of the administrative reform – and particularly of the new system of selection, appointment and redeployment of senior Commission officials – which are worth mentioning here.

One of such main long-term consequences has to do with what member states can reasonably expect, and achieve, under the new rules and system in place. As Jacqué rightly pointed out, national governments have certainly not reduced their attempts to influence senior personnel decisions inside the Commission. In some cases, they are still successful, particularly when their “national interest” coincides with the Commission’s preferred outcome. At the end of the day, all the best officials in the Commission have one nationality or the other, and it is now in the hands (and brains) of the member states to accommodate to the new internal mechanisms – by supporting candidates (1) inside the institution, rather than coming from outside; and (2) with competence, skills and good reputation – if they want to remain somehow influential. The key feature in this respect is very simple: *national governments have to bet on talent and merit*. If there still is any chance an official of a given nationality can be helped by his member state to reach the upper echelons of the institution, such a chance mostly depends on the official’s qualities, not on his national, political, or partisan affiliation.

Some member states have traditionally been better than others in “pre-selecting” good candidates to be pushed for promotion in Brussels. Quite the contrary, many – if not most – other member states have never paid much attention to the profile, abilities, personality and CVs of the candidates they pushed for, believing their push was in itself, and irrespective of anything else, strong enough to place Mister X or Madame Y in a key post inside the Commission. In most cases, their attempts failed already prior to the reform any time candidates were not adequately up to the job. But clearly, since the implementation of the new rules and system, there is simply no more hope they can get anything by conducting business as usual.

In a sense, the administrative reform has thus promoted merit not only in terms of candidates’ careers, but also in terms of the strategies member states put in place to be influential in senior appointments. Only member states that are able to design a strategy based on the new features of the selection and appointment procedure can still hope to be rewarded with a high number of their country-nationals being promoted to the upper echelons of the European Commission. On the contrary, those member states who have not realised it yet – those who thus *lack merit* and continue to play the old game with the new rules – remain (and will continue to remain) outside the door.

Member states have simply to realise that good candidates cannot be invented overnight, and that the best they can do to ensure that they are adequately represented in the upper echelons of the Commission administration is to support brilliant young people of their nationality to join the European public administration and then work their career *inside*, and *through*, the institution. Therefore, member states have to refine their strategy and think in the long run by contributing to the development of a “reservoir of talent” – a critical mass of potential good candidates available with qualifications, and spread all over the Commission (interview n. 24, November 2006). Once a member state has secured a number of good people coming up at the middle level, it can “basically sit back and wait, because it will happen. It will *automatically* happen. Not only because of the [geographical] balance, but because [these people] are good, and they will be there” (interview n. 40, March 2007).

The new context, together with the need for member states to develop a new strategy based on merit and competence in order to support the career of their nationals inside the Commission, has had a spill-over effect on other traditional features of the system of senior appointments and redeployments inside the Commission. First of all, the strong accent on skills and competence has made not only recommendations of bad candidates rather ineffective, but also recommendations of candidates in general more suspicious, irrespective of personal qualities. Pressures from member states has become not just potentially *useless*, but sometimes even *counterproductive*, the main argument being that “if somebody is now pushed too much, actually he cannot be good, precisely because he needs all this push!” (interview n. 33, December 2006).

In addition, the reform has had an impact in terms of relationship between Permanent Representations (and national authorities in general) and the Commission. Some member states understand better than others the importance to have an official with a given nationality in a key post, in order to shape policy or other decisions, including first and foremost from a cultural point of view. But in many cases, Permanent Representatives make recommendations because they feel they have to be able to say they tried something. At the same time, however, there is increasingly less that member states actually expect out of it, and hardly get upset when their views on candidates are not taken into consideration. If something happens, then, in the vast majority of the cases that is because of a coincidence or a convergence of interests, rather than because of successful pressure. This more informal relationship with friendly contacts, soft recommendations, and limited

expectations on the side of the national governments represent an evolution compared to what existed before the reform, when member states felt objectively stronger and put forward requests of a different nature, in a different manner, and irrespective of how the Commission was willing (and able) to react.

All this has clearly to do with another long-term consequence of the reform – the evolution of the position and role of the “masters” in the selection and appointment procedure: the recruiting commissioners. Commissioners have kept intact their role in senior appointments, but with a major change. They have become much less influential in senior appointments in DGs under the responsibility of *another* commissioner. Since there is no longer a system of national flags, they have largely lost the occasion to make recommendations at the time of promoting an official of their nationality in a DG or service different from their own. For very much the same reason, they have gained leverage (and autonomy) in senior appointments falling within the services under their direct responsibility.

The reform could have also had some additional long term consequences. First, the changing role reserved to nationality and national flags *may* have impacted on the level of competition for senior posts. In the aftermath of the reform, the Commission admitted that “[t]he average number of internal applications for A1 posts since 1999 remains low [...] Often officials are discouraged by the perception, whether correct or not, that there is a strong candidate who is certain to get the post or that there is a favoured nationality” (European Commission, IP/02/124 of 23 January 2002). The real question in terms of competition is whether the reform has allowed for a new approach and attitude by senior officials towards senior vacancies to arise, and whether a new *administrative ethos* has been spread around. In theory, the end of national flags, combined with the new accent on managerial skills across directorates general, has increased the number of potential candidates who can apply and be likely winners. But other factors, such as the persistence of the “culture of the pipeline” (cf. *supra*, 3.2.4), may have strongly refrained any such development. The degree of genuine competition for senior posts will be a key factor to understanding the long-term implications, and deepest consequences, of the administrative reform.

Second and third, the new mobility policy based on compulsory, regular redeployments may have brought long-term consequences in terms of relationship between different layers

inside the institution (cf. supra, 4.2.1.3), and of top officials' daily work. As for the former, mobility has reduced the power of senior officials, towards both the administration, as they rarely stay long within the same service, and the Commissioners, as the latter are already in office when the new Director general (or Director) assumes his new functions, and there is thus a starting asymmetry in dossier knowledge. In terms of top officials' daily work, it is clear that compulsory mobility force senior officials, including Directors general, to regularly think of their own future and career, and to change the way they operate, as they can no longer plan many years in advance (interview n. 32, December 2006).

### *Looking (and moving) forward*

As a few final remarks, I feel the need to pay some tribute to the institution I have been studying over the last few years. Interviews with 37 senior officials of the Commission have strongly impressed me, as I have always found – I must say: with very few exceptions – brilliant people, who were not just competent, clever, and attached to the European project, but also extremely available and *willing to tell me a story*. I remember the thought I made in Brussels, a few meters away from Rond Point Shuman, on a rainy Thursday of January 2007, coming out of one of my last such interviews. The director general I had just talked to had really impressed me for his analytical skills and frankness. Suddenly, I realised how common these traits were across the different people I had met, and why the European Commission had been able, indeed, to be the engine of European integration. Ideas matter – that was my thought – but it is only people who can make the difference, and bring change.

In this thesis, I have tried to give an account of how these people get to senior positions in the Commission administration. I have found out that merit, competence, expertise, managerial and human resource skills matter. I have also found out that nationality may play a role, but only when it comes to complement – not substitute – merit and competence. That was not a big surprise, but certainly an extremely important confirmation.

In this beginning of the 21<sup>st</sup> century, there are all over the world states that are failing, including because they do not have a backbone – that is, a solid public administration. In Europe, there is such an incredible public administration, without a state. It is not necessarily a state what we now miss at the EU level. But for sure, we miss political

leadership, and rest reassured – no treaty will supplant it. That is, we have been able to put in place one of the best public administrations of the world, but we are now failing to provide the necessary political support to make the EU that global actor that most Europeans, and many others outside Europe, are asking for.

We need to start back from the EU as well as from any of its member states. There is a strong need for reforming public administrations in many parts of Europe. The administrative reform of the Commission has shown what can be done, and achieved, when political commitment is combined with promotion of merit and competence to design a sound policy of human resources, particularly at the senior level. The new European Commission, with its internal mechanisms, and the philosophy that is behind them, is clearly a model. I simply hope it could come to inspire many countries, including – as European Commissioners used to say in their weekly meetings – “the country I know best”.

## ANNEX 1

### List of 37 officials interviewed for the thesis<sup>30</sup>

- Serge ABOU
- Costanza ADINOLFI
- Fabrizio BARBASO
- Marco BENEDETTI
- Augusto BONUCCI
- Claude CHENE
- Jim CLOOS
- Fabio COLASANTI
- James CURRALL
- Catherine DAY (with Emer DALY)
- Walter DEFFAA
- Jonathan FAULL
- Maria Pia FILIPPONE

---

<sup>30</sup> The list is in alphabetical order (clearly, for the sake of anonymity, this order does *not* correspond to the order with which interviews are referred into the text). With two exceptions, all interviews were conducted between February 2006 and March 2007.

- Alicia FRACCHIA-FERNANDEZ
- Jurgen HOLMQUIST
- Hervé JOUANJEAN
- Gail KENT
- Jan-Gert KOOPMAN
- Christian LEFFLER
- Domenico LENARDUZZI
- Robert MADELIN
- Marina MANFREDI
- Stefano MANSERVISI
- Hughues MINGARELLI
- Cesare ONESTINI
- David O’SULLIVAN
- Michele PASCA-RAYMONDO
- Michel PETTTE
- Corrado PIRZIO-BIROLI
- Henk POST
- Martin POWER
- Matthias RUETE
- Alexander SCHAUB
- Jogchem SCHUIJT
- Claus SØRENSEN
- Michel VAN DEN ABEELE
- Klaus VAN DER PAS



## ANNEX 2

### Questions for the interviews (sample)\*\*

Questions to senior officials were essentially of three kinds: (1) *general*, on senior personnel policy of the Commission and the administrative reform; (2) *personal*, on their own career and experience as candidates for a top job inside the Commission; (3) *specific* on appointments, redeployments and retirements in the interests of the service – or on other aspects – that involved a number of their colleagues.

#### (1) GENERAL QUESTIONS

- How were senior appointments made during the Santer Commission? How did the Commission find the right person for the right post?

---

\*\* The list of questions is not exhaustive. Moreover, not all these questions were asked to all senior officials interviewed, but were selected on the basis of their role and the specific information I needed to collect for the empirical assessment.

- From Delors to Santer: any differences in the way senior appointments took place? Main elements of continuity and main elements of change? And from Santer to Prodi?
- What was the role of national governments in senior appointments under Santer?
- How has the administrative reform impacted on the system of selection and appointment of senior officials?
- What role has the new procedure played in this respect?
- Inside the Commission, what actors were more interested in the reform of the system of selection and appointment of senior officials?
- Role of Commissioners: did you notice any change in the attitude/behaviour of Commissioners in the way they handled senior appointments?
- How have member states in general, and [member state of the interviewed official] in particular, reacted to these changes in senior personnel decisions?
- How have senior official reacted to the reform, and in particular to the new senior personnel policy?
- Any impact on member states' attitudes towards senior appointments inside the Commission?

**(2) PERSONAL QUESTIONS:**

- How did your appointment in [...] to the post of [...] took place?
- Which actors were most relevant in this respect? What role did other people not directly related to the appointment play?

- What was the main attractiveness of the new post?
- How much time did it take to be appointed/redeployed, and why?
- Why were you redeployed to DG [...] in [...]? How did it take place? Who took the decision? Who did profit more for this redeployment?

**(3) SPECIFIC QUESTIONS:**

- How were decisions on senior appointments taken in DG [...]?
- What was your relationship with Commissioner [...]?
- Who took the final decision on the appointment of Directors in DG [...]?
- When did Commissioner [...] intervene?
- What was the role of his head of cabinet?
- How did the so-called “quota system” work in DG [...]?
- What was the role played by nationality? How many posts were nationally “flagged”?
- Whom did you ask advice to before making an appointment?
- Did you get advices/recommendations/pressures from other actors (Commissioners, other DGs, actors outside the Commission, etc.) interested in appointments in DG [...]? Of what sort? At what time of the selection and appointment procedure?
- Who did you consult when you had to appoint a Director, or a Deputy DG in your Directorate general?

- Role of President Santer and/or his cabinet in senior appointments in DG [...]?
- Did your Commissioner intervene in senior appointments taking place in other DGs?
- Why has this person been appointed?
- Who supported the appointment?
- Who were the closest people to the appointed officials?
- What kind of contacts did you and your cabinet have with Permanent Representations and/or national authorities?
- What was the level of competition? Were there other strong candidates? Was it an “uncertain” appointment? Or, rather, the appointment was “natural”/ “obvious”?
- Was this post in charge of a particularly relevant area? In which terms? For whom?
- Were there any major changes with the arrival of [new Commissioner / new Head of Cabinet / new Director general]?
- Why [Mr X / Ms Y] was retired in the interests of the service?

## BIBLIOGRAPHY

**Aberbach, Joel D., Robert D. Putnam and Bert A. Rockman (1981).** *Bureaucrats and Politicians in Western Democracies*, Cambridge: Harvard University Press.

**Aberbach, Joel D., and Bert A. Rockman (1988).** 'Image IV Revisited. Executive and Political Roles', in *Governance*, 1, pp. 1-25.

**Anderson, Jeffrey (2001).** 'Italian Politics: the European Commission under Romano Prodi', in *Italian Politics: A Review*, pp. 103-118.

**Armstrong, John A. (1973).** *The European Administrative Elite*, Princeton: Princeton University Press.

**Arnold, R. Douglas (1987).** 'Political Control of Administrative Officials', in *Journal of Law, Economics and Organization*, 3, pp. 279-286.

**Arrow, Kenneth (1985).** 'The Economics of Agency', in John Pratt and Richard Zeckhauser (eds.), *Principal and Agents. The Structure of Business*, Cambridge: Harvard University Press, pp. 37-51.

**Aspinwall, Mark D., and Gerald Schneider (2000).** 'Same Menu, Separate Tables: The Institutional Turn in Political Science and the Study of European Integration', in *European Journal of Political Research*, 1, pp. 1-36.

**Aucoin, Peter (1997).** 'Decentralization and Public Management Reform', in Patrick Weller, Herman Bakvis and R.A.W. Rhodes (eds.), *The Hollow Crown. Countervailing Trends in Core Executives*, London: Macmillan, pp. 176-197.

**Aucoin, Peter (1990).** 'Administrative Reform in Public Management. Paradigms, Principles, Paradoxes and Pendulums', in *Governance*, 2, pp. 115-137.

**Axelrod, Robert M. (1997).** *The Complexity of Cooperation. Agent-Based Models of Competition and Collaboration*, Princeton: Princeton University Press.

**Baker, George (1992).** 'Incentive Contracts and Performance Measurement', in *Journal of Political Economy*, 3, pp. 598-614.

**Balla, Steven J. (1998).** 'Administrative Procedures and Political Control of the Bureaucracy', in *American Political Science Review*, 3, pp. 663-673.

**Ballmann, A., David Epstein and Sharyn O'Halloran (2002).** 'Delegation, comitology, and the separation of powers in the European Union', in *International Organization*, 3, pp. 551-574.

**Bamberg, Günter, and Klaus Spremann (eds.) (1987).** *Agency Theory, Information, and Incentives*, Berlin: Springer-Verlag.

**Banks, Jeffrey, and Barry R. Weingast (1992).** 'The Political Control of Bureaucracies Under Asymmetric Information', in *American Journal of Political Science*, 2, pp. 509-524.

**Barberis, Peter (1998).** 'The New Public Management and a New Accountability', in *Public Administration*, 3, pp. 451-470.

**Barley, Stephen R., and Gideon Kunda (1992).** 'Design and Devotion: Surges of Rational and Normative Ideologies of Control in Managerial Discourse', in *Administrative Science Quarterly*, 3, pp. 363-399.

**Bauer, Michael W. (2002a).** 'Reforming the European Commission. A (Missed?) Academic Opportunity', *European Integration online Papers*, vol. 6 n. 8.

**Bauer, Michael W. (2002b).** 'Limitations to Agency Control in EU Policy-Making. The Commission and the Poverty Programmes', in *Journal of Common Market Studies*, 3, pp. 381-400.

**Bauer, Michael W. (2001).** *A Creeping Transformation? The European Commission and the Management of EU Structural Funds in Germany*. Dordrecht: Kluwer International Publishers.

**Bawn, Kathleen (1995).** 'Political Control Versus Expertise. Congressional Choice About Administrative Procedures', in *American Political Science Review*, 1, pp. 62-73.

**Bearfield, Nicholas David (2004).** 'Reforming the European Commission: Driving Reform from the Grassroots', in *Public Policy and Administration*, vol. 19 n. 3, pp. 13-24.

**Bekke, Hans A.G.M., and Frits M. van der Meer (eds.) (2000).** *Civil Service Systems in Western Europe*, Cheltenham: Edward Elgar.

**Bekke, Hans A.G.M., James L. Perry, and Theo A.J. Toonen (eds.) (1996).** *Civil Service Systems in Comparative Perspective*, Indiana: Indiana University Press.

**Bellier, Irène (1999).** 'Le lieu du politique, l'usage du technocrate. "Hybridation" à la Commission européenne', in Vincent Dubois and Delphine Dulong (eds.), *La question technocratique. De l'invention d'une figure aux transformations de l'action publique*, Strasbourg: Presses Universitaires de Strasbourg, pp. 233-253.

**Bellier, Irène (1994).** 'La Commission européenne: hauts fonctionnaires et "culture du management"', in *Revue française d'administration publique*, n. 70, pp. 253-262.

**Bellier, Irène (1994).** 'Une culture de la Commission européenne? De la rencontre des cultures et du multilinguisme des fonctionnaires', in Yves Mény, Pierre Muller, and Jean-Luis Quermonne (eds.), *Politiques publiques en Europe*, Paris: Harmattan.

**Bellier, Irène and Marc Abélès (1996).** 'La Commission européenne: du compromis culturel à la culture politique du compromis', in *Revue française de science politique*, vol. 46 n. 3, pp. 431-456.

**Bendor, Glazer and Hammond (2001).** 'Theories of delegation in political science', in *Annual Review of Political Science*, 4, pp. 235-269.

**Bendor, Jon, Serge Taylor, and Roland Van Gaalen (1987).** 'Politicians, Bureaucrats, and Asymmetric Information', in *American Journal of Political Science*, 4, pp. 796-828.

**Blom-Hansen, Jens (2005).** 'Principals, agents, and the implementation of EU cohesion policy', in *Journal of European Public Policy*, 4, pp. 624-648.

**Bovaird, Tony, and Elke Löffler (eds.) (2003).** *Public Management and Governance*, London: Routledge.

**Bracq, Stéphane (2004).** 'La Commission européenne entre fonction d'arbitrage et rôle politique', in *Revue du Marché commun et de l'Union européenne*, n. 480, pp. 440-449.

**Bramwell, A. C. (1987).** "'Dans le couloir": the Political Culture of the EEC Commission', in *International Journal of Moral and Social Studies*, vol. 2 n. 1, pp. 63-80.

**Brans, Marleen (1997).** 'Challenges to the Practice and Theory of Public Administration in Europe', in *Journal of Theoretical Politics*, 3, pp. 389-415.

**Braun, Dietmar, and Fabrizio Gilardi (eds.) (2006).** *Delegation in Contemporary Democracies*, London: Routledge/ECPR.

**Bresser-Pereyra, Luiz Carlos (2004).** *Democracy and Public Management Reform. Building the Republican State*, Oxford: Oxford University Press.



**Brudney, Jeffrey, F. Ted Herbert, and Deil Spenser Wright (1999).** ‘Reinventing Government in the American States. Measuring and Explaining Administrative Reform’, in *Public Administration Review*, 1, pp. 19-30.

**Brugmans, Henry (1967).** ‘Les prolongements européens de l’administration moderne’, in *Revue du Marché Commun*, 4, pp. 336-343.

**Brunsson, Nils (1989).** *The Organization of Hypocrisy. Talk, Decisions and Actions in Organizations*, Chichester: Wiley.

**Burnham June, and Moshe Maor (1995).** ‘Converging administrative systems: recruitment and training in EU member-states’, in *Journal of European Public Policy*, vol. 2 n. 2, pp. 185-204.

**Calvert, Randall, Matthew D. McCubbins, and Barry R. Weingast (1989).** ‘A Theory of Political Control and Agency Discretion’, in *American Journal of Political Science*, 3, pp. 588-611.

**Campbell, S.J. Colin, and B. Guy Peters (eds.) (1988a).** *Organizing Governance, Governing Organizations*, Pittsburgh: University of Pittsburgh Press.

**Campbell, S.J. Colin, and B. Guy Peters (1988b).** ‘The Politics/Administration Dichotomy: Death or Merely Change?’, in *Governance*, 1, pp. 79-99.

**Caremier, Bénédicte (1997).** “L’Eurocratie”: une fonction publique à la croisée du politique et de l’administratif, in *Revue de la recherche juridique, droit prospectif*, 1, pp. 229-286.

**Cassese, Sabino (1987).** ‘Divided powers: European administration and national bureaucracies’, in Sabino Cassese (ed.), *The European Administration*, Maastricht: EIPA, pp. 5-20.

**Cassese, Sabino, and Giacinto della Cananea (1992).** ‘The Commission of the European Economic Community: the Administrative Ramifications of its Political Development (1957-1967)’, in *Jahrbuch für europäische Verwaltungsgeschichte*, vol. 4, pp. 75-94.

**Chowdhury, Mustafa (1990).** 'Bureaucracy in Cross-Cultural Settings', in *Indian Journal of Public Administration*, 1, pp. 25-46.

**Christensen, Tom (2003).** Contribution in B. Guy Peters, and Jon Pierre (eds.), *Handbook of Public Administration*, London: Sage, pp. 109-115.

**Christensen, Tom, and Per Lægreid (2003).** 'La complexité des relations entre les responsables politiques et administratifs et leur influence', in *Revue Internationale des Sciences Administratives*, 3, pp. 451-470.

**Christensen, Tom, and Per Lægreid (eds.) (2001a).** *New Public Management. The Transformation of Ideas and Practice*, Aldershot: Ashgate.

**Christensen, Tom, and Per Lægreid (2001b).** 'A Transformative Perspective on Administrative Reform', in Tom Christensen and Per Lægreid (eds.), *New Public Management. The Transformation of Ideas and Practice*, Aldershot: Ashgate, pp. 13-41.

**Christensen, Tom, and Per Lægreid (2001c).** 'New Public Management – Undermining Political Control?', in Tom Christensen and Per Lægreid (eds.), *New Public Management. The Transformation of Ideas and Practice*, Aldershot: Ashgate, pp. 93-120.

**Christensen, Tom, and Per Lægreid (2001d).** 'New Public Management: The Effects of Contractualism and Devolution on Political Control', in *Public Management*, 1, pp. 73-94.

**Christiansen, Thomas (2001a).** 'The European Commission: Administration in Turbulent Times', in Jeremy Richardson (ed.), *European Union: Power and Policy-Making*, London: Routledge, pp. 95-114.

**Christiansen, Thomas (2001b).** 'Intra-Institutional Politics and Inter-Institutional Relations in the EU: Towards Coherent Governance?', in *Journal of European Public Policy*, 5, pp. 747-769.

**Christiansen, Thomas (1997).** 'Tensions of European Governance. Politicized Bureaucracy and Multiple Accountability in the European Commission', in *Journal of European Public Policy*, 1, pp. 73-90.

**Christiansen, Thomas, and Mark Gray (2004).** *The European Commission in a Period of Change: A New Administration for a New European Union?*, Eipascope 2004/3, pp. 20-24.

**Christoph, James B. (1993).** 'The Effects of Britons in Brussels. The European Community and the Culture of Whitehall', in *Governance*, vol. 6 n. 4, pp. 518-537.

**Cini, Michelle (2007).** *From integration to integrity. Administrative ethics and reform in the European Commission*, Manchester: Manchester University Press.

**Cini, Michelle (2006).** 'The European Commission: An Unelected legislator?', in *Journal of Legislative Studies*, 4, pp. 14-26.

**Cini, Michelle (2004).** 'The Reform of the European Commission: An Ethical Perspective', in *Public Policy and Administration*, vol. 19 n. 3, pp. 42-54.

**Cini, Michelle (2001).** *Reforming the European Commission: an Organisational Culture Perspective*, Queen's Papers on Europeanisation, No. 11/2001.

**Cini, Michelle (2000).** *Organizational culture and Reform: The Case of the European Commission under Jacques Santer*, EUI Working Paper RSC n. 2000/25.

**Cini, Michelle (1996).** *The European Commission. Leadership, organisation and culture in the EU administration*, Manchester: Manchester University Press.

**Coen, David, and Adrienne Héritier (eds.) (2005).** *Refining regulatory regimes. Utilities in Europe*, Cheltenham (UK): Edward Elgar.

**Cohen, David M. (1998).** 'Amateur Government', in *Journal of Public Administration Research and Theory*, 4, pp. 450-497.

**Committee of Independent Experts (1999a).** *First Report on Allegations Regarding Fraud, Mismanagement and Nepotism in the European Commission*, 15 march.

**Committee of Independent Experts (1999b).** *Second Report on Allegations Regarding Fraud, Mismanagement and Nepotism in the European Commission*, 10 September.

**Cook, Brian J., and B. Dan Wood (1989).** 'Principal-Agent Models of Political Control of Bureaucracy', in *American Political Science Review*, 3, pp. 965-978.

**Coombes, David (1970).** *Politics and Bureaucracy in the European Community. A portrait of the Commission of the EEC*, London: George Allen and Unwin.

**Corder, Kevin (2003).** 'Structural Choice and Political Control of Bureaucracy: Updating Federal Credit Programs', in George A. Krause and Kenneth J. Meier (eds.), *Politics, Policy, and Organizations. Frontiers in the Scientific Study of Bureaucracy*, University of Michigan Press, pp. 233-258.

**Cortell, Andrew P., and Susan Peterson (2006).** 'Dutiful agents, rogue actors, or both? Staffing, voting rules and slack in the WHO and WTO', in Hawkings, Darren G., David A. Lake, Daniel L. Nielson, and Michael J. Tierney (eds.), *Delegation and Agency in International Organizations*, Cambridge: Cambridge University Press, pp. 255-280.

**Coull, Janet, and Charlie Lewis (2003).** 'The Impact Reform of the Staff Regulations in Making the Commission a More Modern and Efficient Organisation: An Insider's Perspective', *Eipascope* 2003/3.

**Coutron, Laurent (2003).** 'Le principe de collegialité au sein de la Commission européenne après le Traité de Nice', in *Revue trimestrielle de droit européen*, 2, pp. 247-266.

**Cox, Robert (1996).** 'The Executive Head. An Essay on Leadership in International Organization', in Robert Cox, and Timothy Sinclair (eds.), *Approaches to World Order*, Cambridge: Cambridge University Press, pp. 317-348.

**Craeynest, Félix Van, and Ilkka Saarilahti (2004).** 'Le nouveau règlement financier applicable au budget général de l'Union européenne: un maillon essentiel dans la réforme de la Commission', in *Revue du Marché commun et de l'Union européenne*, 1, pp. 30-51.

**Craig, Paul (2003).** *The Constitutionalization of Community Administration*, Jean Monnet Working Paper 3/03, New York: NYU School of Law.

**Craig, Paul (2000).** 'The Fall and Renewal of the Commission: Accountability, Contract and Administrative Organisation', in *European Law Journal*, 2, pp. 98-116.

**Cram, Laura (1994).** 'The European Commission as a Multi-Organization: Social Policy and IT Policy in the EU', in *Journal of European Public Policy*, 1, pp. 195-218.

**Damro, Chad (2007).** 'EU Delegation and Agency in international trade negotiations. A cautionary comparison', in *Journal of Common Market Studies*, 4, pp. 883-903.

**Dierickx, Guido (2003).** 'Senior Civil Servants and Bureaucratic Change in Belgium', in *Governance*, 3, pp. 321-348.

**Dierickx, Guido, and Jan Beyers (1999).** 'Belgian Civil Servants in the European Union. A Tale of Two Cultures', in *West European Politics*, 3, pp. 198-222.

**DiIulio, John D. (1994).** 'Principled Agents. The Cultural Basis of Behavior in a Federal Government Bureaucracy', in *Journal of Public Administration Research and Theory*, 3, pp. 277-318.

**Dimier, Véronique (2002).** 'De la dictature des drapeaux au sein de la Commission européenne? Loyautés multiples et constitution d'une identité commune au sein d'une administration multinationale', paper presented at VIIIe congrès de l'Association française de science politique, Lille, 18-21 Septembre.

**Dimitrakopoulos, Dionyssi (ed.) (2004).** *The Changing European Commission*, Manchester: Manchester University Press, forthcoming.

**Dimitrakopoulos, Dionyssi, and Edward C. Page (2003).** 'Paradoxes in EU Administration', in Joachim Jens Hesse, Christopher Hood, and B. Guy Peters (eds.), *Paradoxes in Public Sector Reform. An International Comparison*, Berlin: Duncker and Humblot, pp. 317-333.

**Dinan, Desmond (1999).** *Ever Closer Union. An Introduction to European Integration*, Basingstoke: Palgrave.

**Dogan, Mattei (ed.) (1975).** *The Mandarins of Western Europe. The Political Role of Top Civil Servants*, New York: Sage.

**Doleys, Thomas J. (2000).** 'Member States and the European Commission. Theoretical Insights from the New Economics of Organization', in *Journal of European Public Policy*, 4, pp. 532-553.

**Donnelly, Mary, and Ella Ritchie (1994).** 'The College of Commissioners and their Cabinets', in Geoffrey Edwards and David Spence (eds.), *The European Commission*, Harlow: Longman, pp. 31-41.

**Dowding, Keith (2000).** 'Institutionalist Research on the European Union: A critical Review', in *European Union Politics*, 1, pp. 125-144.

**Dowding, Keith (1995).** *The Civil Service*, London: Routledge.

**Dowding, Keith, and Desmond King (eds.) (1995).** *Preferences, Institutions, and Rational Choice*, Oxford: Clarendon Press.

**Downey, H. Kirk, and John W. Slocum (1975).** 'Uncertainty: Measures, Research and Sources of Variation', in *Academy of Management Journal*, 3, pp. 562-578.

**Drake, Helen (2002).** 'Jacques Delors et la Commission européenne. Une leadership unique?', in *Politique européenne*, 8, pp. 131-145.

**Dunleavy, Patrick (1997).** 'The Globalization of the Public Services Production: Can Government Be 'Best in World'?', in Andrew Massey (ed.), *Globalization and Marketization of Government Services. Comparing Contemporary Public Sector Developments*, London: Macmillan, pp. 16-46.

**Dunleavy, Patrick (1991).** *Democracy, Bureaucracy and Public Choice. Economic Explanations in Political Science*, London: Harvester Wheatsheaf.

**Dunleavy, Patrick, and Christopher Hood (1994).** 'From Old Public Administration to New Public Management', in *Public Money and Management*, 3, pp. 9-16.

**Dunn, Delmer D. (1997).** *Politics and Administration at the Top. Lessons from Down Under*, Pittsburgh: University of Pittsburgh Press.

**Economist (2001).** 'Neil Kinnock, Europe's Anglo-Saxon Reformer', 3 March.

**Economist (2000).** 'A Ragbag of Reform', 3 March.

**Economist (1999).** 'Europe: Codes of Misconduct', 9 January, p. 48.

**Edwards, Geoffrey, and David Spence (eds.) (1995).** *The European Commission*, London: Cartermill (2<sup>nd</sup> edition).

**Egan, M. (1998).** 'Regulatory strategies, delegation and European market integration', in *Journal of European Public Policy*, 3, pp. 485-506.

**Egeberg, Morten (ed.) (2006a).** *Multilevel Union Administration. The Transformation of Executive Politics in Europe*, Basingstoke: Palgrave Macmillan.

**Egeber, Morten (2006b).** 'Executive politics as usual: role behaviour and conflict dimensions in the College of European Commissioners', in *Journal of European Public Policy*, 1, pp. 1-15.

**Egeber, Morten (2004).** 'An Organisational Approach to European Integration. Outline of a Complementary Perspective', in *European Journal of Political Research*, 2, pp. 199-219.

**Egeber, Morten (2003a).** *Organising Institutional Autonomy in a Political Context: Enduring Tensions in the European Commission's Development*, Paper presented at the ARENA Research Conference "Institutional Dynamics and Democracy in the EU", Oslo, 3-4 october.

**Egeberg, Morten (2003b).** 'The European Commission', in Michelle Cini, *European Union politics*, Oxford: Oxford University Press, pp. 131-147.

**Egeber, Morten (1996).** ‘Organization and nationality in the European Commission services’, in *Public Administration*, 4, pp. 721-735.

**Egeber, Morten (1995).** ‘Bureaucrats as Public Policy-Makers and Their Self-Interests’, in *Journal of Theoretical Politics*, 2, pp. 157-167.

**Egeber, Morten (1994).** ‘Bridging the Gap Between Theory and Practice. The Case of Administrative Policy’, in *Governance*, 1, pp. 83-98.

**Eisenhart, Kathleen M. (1989).** ‘Agency Theory. An Assessment and Review’, in *Academy of Management Review*, 1, pp. 57-74.

**Elgie, Robert (2002).** ‘The Politics of the European Central Bank: Principal-Agent Theory and the Democratic Deficit’, in *Journal of European Public Policy*, 2, pp. 186-200

**Elsig, Manfred (2007).** ‘The EU’s Choice of Regulatory Venues for Trade Negotiations. A Tale of Agency Power?’, in *Journal of Common Market Studies*, 4, pp. 927-948.

**Endo, Ken (1999).** *The Presidency of the European Commission Under Jacques Delors: The Politics of Shared Leadership*, New York: St Martin’s Press.

**Eppink, Derk-Jan (2007).** *Life of a European Mandarin. Inside the Commission*, Tiel (Belgium): Lannoo.

**Epstein, David, and Sharyn O’Halloran (1999).** *Delegating Powers. A Transaction Cost Politics Approach to Policy Making Under Separate Powers*, Cambridge: Cambridge University Press.

**Epstein, David, and Sharyn O’Halloran (1994).** ‘Administrative Procedures, Information, and Agency Discretion’, in *American Journal of Political Science*, 38, pp. 697-722.

**European Commission (2005).** *Progress Report on the Commission reform beyond the reform mandate*, Communication from the Commission to the European Parliament and the Council, COM(2005) 668 final, Brussels, 21.12.2005.



**European Commission (2004a).** *Staff Regulations of Officials of the European Communities*, Brussels.

**European Commission (2004b).** *Final Component of Administrative Reform in place: the Council Adopts the New Staff Regulations*, IP/04/369, Brussels, 22 March.

**European Commission (2002a).** *An Administration at the Service of Half a Billion Europeans. Staff Reforms at the European Commission*, State of Play: Spring 2002, Brussels.

**European Commission (2002b).** *European Commission Announces Next Steps in Implementing New Senior Staff Policy*, IP/02/124, Brussels, 23 January.

**European Commission (2002c).** *The selection, appointment and appraisal of senior Commission officials. Manual – Commission Top Management*, administrative guide available in the Commission intranet, 06.11.2002.

**European Commission (2001).** *European Governance. A White Paper*, COM (2001) 428, Brussels, 25 July.

**European Commission (2000a).** *Reforming the Commission. A White Paper, Part I*, COM (2000) 200 final, Brussels, 1 March.

**European Commission (2000b).** *Reforming the Commission. A White Paper, Part II – Action Plan*, COM (2000) 200 final, Brussels, 1 March.

**Farazmand, Ali (1997).** *Modern System of Government. Exploring the Role of Bureaucrats and Politicians*, Thousand Oaks: Sage.

**Farnham, David (eds.) (1996).** *New Public Managers in Europe. Public Servants in transition*, London: Macmillan.

**Feral, Pierre-Alexis (2000).** 'Mythes et réalités de la fonction publique communautaire', in *Revue française d'administration publique*, 3, pp. 411-426.

**Ferejohn, John, and Charles Shipan (1990).** 'Congressional Influence on Bureaucracy', in *Journal of Law, Economics, and Organization*, 1, pp. 1-19.

**Ferlie, Ewan (1996).** *The New Public Management in Action*, Oxford: Oxford University Press.

**Figueiredo Lopes, Antonio de (1990).** 'CEE: la spécificité de la fonction public communautaire: l'exemple de la Commission', in *Revue française d'administration publique*, n. 55.

**Flentje, H. Edward (2000).** 'State Administration in Cultural Context', in John J. Gargan (ed.), *Handbook of State Administration*, New York: Marcel Decker.

**Franchino, Fabio (2002).** 'Efficiency or Credibility? Testing the Two Logics of Delegation to the European Commission', in *Journal of European Public Policy*, 5, pp. 677-694

**Franchino, Fabio (2000).** 'Control of the Commission's Executive Functions. Uncertainty, Conflict and Decision Rules', in *European Union Politics*, 1, pp. 63-92

**Furlong, Scott R. (1998).** 'Political Influence on the Bureaucracy. The Bureaucracy Speaks', in *Journal of Public Administration Research and Theory*, 1, pp. 39-65.

**Gajduschek, Gyorgy (2003).** 'Bureaucracy: Is It Efficient? Is It Not? Is That the Question? Uncertainty Reduction: An Ignored Element of Bureaucratic Rationality', in *Administration and Society*, 6, pp. 700-723.

**Gelleny, Ronald D., and Anderson, Christopher J. (2000).** 'The Economy, Accountability, and Public Support for the President of the European Commission', in *European Union Politics*, 2, pp. 173-200.

**Georgakakis, Didier (2000).** 'La démission de la Commission européenne: scandale et tournant institutionnel (octobre 1998-mars 1999)', in *Cultures et conflits*, n. 38-39, pp. 39-71.

**Georgakakis, Didier (2001).** 'Les instrumentalisations de la morale. Lutte anti-fraude, scandale et nouvelle gouvernance européenne', in Jean-Louis Briquet et P. Garraud (eds.), *Juger la politique*, Rennes: Presses universitaires de Rennes, pp. 263-286.

**Georgakakis, Didier (2002).** 'Une mobilisation formatrice. Les eurofonctionnaires contre la réforme du statut (spring 1998)', in Didier Georgakakis (ed.), *Les métiers de l'Europe politique. Acteurs et professionnalisations de l'Union européenne*, Strasbourg: PUS, pp. 55-84.

**Georgakakis, Didier (2004).** 'Was it really just "poor communication"? Lessons from the Santer Commission's resignation', in Andy Smith (ed.), *Politics and the European Commission. Actors, interdependence, legitimacy*, London: Routledge, pp.119-133.

**Gormley, William (1989).** *Taming the Bureaucracy. Muscles, Prayers, and Other Strategies*, Princeton: Princeton University Press.

**Gravier, Magali (2003).** 'D'une loyauté à l'autre. Eléments d'analyse sur le statut de la fonction publique européenne (1951-2003)', in *Politique européenne*, n. 11, pp. 79-98.

**Gray, Brian (2004).** 'The Commission's Culture of Financial Management and its Reform', in *Public Policy and Administration*, vol. 19 n. 3, pp. 55-60.

**Green, Donald P., and Ian Shapiro (1994).** *Pathologies of Rational Choice Theory. A Critique of Applications in Political Science*, New Haven: Yale University Press.

**Greenwood, Royston, and C. R. Hinings (1996).** 'Understanding Radical Organizational Change: Bringing Together the Old and the New Institutionalism', in *Academy of Management Review*, 4, pp. 1022-1054.

**Gualmini, Elisabetta (2008).** 'Restructuring Weberian Bureaucracy: Comparing Managerial Reforms in Europe and the United States', in *Public Administration*, 1, pp. 75-94.

**Hall, Peter, and Rosemary C.R. Taylor (1996).** 'Political Science and the Three New Institutionalisms', in *Political Studies*, 5, pp. 936-957.

**Hallstein, Walter (1965).** 'The EEC Commission. A New Factor in International Life', in *The International and Comparative Law Quarterly*, 3, pp. 727-741.

**Hammond, Thomas H. (2003).** 'Veto Points, Policy Preferences, and Bureaucratic Autonomy in Democratic Systems', in George A. Krause and Kenneth J. Meier (eds.), *Politics, Policy, and Organizations. Frontiers in the Scientific Study of Bureaucracy*, University of Michigan Press, pp. 73-103.

**Hammond, Thomas H. (1986).** 'Agenda Control, Organizational Structure, and Bureaucratic Politics', in *American Journal of Political Science*, 2, pp. 379-420.

**Hammond, Thomas, and Jack H. Knott (2000).** 'Public Management, Administrative Leadership, and Policy Choice', in Jeffrey L. Brudney, Laurence J. O'Toole Jr., and Hal G. Rainey (eds.), *Advancing Public Management. New Developments in Theory, Methods, and Practice*, Washington: Georgetown University Press.

**Hammond, Thomas, and Jack H. Knott (1999).** 'Political Institutions, Public Management, and Policy Choice', in *Journal of Public Administration Research and Theory*, 1, pp. 33-85.

**Hammond, Thomas, and Jack H. Knott (1996).** 'Who Controls the Bureaucracy? Presidential Power, Congressional Dominance, Legal Constraints, and Bureaucratic Autonomy in a Model of Multi-institutional Policymaking', in *Journal of Law, Economics, and Organization*, 1, pp. 119-166.

**Hawkings, Darren G., David A. Lake, Daniel L. Nielson, and Michael J. Tierney (eds.) (2006).** *Delegation and Agency in International Organizations*, Cambridge: Cambridge University Press.

**Heinrich, Carolyn J. (1999).** 'Do Government Bureaucrats Make Effective Use of Performance Management Information?', in *Journal of Public Administration Research and Theory*, 3, pp. 363-393.

**Héritier, Adrienne (ed.) (2002).** *Common Goods: Reinventing European and International Governance*, Lanham: Rowman & Littlefield.

**Héritier, Adrienne (1999a).** *Policy-Making and Diversity in Europe. Escaping Deadlock*, Cambridge: Cambridge University Press.

**Héritier, Adrienne (1999b).** 'The Accomodation of Diversity in European Policy Making and Its Outcomes. Regulatory Policy as a Patchwork', in *Journal of European Public Policy*, 2, pp. 149-167.

**Hesse, Joachim Jens, Christopher Hood, and B. Guy Peters (2003).** 'Conclusion: Paradoxes in Public Sector Reform', in Joachim Jens Hesse, Christopher Hood, and B. Guy Peters (eds.), *Paradoxes in Public Sector Reform. An International Comparison*, Berlin: Duncker & Humblot, pp. 335-351.

**Hine, David and Robert McMahon (2004).** *Ethics management, cultural change, and the ambiguities of European Commission reform*, Paper of the Department of Politics and International Relations, Oxford.

**Hix, Simon (1999).** *The Political System of the European Union*, Houndmills: Macmillan.

**Hix, Simon (1994).** 'The Study of the European Community. The Challenge to Comparative Politics', in *West European Politics*, 1, pp. 1-30.

**Hocking, Brian (1974).** 'International Administration and the Commission of the EEC', in *Public Administration*, 33, pp. 318-331.

**Hojnacki, William P. (1996).** 'Politicization as a Civil Service Dilemma', in Hans A.G.M. Bekke, James L. Perry, and Theo A.J. Toonen (eds.), *Civil Service Systems in Comparative Perspective*, Indiana: Indiana University Press, pp 137-164.

**Hood, Christopher (1998a).** *The Art of the State. Culture, Rhetoric, and Public Management*, Oxford: Clarendon.

**Hood, Christopher (1998b).** 'Individualized Contracts for Top Public Servants: Copying Business, Path-Dependent Political Re-Engineering, or Trobiand Cricket?', in *Governance*, 4, pp. 443-462.

**Hood, Christopher (1996).** 'Control Over Bureaucracy. Cultural Theory and Institutional Variety', in *Journal of Public Policy*, 3, pp. 207-230.

**Hood, Christopher (1995).** 'Contemporary Public Management: A New Global Paradigm?', in *Public Policy and Administration*, 2, pp. 104-117.

**Hood, Christopher and Guy Peters (2004).** 'The Middle Aging of New Public Management: Into the Age of Paradox?', in *Journal of Public Administration Research and Theory*, vol. 14, n. 3, pp. 267-282.

**Hooghe, Liesbet (2001).** *The European Commission and the Integration of Europe. Images of Governance*, Cambridge: Cambridge University Press.

**Hooghe, Liesbet (1999).** 'Supranational Activists or Intergovernmental Agents? Explaining Political Orientations of Senior Commission Officials to European Integration', in *Comparative Political Studies*, 4, pp. 435-463.

**Huber, John D. (2000).** 'Delegation to Civil Servants in Parliamentary Democracies', in *European Journal of Political Research*, 3, pp. 397-413,

**Huber, John D., and Charles R. Shipan (2002).** *Deliberate Discretion? The Institutional Foundations of Bureaucratic Autonomy*, Cambridge: Cambridge University Press.

**Huber, John D., and Charles R. Shipan (2000).** 'The Costs of Control. Legislators, Agencies and Transaction Costs', in *Legislative Studies Quarterly*, 1, pp. 25-52.

**Huber, John D., Charles R. Shipan, and Madelaine Pfahler (2001).** 'Legislature and Statutory Control of Bureaucracy', in *American Journal of Political Science*, 3, pp. 330-345.

**Hupe, Peter L. (1990).** 'Implementing a meta-policy. The Case of Decentralisation in The Netherlands', in *Policy and Politics*, 3, pp. 181-191.

**Ingraham, Patricia W. (1993).** 'Of Pigs and Pokes and Policy Diffusion. Another Look at Pay-for-Performance', in *Public Administration Review*, 4, pp. 340-356.

**Jamar, Joseph, and Wolfgang Wessels (eds.) (1985).** *Community Bureaucracy at the Crossroads*, Bruges: De Tempel.

**Joana, Jean, and Andy Smith (2004).** 'The politics of collegiality. The non-portfolio dimension', in Andy Smith (ed.), *Politics and the European Commission. Actors, interdependence, legitimacy*, London: Routledge, pp. 30-46.

**Joana, Jean, and Andy Smith (2002).** *Les commissaires européens. Technocrates, diplomates ou politiques?*, Paris: Presses de Sciences Po.

**Jun, H.-W. (2003).** 'Catching the Runaway Bureaucracy in Brussels: Euro-Parliamentarians in Budgetary Politics', in *European Union politics*, 4, pp. 421-445.

**Kalu, Kalu N. (2003).** 'Entrepreneurs or Conservators? Contractarian Principles of Bureaucratic Performance', in *Administration and Society*, 5, pp. 539-563.

**Kassim, Hussein (2004a)** 'The Secretariat of the European Commission. The History of a Singular Institution' in Andy Smith (ed.), *Politics and the European Commission. Actors, Interdependence, Legitimacy*, London: Routledge, pp. 47-66.

**Kassim, Hussein (2004b).** 'An Historic Accomplishment? The Prodi Commission and Administrative Reform', in Dionyssi Dimitrakopoulos (ed.), *The Changing European Commission*, Manchester: Manchester University Press.

**Kassim, Hussein (2004).** 'The Kinnock Reforms in Perspective: Why Reforming the Commission is an Heroic, But Thankless, Task', in *Public Policy and Administration*, vol. 19 n. 3, pp. 25-41.

**Kassim, Hussein (2003).** 'The European Administration. Between Europeanisation and Domestication', in Jack Hayward and Anand Menon (eds.), *Governing Europe*, Oxford: Oxford University Press, pp. 139-161.

**Kassim, Hussein, and Anand Menon (2004).** *European Integration since the 1990s: Member States and the European Commission*, Arena Working Paper 6/04.

**Kassim, Hussein, and Anand Menon (2003a).** ‘The Principal-Agent Approach and the Study of the European Union: Promise Unfulfilled?’, in *Journal of European Public Policy*, 1, pp. 121-139.

**Kassim, Hussein, and Anand Menon (2003b).** ‘Les États Membres de l’UE et la Commission Prodi’, in *Revue française de science politique*, 4, pp. 491-511.

**Kelemen, Daniel R. (2002).** ‘The Politics of “Eurocratic” Structure and the New European Agencies’, in *West European Politics*, 4, pp. 93-118.

**Kickert, Walter J.M. (ed.) (1997).** *Public Management and Administrative Reform in Western Europe*, Cheltenham (UK): Edward Elgar.

**King, Tom (1999).** *The European Commission. Administration or Government?*, London: Centre for Policy Studies.

**Kinnock, Neil (2004).** ‘Reforming the European Commission: Organisational Challenges and Advances’, in *Public Policy and Administration*, vol. 19 n. 3, pp. 7-12.

**Kinnock, Neil (2002).** ‘Accountability and Reform of Internal Control in the Commission’, in *Political Quarterly*, 1, pp. 21-28.

**Knott Jack H., and Thomas Hammond (2003).** Contribution in Peters, B. Guy, and Jon Pierre (eds.), *Handbook of Public Administration*, London: Sage.

**Krause, George A. (2003).** ‘Agency Risk Propensities Involving the Demand for Bureaucratic Discretion’, in George A. Krause and Kenneth J. Meier (eds.), *Politics, Policy, and Organizations. Frontiers in the Scientific Study of Bureaucracy*, Michigan: University of Michigan Press, pp. 41-72.

**Krause, George A. (1996).** ‘Agent Heterogeneity and Consensual Decision Making on the Federal Open Market Committee’, in *Public Choice*, 1, pp. 83-101.



**Krause, George A. and Kenneth J. Meier (eds.) (2003).** *Politics, Policy, and Organizations. Frontiers in the Scientific Study of Bureaucracy*, Michigan: University of Michigan Press.

**Læg Reid, Per (2001).** 'Transforming Top Civil Servant Systems', in Christensen, Tom, and Per Læg Reid (eds.) *New Public Management. The Transformation of Ideas and Practice*, Aldershot: Ashgate, pp. 145-172.

**Laegreid, Per (2000).** 'Top Civil Servants Under Contract', in *Public Administration*, 4, pp. 394-413.

**Laffan, Brigid (1997).** 'From Policy Entrepreneur to Policy Manager. The Challenge Facing the European Commission', in *Journal of European Public Policy*, 3, pp. 422-438.

**Laffont, Jean-Jacques (ed.) (2003).** *The Principal Agent Model. The Economic Theory of Incentives*, Cheltenham: Edward Elgar.

**Lane, Jan-Erik (2000).** *The Public Sector. Concepts, Models and Approaches*, London: Sage, third edition.

**Lane, Jan-Erik (1999).** 'Contractualism in the Public Sector: Some Theoretical Considerations', in *Public Management*, 2, pp. 179-193.

**La Palombara, Joseph (ed.) (1967).** *Bureaucracy and Political Development*, Princeton: Princeton University Press, second edition.

**Larsén, Magdalena Frennhoff (2007).** 'Principal-Agent Analysis with One Agent and Two Principals: European Union Trade Negotiations with South Africa', in *Politics & Policy*, 3, pp. 440-463.

**Laursen, Finn (1996).** 'The Role of the Commission', in Svein Andersen and Kjell Eliassen (eds.), *The European Union. How Democratic Is It?*, London: Sage, pp. 119-141.

**Lemaigren, Robert (1964).** *L'Europe au berceau. Souvenirs d'un technocrate*, Paris: Plon.

**Levy, Roger (2004a).** 'Between rhetoric and reality. Implementing management reform in the European Commission', in *International Journal of Public Sector Management*, vol. 17 n. 2, pp. 166-177.

**Levy, Roger (2004b).** 'Measuring Management Reform: The Case of the Kinnock Reforms in the European Commission', paper presented at the EGPA Annual Conference, University of Ljubljana, Ljubljana, 1-4 September.

**Levy, Roger (2003a).** 'Les facteurs de succès décisifs dans la réforme de la gestion publique: le cas de la Commission européenne', in *Revue internationale de sciences administratives*, 4, pp. 647-662.

**Levy, Roger (2003b).** 'Confused Expectations: Decentralizing the Management of EU Programme', in *Public Money & Management*, 2, pp. 83-92.

**Levy, Roger (2002a).** 'Modernising EU Programme Management', in *Public Policy and Administration*, vol. 17 n. 1, pp. 72-89.

**Levy, Roger (2002b).** 'Modernisation, decentralisation and governance: A public management perspective', paper presented at the PSA Annual Conference, University of Aberdeen, 4-6 April.

**Levy, Roger (2001).** 'EU Programme management 1977-96: A Performance Indicators Analysis', in *Public Administration*, vol. 79. no. 2, pp. 423-444.

**Levy, Roger (1997).** 'Managing the Managers: The Commission's Role in the Implementation of Spending Programmes', in Neill Nugent (ed.) *The European Commission*, Houndmills: Palgrave, pp. 203-225.

**Levy, Roger, and Anne Stevens (2004).** 'Editorial: The Reform of EU Management: Taking Stock and Looking Forward', in *Public Policy and Administration*, vol. 19 n. 3, pp. 1-6.

**Lindberg, Leon N. (1963).** *The Political Dynamics of European Economic Integration*, Stanford: Stanford University Press.

**Ludlow, Peter (1991).** ‘The European Commission’, in Robert O. Keohane and Stanley Hoffmann (eds.), *The New European Community. Decisionmaking and Institutional Change*, Boulder, CO: Westview Press, pp. 85-132.

**MacMullen, Andrew (2000).** ‘European Commissioners. National Routes to a European Elite’, in Neill Nugent (ed.), *At the Heart of the Union. Studies of the European Commission*, London: MacMillan, pp. 28-50.

**MacMullen, Andrew (1999a).** ‘Political Responsibility for the Administration of Europe: The Commission’s Resignation March 1999’, in *Parliamentary Affairs*, 4, pp. 703-718.

**MacMullen, Andrew (1999b).** ‘Fraud, mismanagement and nepotism: The Committee of Independent Experts and the fall of the European Commission 1999’, in *Crime, Law & Social Change*, 32, pp. 193-208.

**MacMullen, Andrew (1996).** ‘Evaluating Integration Theory. The Appointment of European Commissioners’, in *Diplomacy and Statecraft*, 2, pp. 221-243.

**Maggi-Germain, Nicole (2004).** ‘Les fonctionnaires communautaires et la fabrication d’un intérêt général communautaire’, in *Revue du Marché commun et de l’Union européenne*, n. 481, pp. 531-543.

**Magnette, Paul (1992).** ‘Controlling an International Bureaucracy. The European Commission between Intergovernmentalism and Parliamentarism’, in *Studia Diplomatica*, 5-6, pp. 269-284.

**Magnette, Paul, Christian Lequesne, N. Jabko, and Olivier Costa (2003).** ‘Conclusion: diffuse democracy in the European Union. The pathologies of delegation’, in *Journal of European Public Policy*, 5, pp. 834–840.

**Mangenot, Michel (2001).** ‘La revendication d’une paternité. Les hauts fonctionnaires français et le “style” administratif de la Commission européenne (1958-1988)’, in *Pôle Sud*, 15, pp. 33-46.

**Majone, Giandomenico (2001).** ‘Two Logics of Delegation. Agency and Fiduciary Relations in EU governance’, in *European Union Politics*, 1, pp. 103-122.

**Mamadouh, Virginie (1999a).** ‘National Political Cultures in the European Union’, in Michael Thompson, Gunnar Grendstad and Per Selle (eds.), *Cultural Theory as Political Science*, London: Routledge, pp. 138-153.

**March, James G., and Johan P. Olsen (1989).** *Rediscovering Institutions. The Organizational Basis of Politics*, New York: Free Press.

**March, James G., Martin Schulz, and Xueguang Zhou (2000).** *The Dynamics of Rules. Change in Written Organizational Codes*, Stanford: Stanford University Press.

**Mazey, Sonia (1992).** ‘Conception and Evolution of the High Authority’s Administrative Services (1952-1956): from Supranational Principles to Multinational Practices’, in *Jahrbuch für europäische Verwaltungsgeschichte*, vol. 4, pp. 31-47.

**McCubbins, Matthew D., Roger G. Noll, and Barry R. Weingast (1989).** ‘Structure and Process, Politics and Policy: Administrative Arrangements and the Political Control of Agencies’, in *Virginia Law Review*, 75, pp. 431-482.

**McCubbins, Matthew D., Roger G. Noll, and Barry R. Weingast (1987).** ‘Administrative Procedures as Instruments of Political Control’, in *Journal of Law, Economics, and Organization*, 2, pp. 243-277.

**McCubbins, Matthew D., and Thomas Schwartz (1984).** ‘Congressional Oversight Overlooked. Police Patrols vs. Fire Alarms’, in *American Journal of Political Science*, 2, pp. 165-179.

**McCubbins, Matthew D., and Terry Sullivan (1987).** *Theories of Congress. The New Institutionalism*, Cambridge: Cambridge University Press.

**McDonald, Maryon (1996).** “‘Unity in diversity’”. Some tensions in the construction of Europe’, in *Social Anthropology*, vol. 4 n. 1, pp. 47-60.

- Mehde, Veith (2003).** 'Responsibility and Accountability in the European Commission', in *Common Market Law Review*, 4, pp. 423-442.
- Metcalf, Les (2004).** 'European Policy Management: Future Challenges and the Role of the Commission', in *Public Policy and Administration*, vol. 19 n. 3, pp. 77- 94.
- Metcalf, Les (2000).** 'Reforming the Commission. Will Organizational Efficiency Produce Effective Governance?', in *Journal of Common Market Studies*, 5, pp. 817-841.
- Metcalf, Les (1992).** 'After 1992: Can the Commission Manage Europe?', in *Australian Journal of Public Administration*, vol. 51 n. 1, pp. 117-130.
- Metcalf, Les, and S. Richards (1987).** 'Evolving Public Management Cultures', in Jan Kooiman and Kjell A. Eliassen (eds.), *Managing Public Organizations. Lessons from Contemporary European Experiences*, London: Sage, pp. 65-86.
- Michelmann, Hans J. (1978a).** 'Multinational Staffing and Organizational Functioning in the Commission of the European Communities', in *International Organization*, 2, pp. 477-496.
- Michelmann, Hans J. (1978b).** *Organisational Effectiveness in a Multinational Bureaucracy. The Case of the Commission of the European Communities*, Farnborough: Saxon House.
- Middlemas, Keith (1995).** *Orchestrating Europe. The Informal Politics of the European Union 1973-95*, London: FontanaPress.
- Miller, Gary J. (2005).** 'The Political Evolution of Principal-Agent Models', in *Annual Review of Political Science*, 8, pp. 203-225.
- Milward, H. Brinton, and Keith G. Provan (1998).** 'Principles for Controlling Agents. The Political Economy of Network Structure', in *Journal of Public Administration Research and Theory*, 2, pp. 203-221.
- Minogue, Martin, Charles Polidano, and David Hulme (1998).** *Beyond the New Public Management. Changing Ideas and Practices in Governance*, Cheltenham: Edward Elgar.

**Moe, Ronald C. (1994).** ‘The “Reinventing Government” Exercise. Misinterpreting the Problem, Misjudging the Consequences’, in *Public Administration Review*, 2, pp. 111-122.

**Moe, Terry M. (1995).** ‘The Politics of Structural Choice. Towards a Theory of Public Bureaucracy’, in Olivier E. Williamson (ed.), *Organization Theory. From Chester Barnard to the Present and Beyond*, Oxford: Oxford University Press, pp. 116-153.

**Moe, Terry M. (1991).** ‘Politics and the Theory of Organization’, in *Journal of Law, Economics, and Organization*, 1, pp. 106-129.

**Moe, Terry M. (1984).** ‘The New Economics of Organization’, in *American Journal of Political Science*, 4, pp. 739-777.

**Morel, Jean-Claude (1985).** ‘Problèmes administratifs de l’organisation communautaire’, in Joseph Jamar, and Wolfgang Wessels (eds.), *Community Bureaucracy at the Crossroads*, Bruges: De Tempel, pp. 127-133.

**Morstein Marx, Fritz (1957).** *The Administrative State. An introduction to Modern Bureaucracy*, Chicago: University of Chicago Press.

**Neunreither, Karl-Heinz (1972).** ‘Transformation of a Political Role. Reconsidering the Case of the Commission of the European Communities’, in *Journal of Common Market Studies*, vol. X n. 3, pp. 233-248.

**Niskanen, William (1971).** *Bureaucracy and Representative Government*, Chicago: Aldine-Atherton.

**Noël, Emile (1992).** ‘Témoignage: l’administration de la Communauté européenne dans la rétrospective d’un ancien haut fonctionnaire’, in *Jahrbuch für europäische Verwaltungsgeschichte*, vol. 4, pp. 145-158.

**Nugent, Neill (ed.) (2001).** *The European Commission*, Houndmills: Palgrave, 2001.

**Nugent, Neill (1995).** ‘The Leadership Capacity of the European Commission’, in *Journal of European Public Policy*, 4, pp. 603-623.

**Odershook, Peter C., and Thomas Schwartz (1987).** 'Agenda and the Control of Political Outcomes', in *American Political Science Review*, 1, pp. 179-200.

**Olsen, Johan P. (2003).** 'Towards a European Administrative Space?', in *Journal of European Public Policy*, 4, pp. 506-531

**Olsen, Johan P. (1988).** 'Administrative Reform and Theories of Organization', in Colin Campbell, S.J., and B. Guy Peters (eds.), *Organizing Governance, Governing Organizations*, Pittsburgh: University of Pittsburgh Press, pp. 233-254.

**Osborne, David, and Ted Gaebler (1992).** *Reinventing Government. How the Entrepreneurial Spirit is Transforming the Public Sector*, Reading: Addison-Wesley.

**Page, Edward C. (1992).** *Political Authority and Bureaucratic Power. A Comparative Analysis*, London: Harvester Wheatsheaf, second edition.

**Page, Edward C. (1997).** *People Who Run Europe*, Oxford: Clarendon, 1997.

**Page, Edward C., and Linda Wouters (1994).** 'Bureaucratic Politics and Political Leadership in Brussels', in *Public Administration*, 4, pp. 445-459.

**Page, Edward C., and Vincent Wright (eds.) (1999).** *Bureaucratic Elites in Western European States. A Comparative Analysis of Top Officials*, Oxford: Oxford University Press.

**Peltonen, Pauliina (1999).** *Reforming the European Commission: Mission Possible?*, Helsinki: Hakapaino Oy.

**Penaud, Jeanne (ed.) (1993).** *La fonction publique des Communautés européennes*, Paris: La Documentation française.

**Pendergast, William R. (1976).** 'Roles and Attitudes of French and Italian Delegates to the European Community', in *International Organization*, vol. 30 n. 4, pp. 669-677.

**Perry, James L. and T.K. Miller (1991).** 'The Senior Executive Service. Is it Improving Managerial Performance?', in *Public Administration Review*, 6, pp. 554-563.

**Peters, B. Guy (1999).** *Institutional Theory in Political Science. The 'New Institutionalism'*, London: Pinter.

**Peters, B. Guy (1998).** *The New Institutionalism and Administrative Reform: Examining Alternative Models*, Madrid: Juan March Institute, Working Paper 1998/113.

**Peters, B. Guy (1995).** *The politics of bureaucracy*, New York: Longman, Fourth edition.

**Peters, B. Guy (1992).** 'Bureaucratic Politics and the Institutions of the European Community', in Alberta M. Sbragia (ed.), *Euro-Politics. Institutions and Policymaking in the "New" European Community*, Washington: Brookings Institutions, pp. 75-122.

**Peters, B. Guy (1988).** 'The Machinery of Government: Concepts and Issues', in Colin Campbell, S.J., and B. Guy Peters (eds.), *Organizing Governance, Governing Organizations*, Pittsburgh: University of Pittsburgh Press, pp. 19-54.

**Peters, B. Guy, and Jon Pierre (eds.) (2003).** *Handbook of Public Administration*, London: Sage.

**Peters, B. Guy, and Jon Pierre (eds.) (2001).** *Politicians, Bureaucrats and Administrative Reform*, London: Routledge.

**Peters, B. Guy, and Jon Pierre (1998a).** 'Governance Without Government? Rethinking Public Administration', in *Journal of Public Administration Research and Theory*, vol. 8 n. 2, pp. 223-243.

**Peters, B. Guy, and Jon Pierre (1998b).** 'Institutions and Time. Problems of Conceptualization and Explanation', in *Journal of Public Administration Research and Theory*, 4, pp. 565-583.



**Peters, B. Guy, and Donald J. Savoie (eds.) (2000).** *Governance in the Twenty-first Century. Revitalizing the Public Service*, Canadian Centre for Management Development, Montreal: McGill-Queen's University Press.

**Peters, B. Guy, and Donald J. Savoie (eds.) (1998).** *Taking Stock: Assessing Public Sector Reform*, Montreal: Canadian Centre for Management Development.

**Peterson, John (2004).** 'The Prodi Commission. Fresh Start or Free Fall?', in Dionyssis Dimitrakopoulos (ed.), *The Changing European Commission*, Manchester: Manchester University Press.

**Peterson, John (2003).** 'The European Commission: Plateau? Permanent Decline?', in *Collegium*, n. 26, pp. 5-27.

**Peterson, John (1999).** 'The Santer Era. The European Commission in Normative, Historical and Theoretical Perspective', in *Journal of European Public Policy*, 1, pp. 46-65.

**Peterson, R. L. (1971).** 'Personnel Decisions and the Independence of the Commission of the European Communities', in *Journal of Common Market Studies*, vol. 10 n. 2, pp. 117-137.

**Pollack, Mark A. (2003).** *The Engines of European Integration. Delegation, Agency, and Agenda Setting in the EU*, Oxford: Oxford University Press.

**Pollack, Mark A. (2002).** 'Learning from the Americans (Again): Theory and Method in the Study of Delegation', in *West European Politics*, 2, pp. 200-219.

**Pollack, Mark A. (1997a).** 'The Commission as an Agent', in Neill Nugent (ed.), *At the Heart of the Union. Studies of the European Commission*, New York: St Martin's Press, pp. 109-128.

**Pollack, Mark A. (1997b).** 'Delegation, Agency and Agenda Setting in the European Community', in *International Organization*, 1, pp. 99-134.

**Pollack, Mark A. (1996).** 'The New Institutionalism and EU Governance. The Promise and Limits of Institutional Analysis', in *Governance*, 4, pp. 429-458.

**Pollitt, Christopher (1993).** *Managerialism and the Public Services. Cuts or Cultural Change in the 1990s?*, Oxford: Blackwell.

**Pollitt, Christopher, Johnston Birchall, and Keith Putnam (1998).** *Decentralising Public Service Management*, London: Macmillan.

**Pollitt, Christopher, and Geert Bouckaert (2000).** *Public Management Reform. A Comparative Analysis*, Oxford: Oxford University Press.

**Prodi, Romano (2008).** *La mia visione dei fatti. Cinque anni di governo in Europa*, Bologna: il Mulino, a cura di Sandro Gozi.

**Putnam, Robert D. (1973).** 'The Political Attitudes of Senior Civil Servants in Western Europe. A Preliminary Report', in *British Journal of Political Science*, 3, pp. 257-290.

**Raadschelders, Jos C.N. (2003).** *Government. A Public Administration Perspective*, Armonk, NY: M.E. Sharpe.

**Radaelli, Claudio M. (1999).** *Technocracy in the European Union*, London: Longman.

**Reinalda, Bob, and Bertjan Verbeek (eds.) (2004).** *Decision Making within International Organizations*, London: Routledge.

**Rhodes, R.A.W. and Patrick Weller (eds.) (2001).** *The Changing World of Top Officials. Mandarins or Valets?*, Buckingham: Open University Press.

**Richards, David (1996).** 'Appointments to the Highest Grades in the Civil Service. Drawing the Curtain Open', in *Public Administration*, 4, pp. 657-677.

**Rideau, Joël, and Sophie Perez (2002).** '25 ans de réformes administratives dans l'Union européenne. Pour quel avenir? Bilan et perspectives', in *Annuaire européen d'administration publique*, pp. 333-380.

**Ringquist, Evan (1995).** 'Political Control and Policy Impact in EPA's Office of Water Quality', in *American Journal of Political Science*, 3, pp. 336-363.

**Robert, Cécile (2004).** 'Doing politics and pretending not to: the Commission's role in distributing aid to Eastern Europe', in Andy Smith (ed.), *Politics and the European Commission. Actors, interdependence, legitimacy*, London: Routledge, pp. 17-29.

**Rodrigues, Stéphane (1999).** 'La nouvelle Commission Prodi face à ses engagements: est-ce la fin de la crise?', in *Revue du Marché Commun et de l'Union européenne*, 433, pp. 678-682.

**Rosen, B. (1981).** 'Uncertainty in Senior Executive Service', in *Public Administration Review*, 2, pp. 203-207.

**Rosenstiel, Francis (1963).** 'Reflections on the Notion of "Supranationality"', in *Journal of Common Market Studies*, vol. II n. 2, pp. 127-139.

**Ross, George (1995).** *Jacques Delors and European Integration*, Cambridge: Polity Press.

**Ross Schneider, Ben (1993).** 'The Career Connection. A Comparative Analysis of Bureaucratic Preferences and Insulation', in *Comparative Politics*, 3, 331-350.

**Russo, Pietro (1997).** 'The administrative liability of the officials of the European Communities: Problems and Prospects', in *European Union Review*, 2, pp. 88-109.

**Saggio, Antonio (1992).** 'Le système de promotion des fonctionnaires des Communautés européennes: réflexions sur certaines orientations de la jurisprudence', in *Rivista di diritto europeo*, 3, pp. 543-557.

**Saltzstein, Gren Hall (1985).** 'Conceptualizing Bureaucratic Responsiveness', in *Administration and Society*, 2, pp. 283-306.

**Sandholtz, Wayne, and Alec Stone Sweet (eds.) (1998).** *European Integration and Supranational Governance*, Oxford: Oxford University Press.

**Sarooshi, Dan (2003).** 'Some Preliminary Remarks of the Conferral by States of Powers on International Organizations', *Jean Monnet Working Paper 4/03*, New York: New York School of Law.

**Sasse, Christoph, Edouard Poulet, David Coombes and Gérard Deprez. (1977).** *Decision Making in the European Community*, London: Praeger.

**Sauron, Jean-Luc (2000).** 'Le rôle des Etats membres dans l'administration de l'Union européenne', in *Revue française d'administration publique*, 3, pp. 453-464.

**Scheinman, Lawrence (1966).** 'Some Preliminary Notes on Bureaucratic Relationship in the European Economic Community', in *International Organisation*, 5, pp. 750-773.

**Scheinman, Lawrence, and Werner Feld (1972).** 'The European Economic Community and National Civil Servants of the Member States', in *International Organization*, vol. 26 n. 1, pp. 121-135.

**Schön-Quinlivan (2006).** *Administrative reform in the European Commission. From rhetoric to re-legitimation*, paper based on EU-CONSENT Workshop 'The Commission and the European Civil Service', Paris: 21-22 June.

**Searing, Donald D. (1991).** 'Roles, Rules and Rationality in the New Institutionalism', in *American Political Science Review*, 1, pp. 47-68.

**Seidman, Harold (1980).** *Politics, Position, and Power. The Dynamics of Federal Organization*, New York: Oxford University Press.

**Shackelton, Michael (1991).** 'The European Community between three ways of life', in *Journal of Common Market Studies*, 6, 575-601.

**Shapiro, Martin (1997).** 'The Problem of Independent Agencies in the United States and the European Union', in *Journal of European Public Policy*, 2, pp. 278-291.

**Shepsle, Kenneth A. (1989).** 'Studying Institutions. Some Lessons from Rational Choice Approach', in *Journal of Theoretical Politics*, 1, pp. 131-147.

**Shore, Cris (2000).** *Building Europe. The Cultural Politics of European Integration*, London: Routledge.

**Sidjanski, Dusan (1964).** 'Some Remarks on Siotis' Article', in *Journal of Common Market Studies*, vol. III n. 1, pp. 47-61.

**Siotis, Jean (1964).** 'Some Problems of European Secretariats', in *Journal of Common Market Studies*, vol. II n. 3, pp. 222-250.

**Smith, Andy (2004).** 'Introduction', in Andy Smith (ed.), *Politics and the European Commission. Actors, interdependence, legitimacy*, London: Routledge, pp. 1-13.

**Smith, Andy (2003a).** 'Who governs in Brussels? Une comparaison des configurations de leadership de Delors, Santer, Prodi', in Andy Smith and Claude Sorbets (eds.), *Le Leadership politique et le territoire. Les cadres d'analyse en débat*, Rennes: Presses Universitaires de Rennes, pp. 247-274.

**Smith, Andy (2003b).** 'Why European Commissioners Matter', in *Journal of Common Market Studies*, 1, pp. 137-155.

**Smith, Keith A. (1973).** 'The European Economic Community and National Civil Servants of the Member States – A Comment', in *International Organization*, vol. 27 n. 4, pp. 563-568.

**Smyrl, Marc E. (1998),** 'When (and How) do the Commission's Preferences Matter?', in *Journal of Common Market Studies*, 1, pp. 79-99.

**Spence, David (2004).** 'The European Commission's External Service', in *Public Policy and Administration*, vol. 19 n. 3, pp. 61-76.

**Spence, David (2000).** 'Plus ça change, plus c'est la même chose? Attempting to reform the European Commission', in *Journal of European Public Policy*, 1, pp. 1-25.

**Spence, David (1994).** ‘Staff and Personnel Policy in the Commission’, in Geoffrey Edwards and David Spence (eds.), *The European Commission*, London: Longman, pp. 97-116.

**Spence, David B. (1999a).** ‘Managing Delegation Ex Ante. Using Law to Steer Administrative Agencies’, in *Journal of Legal Studies*, 2, pp. 413-459.

**Spence, David B. (1999b).** ‘Agency Discretion and the Dynamics of Procedural Reform’, in *Public Administration Review*, 3, pp. 425-442.

**Spierenburg, Dirk (1979).** *Proposals for Reform of the Commission of the European Communities and its Services*, Brussels: Commission of the European Communities.

**Steunenberg, Bernard (1996).** ‘Agency Discretion, Regulatory Policymaking, and Different Institutional Arrangements’, in *Public Choice*, 2, pp. 309-339.

**Stevens, Anne (2005).** ‘The senior civil servants of the EU: statutory uniformity and cultural diversity’, in Françoise Dreyfus, and Jean-Michel Eymeri (eds.), *La Science Politique de l'Administration*, Paris: Economica, pp. 9-24.

**Stevens, Anne (2003).** ‘Une simple amélioration ou une modernisation radicale? La réforme de l'administration de la Commission européenne’, in *Revue française d'administration publique*, n. 105/106, pp. 81-94.

**Stevens, Anne (2002).** *Europeanisation and the Administration of the EU: a Comparative Perspective*, Queen's Papers on Europeanisation, No. 4/2002.

**Stevens, Anne (2000).** ‘La chute de la Commission Santer’, in *Revue française d'administration publique*, n. 95, pp. 369-379.

**Stevens, Anne, with Handley Stevens (2001).** *Brussels Bureaucrats. The Administration of the European Union*, Houndmills: Palgrave.

**Stevens, Anne, and Handley Stevens (1997).** ‘Le non-management de l'Europe’, in *Politiques et management public*, vol. 15 n. 1, pp. 33-52.

**Stewart, Jenny, and Kimber Megan (1992).** ‘The Transformation of Bureaucracy? Structural Change in the Commonwealth Public Service 1983-93’, in *Australian Journal of Public Administration*, 1, pp. 37-48.

**Stone, Bruce (1995).** ‘Administrative Accountability in the “Westminster” Democracies. Towards a New Conceptual Framework’, in *Governance*, 4, pp. 505-526.

**Suleiman, Ezra (2003).** *Dismantling Democratic States*, Princeton: Princeton University Press.

**Suleiman, Ezra, and H. Medras (eds.) (1995).** *Le recrutement des élites en Europe*, Paris: La Découverte.

**Sutherland, Peter (1992).** ‘Progress to European Union. A Challenge for the Public Sector’, in *EIPAScope*, 3, pp. 1-8.

**Tallberg, Jonas (2002).** ‘Delegation to Supranational Institutions. Why, How and with What Consequences?’, in *West European Politics*, 1, pp. 23-46.

**Tallberg, Jonas (2000).** ‘The Anatomy of Autonomy. An Institutional Account of Variation in Supranational Influence’, in *Journal of Common Market Studies*, 4, 843-863.

**Thatcher, Mark (2005).** ‘The third force? Independent regulatory agencies and elected politicians in Europe’, in *Governance*, 3 pp. 347-374.

**Thatcher, Mark, and Alec Stone Sweet (2002).** ‘Theory and Practice of Delegation to Non-Majoritarian Institutions’, in *West European Politics*, 1, 1-22.

**Thompson, Michael, and Aaron Wildavsky (1986).** ‘A Cultural Theory of Information Bias in Organizations’, in *Journal of Management Studies*, 3, pp. 273-286.

**Trondal, Jarle (2008).** ‘The anatomy of autonomy: Reassessing the autonomy of the European Commission’, in *European Journal of Political Research*, 4, pp. 467-488.

**Trondal, Jarle (2007).** ‘The Public administration turn in integration research’, in *Journal of European Public Policy*, 6, pp. 960-972.

**Trondal, Jarle (2004).** 'Political dynamics of the parallel administration of the European Commission', in Andy Smith (ed.), *Politics and the European Commission. Actors, interdependence, legitimacy*, London: Routledge, pp. 67-82.

**Trondal, Jarle, Caspar Van Der Berg, and Semin Suvarierol (2008).** 'The Compound Machinery of Government. The Case of Seconded Officials in the European Commission', in *Governance*, 2, pp. 253-274.

**Van der Meulen, Barend (1998).** 'Science policies as principal-agent games. Institutionalization and path dependency in the relation between government and science', in *Research Policy*, 4, pp. 397-414.

**Verheijen Tony, and David Coombes (eds.) (1998).** *Innovation in Public Management*, Cheltenham: Edward Elgar.

**Viella, Giancarlo (1999).** 'Importance and Role of Supranational Administration. The Case of European Union Administration', in *International Review of Administrative Sciences*, 2, pp. 211-219.

**Viñas, Angel (2001).** 'Spaniards in the Service of the European Commission', in *South European Society & Politics*, vol. 6 n. 2, pp. 119-128.

**Volden, Craig (2002).** 'Delegating Power to Bureaucracies: Evidence from the States', in *Journal of Law, Economics, and Organization*, 1, pp. 187-220.

**Wallace, Helen (2004).** *Personal communication*, Florence: 9 February.

**Waterman, Richard W., and Kenneth J. Meier (1998).** 'Principal-Agent Models. An Expansion?', in *Journal of Public Administration Research and Theory*, 2, pp. 173-202.

**Waterman, Richard W., Amelia Rouse, and Robert Wright (1998).** 'The Venues of Influence: A New Theory of Political Control of the Bureaucracy', in *Journal of Public Administration Research and Theory*, 1, pp. 13-38.



- Waterman, Richard W., and Amelia Rouse (1999).** 'The Determinants of the Perceptions of Political Control of the Bureaucracy and the Venues of Influence', in *Journal of Public Administration Research and Theory*, 4, pp. 527-569.
- Weingast, Barry R. (1984).** 'The Congressional-Bureaucratic System. A Principal-Agent Perspective (With Applications to the SEC)', in *Public Choice*, 1, pp. 147-191.
- Weller, Patrick, and John Wanna (1997).** 'Departmental Secretaries: Appointment, Termination, and Their Impact', in *Australian Journal of Public Administration*, 4, pp. 13-25.
- West, William (1995).** *Controlling the Bureaucracy. Institutional Constraints in Theory and Practice*, London: Sharpe.
- Wildavsky, Aaron (1990).** 'Administration Without Hierarchy? Bureaucracy Without Authority?', in Naomi B. Lynn, and Aaron Wildavsky (eds.), *Public Administration. The State of the Discipline*, Chatham: Chatham House, pp. xiii-xix.
- Wildavsky, Aaron (1987).** 'Choosing Preferences by Constructing Institutions. A Cultural Theory of Preference Formation', in *American Political Science Review*, 1, pp. 3-21.
- Wilks, Stephen (2005).** 'Agency Escape: Decentralization or Dominance of the European Commission in the Modernization of Competition Policy?', in *Governance*, 3, p. 431-452.
- Wilks, S., and Ian Bartle (2002).** 'The Unanticipated Consequences of Creating Independent Competition Agencies', in *West European Politics*, 1, pp. 148-172.
- Wilson, Richard W. (2000).** 'The Many Voices of Political Culture: Assessing Different Approaches', in *World Politics*, 2, pp. 246-273.
- Wincott, Daniel (2001).** 'Looking Forward or Harking Back? The Commission and the Reform of Governance in the European Union', in *Journal of Common Market Studies*, 5, pp. 897-911
- Woll, Cornelia (2006).** 'The road to external representation: the European Commission's activism in international air transport', in *Journal of European Public Policy*, 1, pp. 52-69.

**Wollmann, Hellmut (ed.) (2003).** *Evaluation in Public-Sector Reform*, Cheltenham: Edward Elgar.

**Wonka, Arndt (2007).** 'Technocratic and Independent? The appointment of European Commissioners and its policy implications', in *Journal of European Public Policy*, 2, pp. 169-189.

**Wood, B. Dan (1988).** 'Principals, Bureaucrats, and Responsiveness in Clean Air Enforcements', in *American Political Science Review*, 1, pp. 213-234.

**Wood, B. Dan, and Richard W. Waterman (1993).** 'The Dynamics of Political-Bureaucratic Adaptation', in *American Journal of Political Science*, 3, pp. 497-528.

**Wood, B. Dan, and Richard W. Waterman (1991).** 'The Dynamics of Political Control of the Bureaucracy', in *American Political Science Review*, 3, pp. 801-828.

**Woolley, John T. (1993).** 'Conflict Among Regulators and the Hypothesis of Congressional Dominance', in *Journal of Politics*, 1, pp. 92-114.

**Worsham, Jeff, and Jay Gatrell (2005).** 'Multiple principals, multiple signals: A Signaling Approach to Principal-Agent Relations', in *Policy Studies Journal*, 3, pp. 363-376.

**Worsham, Jeff, Marc Allen Eisner, and Evan J. Ringquist (1997).** 'Assessing the Assumptions. A Critical Analysis of Agency Theory', in *Administration and Society*, 4, pp. 419-440.

**Yarbrough, Beth, and Yarbrough, Robert (1990).** 'International Institutions and the New Economics of Organization', in *International Organization*, 2, pp. 235-259.

**Ziller, Jacques (2000).** 'De la nature de l'administration européenne', in *Revue française d'administration publique*, n. 95, pp. 357-367.