



THE EUROPEAN COMMISSION 1986-2000

HISTORY AND MEMORIES
OF AN INSTITUTION

Work carried out on the initiative of the
European Commission with the participation of
and testimony by former European officials

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Under the presidency of Jacques Delors the European Commission supported German reunification in 1990 and prepared for the introduction of the common currency. From left to right: the fall of the Berlin Wall on 9 November 1989, Presidents Jacques Delors and Jacques Santer in 1994 and the launch of the euro on 1 January 1999.

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History and memories of an institution

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The European Commission 1986-2000 — History and memories of an institution

Print	ISBN 978-92-79-89753-5	doi:10.2792/37259	KA-04-18-618-EN-C
PDF	ISBN 978-92-79-89757-3	doi:10.2792/814525	KA-04-18-618-EN-N
EPUB	ISBN 978-92-79-98422-8	doi:10.2792/162846	KA-04-18-618-EN-E

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PDF	ISBN 978-92-79-35807-4	doi:10.2792/35811	KA-01-13-684-EN-N
EPUB	ISBN 978-92-79-36343-6	doi:10.2792/36251	KA-01-13-684-EN-E

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Print (hardback)	ISBN 978-92-79-28964-4	doi:10.2792/30549	KA-30-13-347-EN-C
Print (paperback)	ISBN 978-92-79-29023-7	doi:10.2792/31368	KA-31-13-747-EN-C
PDF	ISBN 978-92-79-32957-9	doi:10.2792/19118	KA-30-13-347-EN-N
EPUB	ISBN 978-92-79-36346-7	doi:10.2792/36617	KA-30-13-347-EN-E

The European Commission 1958-72 and 1973-86 — History and memories of an institution

Slip-case set	ISBN 978-92-79-35312-3	doi:10.2792/35424	KA-01-14-027-EN-Y
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THE EUROPEAN COMMISSION 1986-2000

HISTORY AND MEMORIES OF AN INSTITUTION

Editors:

Vincent Dujardin, Éric Bussière, Piers Ludlow, Federico Romero, Dieter Schlenker
and Antonio Varsori

in collaboration with Sophie Kaisin

Preface by Jean-Claude Juncker, President of the European Commission

*Work carried out on the initiative of the European Commission
with the participation of and testimony by former European officials*

European Commission

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1.2. The College of Commissioners

The evolution of the College

From 1986 to 2000 the College of Commissioners evolved numerically, by nationality and in terms of gender. With the entry of Spain and Portugal (1986) the Delors Commission, originally composed of 14 members, increased to 17 members. While German reunification in 1990 did not lead to a change in the number of German Commissioners, with the 1995 enlargement to Austria, Finland and Sweden the size of the College increased once again, from 17 to 20. The traditional principle going back to the Hallstein Commission, according to which the largest Member States (Germany, France, Italy, the United Kingdom and, from 1986, Spain) were entitled to two Commissioners each, while the other countries were allowed only one each, remained in place.

During the period under consideration two major innovations were brought in concerning the College of Commissioners. First, the Maastricht Treaty extended the mandate of the College from 4 to 5 years, in order to coincide with the mandate of the European Parliament. Second, Delors's second Commission saw the entry of the first two female Commissioners. Indeed, from its constitution in 1958 up to 1989 the European Commission had been an all-male body. The first two female Commissioners were Christiane Scrivener and Vasso Papandreou. The number decreased in Delors's third Commission (only Christiane Scrivener was reappointed), but grew again in the Santer Commission, partly as a result of pressure from the European Parliament ⁽¹⁾. Between 1995 and 1999 the College of Commissioners included five women: Anita Gradin, Édith Cresson, Ritt Bjerregaard,

Monika Wulf-Mathies and Emma Bonino. The Santer presidency marked a point of no return. The following College, headed by Romano Prodi, included the first female Vice-President, Loyola de Palacio, along with Commissioners Anna Diamantopoulou, Viviane Reding, Michaele Schreyer and Margot Wallström.

Between 1986 and 1995 the average age in the Delors Commissions was about 55. The youngest members in the first College presided over by Delors were Peter Sutherland (born in 1946) and the Spanish and Portuguese newcomers (Manuel Marín was born in 1949, Abel Matutes and António Cardoso e Cunha in 1941). In some cases sending young Commissioners to Brussels was a calculated political choice. This was the case for Marín, who was sent by Prime Minister Felipe González to Brussels in order to show 'the image of a country that includes young people' ⁽²⁾. In Santer's Commission, the average age was significantly lower (50). The inauguration of the Prodi Commission marked a new rise in the average age (to 55), as almost all of its members came from senior ministerial positions. This was a political choice aimed at strengthening the political weight of the College after the resignation of the Santer Commission ⁽³⁾.

The Commissioners' backgrounds

All in all, the Colleges under consideration were represented by new generations of policymakers who had grown up during the *Trente Glorieuses* ⁽⁴⁾ and experienced European integration as university students, often focusing on European affairs during their studies. The Delors, Santer and Prodi Commissions were characterised by a large number of university graduates. The majority of Commissioners

⁽¹⁾ Interview with Jacques Santer, 9 March 2016.

⁽²⁾ Interview with Manuel Marín, 28 October 2016, p. 5.

⁽³⁾ See Chapter 8.3 'Relations with the European Parliament'.

⁽⁴⁾ The period of unprecedented economic growth in Europe from 1945 to 1975.

had degrees in law or economics. Almost all of them had direct experience in European affairs, having previously served in national governments: nine in Delors I, 10 in Delors II and 12 in Delors III. During the Santer era this ratio was slightly reduced (11 out of 19), to subsequently increase again with the setting up of the Prodi Commission, in which the number of Commissioners who had served in governmental posts was 17 (out of 19). In addition, many Commissioners had previously been Members of the European Parliament ⁽¹⁾. Within the Colleges under scrutiny almost all political leanings were represented, with the sole exceptions of the far left and the far right. For many Commissioners, national and European politics were closely intertwined. This was the case for those who had been involved in the enlargement negotiations: the Greek Christos Papoutsis; the Spaniards Manuel Marín, Abel Matutes and Pedro Solbes Mira; the Austrian Franz Fischler; and the Finn Erkki Liikanen.

The choice of Commissioners and the allocation of portfolios

Delors stressed that in all the Commissions he presided over: ‘The choice of Commissioners was imposed on me by the governments’ ⁽²⁾. It was only in the distribution of portfolios that he had freedom of action. As he maintained with regard to the setting up of his second and third Colleges: ‘I closed the door when certain people wanted to impose an allocation decision on me’ ⁽³⁾. Oral accounts confirm this statement, and show Delors’s great ability in mediating among Commissioners, taking into account personal ambitions, national preferences

and political affiliations ⁽⁴⁾. During his second and third terms his authority vis-à-vis the College was strengthened even more by the political prestige he had acquired during his first mandate ⁽⁵⁾. In the Santer Commission the distribution of portfolios required prolonged negotiations among Commissioners, which, as recalled by Neil Kinnock, heralded a new era of weak presidential leadership ⁽⁶⁾. The setting up of the Santer Commission was marked by an unprecedented episode: individual hearings of appointed Commissioners before the European Parliament, on the basis of Article 158 of the EC Treaty (Maastricht consolidated version) and Article 33 of the European Parliament regulations ⁽⁷⁾. The Commission accepted the hearings, although many within the institution regarded them as a challenge to the principle of collegiality and a demonstration of force by the Parliament vis-à-vis the Commission ⁽⁸⁾. In the College headed by Prodi the choice of Commissioners was made through a process of ‘fantastic cooperation’ between the President and the Member States, due to the widespread support from national governments enjoyed by Prodi ⁽⁹⁾. The newly appointed President aimed at establishing a high-level Commission, made up of personalities with great political experience, public profile and professional competence, in order to restore the image of the institution after the crisis that had hit the Santer Commission ⁽¹⁰⁾. He aimed to design a ‘rational, well balanced, coherent spread of portfolios that will send the right messages in terms of policy and avoid grey zones between the different Commissioners’ ⁽¹¹⁾.

⁽¹⁾ During the Delors years this was the case for Carlo Ripa di Meana, Grigoris Varfis, Willy De Clercq, Martin Bangemann, Christiane Scrivener, Ray MacSharry and Karel Van Miert. In the Santer era this was true for Martin Bangemann, Karel Van Miert, Emma Bonino and Christos Papoutsis. In the Prodi Commission, Philippe Busquin, Viviane Reding and António Vitorino had been Members of the European Parliament.

⁽²⁾ Interview with Jacques Delors, 16 January 2016, p. 5.

⁽³⁾ *Ibid.*

⁽⁴⁾ Interviews with Pascal Lamy, 7 July 2016; and Pedro de Sampaio Nunes, 26 May 2017.

⁽⁵⁾ Interview with Jacques Delors, 16 January 2016.

⁽⁶⁾ Interview with Neil Kinnock, 25 October 2016.

⁽⁷⁾ HAEC, PV(94), Minutes No 1213, second part, meeting of 14 September 1994, p. 3.

⁽⁸⁾ HAEC, PV(94), Minutes No 1217, second part, meeting of 15 October 1994, p. 16.

⁽⁹⁾ Interview with Romano Prodi, 1 April 2016.

⁽¹⁰⁾ Interviews with David Byrne, 13 October 2016; and Chris Patten, 11 October 2016.

⁽¹¹⁾ HAEU, Angel Viñas Fonds (AV) 224, SEC(1999) 888, 3 June 1999, ‘Note for the attention of the directors-general and heads of service on the Cologne European Council — Intervention of Mr Prodi’.

The Wednesday meetings

In the 1986-2000 period the Commission maintained the tradition, laid down in the first Commission internal regulation in 1967, of meeting regularly once a week, usually on Wednesdays, in Brussels. Only during the plenary sessions of the European Parliament did the College meet in Strasbourg. Until December 1991 the Commission met in its traditional headquarters: the Berlaymont building. After the discovery of asbestos⁽¹⁾ the College moved to the Breydel building, an office block in the European quarter of Brussels, where it remained until 2004. The meeting agenda was prepared by the Secretary-General and approved by the President; every Commissioner could intervene in debates; meetings were not public and minutes remained confidential. In addition, the work of the Commissioners was prepared by their heads of cabinet, who met beforehand, usually on Mondays, to prepare the Commission meetings⁽²⁾. Lastly, the list of people who were allowed to attend Commission meetings beyond the Commissioners themselves did not change. It included the secretary-general and their deputy, the director-general of the Legal Service, the director-general of the Information DG, the head of cabinet of the President, the spokesperson, the interpreters and the head of the registry. It was also possible for heads of cabinet or directors-general to attend the Commission meetings when their particular Commissioner presented a dossier.

Collegiality and centralisation under Delors

The Commissions under analysis differed in the way the principle of collegiality was applied. Delors saw the College of Commissioners as the institution that represented genuine European interests. For

this reason, as recalled by Pascal Lamy: ‘Delors had a phenomenal time as the engineer of this collegiality ... He listened to what people said and took account of it’⁽³⁾. Delors also attached great importance to the principle of solidarity among the members of the College⁽⁴⁾. When, for instance, in January 1986 Ripa di Meana publicly criticised a Commission memorandum on the common organisation of the cereals market, Delors firmly invited all Commissioners ‘to refrain from any public criticism of Commission decisions’⁽⁵⁾. He wanted to avoid behind-closed-doors agreements, and invited Commissioners to express their vote openly within the College and to assume their own political responsibilities:

‘They mainly voted on important topics ... Otherwise, they were comrades and did not dare tell one another everything’⁽⁶⁾.

As confirmed by the minutes of Commission meetings, during the Delors years voting on politically sensitive subjects on which agreement had not been reached at cabinet level — particularly in the areas of agriculture, regional policy and State aid — was a recurrent practice. Between 1986 and 1994 the average number of votes per year was 22. From a historiographical perspective this shows an atmosphere of lively and sometimes passionate confrontation among Commissioners. At the same time the Delors Commissions were characterised by a high degree of centralisation: the President of the Commission and his cabinet supervised the whole functioning of the College and dictated the political agenda⁽⁷⁾. The prominent role held by Delors sometimes led to tension between the President and the members of the College. There were, for example, frequent disputes between Sutherland and Delors with regard to State aid to French enterprises, and

⁽¹⁾ See Chapter 4 ‘The challenges of housing the Commission: choosing a headquarters and the Berlaymont saga’.

⁽²⁾ See Chapter 1.3 ‘The cabinets’.

⁽³⁾ Interview with Pascal Lamy, 7 July 2016, p. 9.

⁽⁴⁾ Interview with Ioannis Paleokrassas, 29 March 2016.

⁽⁵⁾ HAEC, COM(86), Minutes No 809, second part, meeting of 8 October 1986, p. 5.

⁽⁶⁾ Interview with Jacques Delors, 16 January 2016, p. 13.

⁽⁷⁾ See Chapter 1.3 ‘The cabinets’.

between Delors, MacSharry and Frans Andriessen during the final phase of the Uruguay Round negotiations ⁽¹⁾. David O'Sullivan, a member of the Peter Sutherland cabinet, argued:

'At the time, it didn't feel like paradise or perfection. There were tensions inside the Commission and there were fights between Commissioners. President Delors was actually a very nice man, but he could be tough' (2).

Flawed collegiality under Santer

From the inauguration of his presidency Santer distinguished himself from his predecessor. Having to cope with an enlarged College and expanded Commission competences, his leadership style was non-invasive, and he let a restricted number of Commissioners emerge as political initiators by virtue of their professional competence and political initiative ⁽³⁾. In this regard, Alexander Italianer, then a member of the Santer cabinet, argued that: 'President Santer tended to be the team facilitator who gave free rein to strong personalities' ⁽⁴⁾. According to Franz Fischler these included himself, Karel Van Miert and Mario Monti ⁽⁵⁾. In several circumstances Commissioners, in particular those working in the field of external relations (Manuel Marín, Sir Leon Brittan, Hans van den Broek and Emma Bonino) behaved like 'prima donnas' and mediated among themselves without involving the presidency, according to the principle of 'don't bother me, and I am not going to bother you' ⁽⁶⁾. Neil Kinnock recalls that: 'Nobody had a sense that Jacques Santer was running the Commission' ⁽⁷⁾. The principle of collegiality — which Santer strived to preserve and cultivate beyond the Wednesday

meetings during 'reflection seminars' in Limelette, Belgium ⁽⁸⁾ — was therefore negatively affected: 'Everyone had their own area, which they did not wish to see interfered with' ⁽⁹⁾. This was to have a direct effect on the voting procedures within the College, which substantially decreased during the Santer years: between 1995 and 1999 the average number of votes per year decreased to 10. Divergences between Commissioners were poorly mediated by Santer, who was not able to manage a recurring 'clash of egos' within the College ⁽¹⁰⁾. In the case of a row between Kinnock and Brittan over a fisheries agreement with Norway — which Kinnock deemed to be damaging to UK fishers — the Commission met three times, even on Sunday, before reaching a common position. According to Kinnock this would have never happened under Delors, who would have settled the dispute beforehand by virtue of his authority ⁽¹¹⁾. The College headed by Santer was also affected by alleged instances of misconduct, such as the publication by Ritt Bjerregaard, the Commissioner for Environmental Policy, of unauthorised diaries containing critical portrayals of the Commission members ⁽¹²⁾. This obliged Santer to send to all his Commissioners a personal letter regarding the importance of respecting the provisions of Article 157 of the EC Treaty (Maastricht consolidated version) — concerning the independence of Commissioners — and the principle of collegiality ⁽¹³⁾. After the Bjerregaard episode internal Commission rules governing the interpretation of this article were spelled out in detail, and were formally agreed by the Commission on 22 November 1995 ⁽¹⁴⁾.

⁽⁸⁾ HAEU, Philip Lowe Fonds (PL) 21, 'A chef de cabinet's handbook', undated [1996].

⁽⁹⁾ Interview with Yves-Thibault de Silguy, 5 July 2016, p. 13.

⁽¹⁰⁾ Interview with Neil Kinnock, 25 October 2016.

⁽¹¹⁾ Ibid.

⁽¹²⁾ See Peterson, J., 'The Santer era: the European Commission in normative, historical and theoretical perspective', *Journal of European Public Policy*, Vol. 6, No 1, Routledge, Abingdon, 1999, p. 51.

⁽¹³⁾ HAEU, FL-72, 'Letter from Jacques Santer to the members of the College of Commissioners', 25 October 1995.

⁽¹⁴⁾ HAEC, PV(95), Minutes No 1270, second part, meeting of 29 November 1995, p. 18.

⁽¹⁾ Interview with Pascal Lamy, 7 July 2016.

⁽²⁾ Interview with David O'Sullivan, 8 September 2016, p. 13.

⁽³⁾ Interview with Jurgen Schüller, 26 February 2016.

⁽⁴⁾ Interview with Alexander Italianer, 7 February 2017, p. 27.

⁽⁵⁾ Interview with Franz Fischler, 9 February 2016.

⁽⁶⁾ Interview with Christine Roger, 26 May 2016, p. 7.

⁽⁷⁾ Interview with Neil Kinnock, 25 October 2016, p. 15.

Allegations of misconduct resurfaced in 1999, however, during the public scandal concerning Édith Cresson. On this occasion Santer was unable to exert his political weight to force the resignation of the French Commissioner and former Prime Minister, who could not be fired alone for legal reasons and could rely upon the support of French President Jacques Chirac ⁽¹⁾.

The aftermath of the Cresson affair was to lead to the resignation of the entire College of Commissioners for the first time in the history of the institution ⁽²⁾. The choice to resign was an individual decision by the Commissioners. The rationale was the College's reaction to a report published on 15 March 1999 by a Committee of Independent Experts ⁽³⁾. Kinnock recalls that, in such a scenario: 'resigning is the only way we're ever going to get anybody to listen to the truth. It's only if I have given up my job that anybody will ever give me any credit for integrity' ⁽⁴⁾. The College met to discuss the political consequences of the report during the night of 15 March. The Commissioners unanimously agreed to follow Kinnock's line and, on 17 March 1999 ⁽⁵⁾, publicly announced their resignation. Paradoxically, the Santer Commission, which had lacked substantial collegiality since its setting up, foundered due to a collegial decision.

The College after Prodi's reform

The Cresson affair highlighted the need to reinforce the powers of the presidency vis-à-vis the College. This became one of the first priorities of the newly appointed President, Romano Prodi. Prodi invited all his Commissioners to write a letter saying they

would resign if the President asked them, and all Commissioners agreed to do so ⁽⁶⁾. During the first meeting of the team, held in Solhof, Belgium in July 1999, the College reached a political agreement on the need to introduce a new code of conduct regulating its activities ⁽⁷⁾. In addition, for the first time in the history of the Commission, Commissioners and their cabinets were housed in the same building as their services, rather than in a separate building. This move, together with the resignation letter signed by the members of the College, was seen by many within the institution as a threat to the principle of collegiality ⁽⁸⁾. Conversely, Prodi believed that this decision would not only send a strong symbolic message, but also put in place in a very practical way the conditions for Commissioners, their cabinets and their services to work together. Commissioners were conceived of by Prodi as members of a national cabinet, each of them having well-defined competencies ⁽⁹⁾ and, at the same time, the sense of being part of a 'team' ⁽¹⁰⁾.

All in all, the members of the new College were aware of the need to restore the public image of their institution and demonstrate discontinuity from the past. As recalled by Margaritis Schinas, then a deputy head of cabinet of Vice-President Loyola de Palacio: 'There was a very clear sense within the house, both at the College and the services, that this was a new dawning, it was a new era' ⁽¹¹⁾.

BENEDETTO ZACCARIA

⁽¹⁾ Interview with Carlo Trojan, 2 June 2017.

⁽²⁾ See Chapter 8.3 'Relations with the European Parliament'.

⁽³⁾ HAEU, AV-200, 'Committee of Independent Experts — First report on allegations regarding fraud, mismanagement and nepotism in the European Commission', 15 March 1999.

⁽⁴⁾ Interview with Neil Kinnock, 25 October 2016, p. 19.

⁽⁵⁾ Press release IP/99/186, 'Statement of the Commission', Brussels, 17 March 1999: http://europa.eu/rapid/press-release_IP-99-186_en.htm.

⁽⁶⁾ Interview with David O'Sullivan, 8 September 2016.

⁽⁷⁾ See SEC(1999) 1479, 16 September 1999, 'Code of Conduct for Commissioners'.

⁽⁸⁾ Interview with Christine Roger, 26 May 2016.

⁽⁹⁾ Interview with Chris Patten, 11 October 2016.

⁽¹⁰⁾ Interviews with Romano Prodi, 1 April 2016; Philippe Busquin, 23 March 2016; and Antonio de Lecea, 11 July 2017.

⁽¹¹⁾ Interview with Margaritis Schinas, 22 April 2016, p. 15.