
The Juncker Presidency – A Study in Character

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Abstract

Jean-Claude Juncker was President of the first ‘political Commission’, being the first (and so far the only) President to be elected through the Spitzenkandidat system following the entry into force of the Lisbon Treaty. Juncker was appointed as head of a college of commissioners with high profiles and extensive experience in national politics. During his tenure, Juncker had to manage several crises, including Brexit, the Syrian war and the consequent mass migrations, as well as growing international tensions with Russia and the US. His personal and unique style, together with his broad domestic experience in European affairs, make him a singular personality and a singular President of the European Commission, whose legacy it is still too early to call.

1. Introduction

Jean-Claude Juncker became the 12th President of the European Commission on 1 November 2014, the third Luxembourger to hold the office and the fourth President to hold, prior to his appointment, the position of Prime Minister in his home country. Juncker’s five-year mandate as President of the Commission was conditioned by major events, including the withdrawal of a member state from the European Union, an unprecedented humanitarian crisis as a result of the Syrian civil war and Libya’s fall into chaos and high-profile policy decisions in fields such as taxation, competition and the tech industry.

It is difficult to predict if the Juncker presidency will be remembered by the man’s decisions or by the circumstances he was forced to adapt to. However, Juncker is a unique character that brought experience, vision and remarkable consensus-building abilities to an institution that needed such qualities in challenging times. His efforts to

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turn the institution into a ‘political Commission’, together with the fact of being the first President to follow a *Spitzenkandidaten* system of election, brought the institution into a new light.

It is still early to claim Juncker’s victory in turning the Commission into a political powerhouse. The technocratic nature of the institution has traditionally allowed it to display its independence vis-à-vis the Council and the European Parliament. The shift towards a more ‘political’ Commission had an impact on the perceived role of the institution that may have undermined its technical credentials, but, overall, Juncker’s ‘political’ Commission was seen, at least by the institution’s staff, to be mostly a success.

Juncker’s tenure at the Commission can only be properly understood by looking back at his time in the national political fore. His life prior to 2014 was entirely devoted to Luxembourg and European politics, having proved his qualities as a consensus-builder. His fluency in French, German and English proved essential to his success as a high-stakes deal-maker, but so was his ability to understand the concerns of his interlocutors. His long tenure as Prime Minister in coalition governments proved relevant when his time to lead a ‘political’ Commission, composed of members from a broad ideological spectrum, was put into practice. It could be said that a ‘political’ Commission could only be possible under the leadership of a politician like Juncker, a *rara avis* in the current political landscape. The uniqueness of Juncker can explain why the Commission took the step into becoming a more active political actor. But it is also such a uniqueness and the difficulty to replace such a character which puts the project of politicizing the Commission under question for the future.

2. Juncker the Politician

Jean-Claude Juncker was born on 9 December 1954 in Redange, Luxembourg. The son of a steel worker and Christian trade unionist who was conscripted by the German Wehrmacht during the Second World War, Juncker was profoundly influenced by his father’s experience both as a trade unionist and a war veteran. The former had an impact on Juncker’s social vision of politics, in line with the tradition of European post-war Christian democracy. The latter contributed to Juncker’s vision of a united Europe as a source of peace and stability in the continent.

After studying law at the University of Strasbourg and graduating in 1979, he became a member of the Luxembourg Bar in 1980, shortly before entering politics under the Christian-democrat party line. Once a member of the Luxembourg chamber of deputies in 1984, he was appointed Minister of Labour in 1985, a position in which he displayed his qualities in brokering deals in the industrial sector. He was a trusted member of the governments of Jacques Santer, whom he succeeded when Santer became President of the European Commission in 1995. Juncker’s tenure as Prime Minister was heavily focused on European matters, mostly after 2004, when he was appointed President of the Eurogroup, a position for which he took over the portfolio of Minister of Finance. During his time as both Prime Minister and chair of the Eurogroup, he dealt with the financial crisis that started in 2008 and its effects in the

Eurozone, particularly in the case of Greece, which entered into several financial assistance programmes, channelled through international arrangements coordinated mostly through Juncker's Eurogroup.

Juncker was a key player in the negotiations of the Maastricht Treaty, particularly as Chair of the Council of Economic and Financial Affairs during Luxembourg's 1991 presidency of the Council. The provisions on the Euro, as designed in the Maastricht Treaty and still in force today, are the result of Juncker's brokering abilities.¹ Until his election as President of the Commission, Juncker was present, playing key roles, in all the major negotiations that shaped the European Union as we know it today: from the Single Act to the Maastricht Treaty, the Amsterdam, Nice and Lisbon Treaties, as well as the failed Constitutional Treaty, these were all developments in which Juncker took a central role as a skilled negotiator, trusted by his peers in the European Council.

His demise as Prime Minister, following allegations of misconduct within the Luxembourg intelligence services, was short-lived. His resignation on 11 July 2013 was quickly followed by his appointment as the lead candidate of the European People's Party to preside the Commission, triggering for the first time the *Spitzenkandidaten* system and paving the way to Juncker's 'political' Commission.

3 Juncker's 'Political' Commission

The 2014 elections to the European Parliament were the first to be held under the new provisions of the Lisbon Treaty, which states that 'the President of the Commission will be elected by the European Parliament, on a proposal of the European Council, taking into account the elections to the European Parliament'.² This mandate was interpreted by the main political parties as an opportunity to 'Europeanize' the electoral process to the European Parliament and appoint lead candidates of each party.³ Martin Schulz, former President of the European Parliament, was appointed lead candidate of the European Socialist Party. Jean-Claude Juncker was elected lead candidate of the European People's Party (EPP) during the Congress that took place in Dublin on 6–7 March 2014, defeating Michel Barnier.

The EPP won the most seats in the elections of 22–25 May 2014 (with 221 seats of 751) and five of the seven political groups of the European Parliament officially stated that Juncker, being the lead candidate of the winning party, should be proposed by the European Council to be elected Commission President. The situation was not easily accepted by the heads of state and government, traditionally used to behind-the-curtain deals in European Council summits in which major appointments were the subject of last-minute intergovernmental consensus. Eventually, the European Council gave way

¹ D. Marsh, *The Euro: The Battle for the New Global Currency* (2011), at 210ff.

² Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, OJ C 306, 17 December 2007, Art. 17(7) ('TEU').

³ Fotopoulos, 'What Sort of Changes Did the *Spitzenkandidat* Process Bring to the Quality of the EU's Democracy?', 18 *European View* (2019) 194.

and officially proposed Juncker as candidate for the Presidency of the Commission, but with an unprecedented dissident vote of two member states, the United Kingdom and Hungary.⁴

This road to power is key to understanding Juncker's profile as Commission President. Although the European Council never committed in writing to the idea that the *Spitzenkandidaten* system was mandatory under the Lisbon Treaty, the truth is that most analysts interpreted Juncker's election as a major democratic development for the EU that reinforced his tenure.⁵ The members of the Commission proposed by the Member States reinforced this perception even more. Among the 28 members, Juncker's Commission included two former Prime Ministers⁶ and five Deputy Prime Ministers.⁷ This politically charged Commission, elected in the final years of a long economic crisis, proclaimed itself the 'Last Chance Commission'⁸ and showed an unprecedented internal distribution of power, in which the President became assisted by five vice-presidents, respectively in charge of coordinating the portfolios of other commissioners. This three-tiered structure, in which the President, vice-presidents and commissioners distributed tasks in a hierarchical way, was justified on the grounds of the high-profiled 'political' Commission taking the reins as of 2014.

This composition, together with Juncker's commitment to make of his Commission a powerful actor within the institutional framework of the Union, led the way to what has been commonly termed as Juncker's 'political Commission'. This new and 'political' institution would depart from its technocratic past and focus on a political agenda for Europe, not only with delivering specific goods, but also engaging with the political debates fostering each area of policy. The college of Commissioners had the necessary clout (several high-profile political personalities from their member states) and the stakes were sufficiently high in the aftermath of a turbulent and long financial crisis. The procedure of Juncker's election also contributed to this perception of a more politically accountable Commission. In sum, the 'political Commission', as Juncker's Commission came to be termed, became an innovative experiment awaiting being put into action.

Whether this structure proved to be a success is still open to discussion, but the following Commission, under the presidency of Ursula von der Leyen, has followed a similar pattern. The failure of the Lisbon Treaty to reduce the college members to a reasonable number is also a powerful argument in support of Juncker's three-tier Commission structure. The challenges that the Juncker Commission faced during its tenure also proved that entrusting complex dossiers to powerful vice-presidents

⁴ Hobolt, 'A Vote for the President? The Role of the *Spitzenkandidaten* in the 2014 European Parliament Elections', 21 *Journal of European Public Policy* (2015) 1528.

⁵ Kassim and Laffan, 'The Juncker Presidency: The "Political Commission" in Practice', 57 *Journal of Common Market Studies* (2019) 49.

⁶ Jyrki Katainen and Valdis Dombrovskis, former Prime Ministers of Finland and Latvia, respectively.

⁷ Neven Mimica, Elżbieta Bieńkowska, Margrethe Vestager, Violeta Bulc and Tibor Navracsics.

⁸ J.-C. Juncker, 'A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change. Political Guidelines for the next European Commission', Brussels (15 July 2014), available at https://ec.europa.eu/commission/publications/president-junckers-political-guidelines_en.

enabled the Commission to grapple with the issues in cohesive and robust terms.⁹ That was particularly the case of Frans Timmermans, First Vice-President in charge of the rule of law dossiers, or Margrethe Vestager, competition commissioner without a vice-presidency, but immediately upgraded to the post in 2019 after successfully putting on the reins on multinational tax arrangements and abusive market conduct by major US tech players.

Kassim and Laffan have argued, following empirical evidence through anonymous interviewing of Commission staff, that Juncker's 'political' Commission was mostly successful in delivering the goods.¹⁰ The Commission was able to develop a more independent approach towards policies vis-à-vis individual member states and the Council, whilst developing a stronger link and strategic partnership with the European Parliament. However, Kassim and Laffan also highlight that this was mostly due to two features: Juncker's character and vision, together with his self-perceived legitimacy under the *Spitzenkandidaten* system of election.¹¹ It is still open to question whether the 'political' Commission will survive its creator, particularly after the failure to uphold the *Spitzenkandidaten* system in the election of 2019, in which the European Council refused to propose the candidate of the party winning the most seats in European Parliament. The demise of the *Spitzenkandidaten* system, even recognized by the European Parliament itself when accepting the European Council's candidate, could spell the end of Juncker's 'political' Commission, or simply confirm that the 'political' Commission was mostly a personal imprint provided by an individual, but not a structural shift in institutional reform.

4 Juncker's Crisis-Mode Commission

Juncker's tenure as Commission President was deeply affected by a continuous array of grave policy junctures. Some proved to be existential for the EU, others became critical for the member states mostly affected by them. But the combination of these events shows how the Juncker Commission was put on crisis mode practically from its second year of existence until its very end, leaving several open dossiers for its successors to handle. The two existential dossiers were the withdrawal of the United Kingdom from the Union and the growing attacks on the rule of law in several Eastern European members states, namely Hungary and Poland. The other two critical challenges, not existential but key for some of the EU's major policies and a large number of member states, concerned the refugee crisis that started in 2016 and the arrival of Donald Trump and the eventual stress on trans-Atlantic relations, particularly in defence and trade matters.

⁹ Christiansen, 'After the Spitzenkandidaten: Fundamental Change in the EU's Political System?', 39 *West European Politics* (2016) 992.

¹⁰ Kassim and Laffan, *supra* note 5, at 59.

¹¹ *Ibid.*

All four crises are revealing about Juncker's leadership style and character. In each of them he proved to be principled and pragmatic, blunt but empathetic, but above all his shrewd instincts allowed the Commission to navigate difficult junctures with a sense of direction.

The withdrawal of the United Kingdom from the EU was a major event for the Commission. Not only was a member state abandoning the European project for the first time, but also the full weight of the withdrawal negotiations would fall upon the Commission. Following a contentious referendum in the United Kingdom which paved the way for the triggering of Article 50 of the Treaty on European Union (TEU), the Commission was entrusted with the negotiations of withdrawal with the British government, for which it appointed a special Brexit negotiator, Michel Barnier. It should be recalled that Barnier was Juncker's rival in the European People's Party primary election to become candidate to the European Commission in 2014. Barnier's choice, proposed by Juncker and accepted by the member states, proved crucial in the success of the Brexit negotiations. An experienced former French minister and member of the Commission, but also a well-established personality in the European political community with high ambitions (as the 2014 primary election showed), Barnier was the perfect blend of a career politician with technocratic skills, essential for a complex negotiation like Brexit, but also an ambitious personality who understood the rules of the game when speaking to power, particularly to the Heads of State and Government in the European Council. Barnier's choice also allowed Juncker to focus on other dossiers in the Commission's agenda. In late 2019, Juncker said to the BBC that he had 'had enough Brexit'.¹² The appointment of Barnier, having left the matter in experienced and competent hands, made it possible for Juncker to make such a statement. On 29 February 2020, after months of acrimonious doubts and crises within the British side, the United Kingdom withdrew from the EU having ratified an exhaustive withdrawal agreement, including a transitory period of at least one year that would drive both parties to a future commercial agreement. From Juncker's point of view, his Brexit task had been achieved.

The rule of law crisis in Eastern Europe proved more complex and difficult to resolve. The drift of Hungary towards autocratic and single-party rule started in 2011 with the enactment of a new constitution, an ad hoc instrument to the benefit of the ruling party, Fidesz, and its leader, Viktor Órban.¹³ The trend expanded into Poland following the electoral victory of the conservative party PiS.¹⁴ Both countries triggered a reshuffle of the courts, mostly of the higher courts, to purge them of judges not in line with the official party line. The purge was carried out mostly through a lowering of the retirement age in the Constitutional and Supreme Courts, a measure that was also extended to the higher regional courts. The situation in Poland escalated severely and a disciplinary chamber was instituted within

¹² Juncker, "'I've had enough Brexit'", *Outgoing EU Chief Says*, BBC (5 November 2019), available at <https://www.bbc.com/news/world-europe-50308647>.

¹³ Vincze, 'The New Hungarian Constitution: Redrafting, Rebranding or Revolution?', 6 *ICL Journal* (2017).

¹⁴ W. Sadurski, *Poland's Constitutional Breakdown* (2019), at 58ff.

the Supreme Court to purge rebellious judges through expedient procedures and the imposition of fines.¹⁵ The Commission's approach was balanced from the beginning, prioritizing a stick-and-carrot strategy piloted by the Commission First Vice-President, Frans Timmermans. The Commission implemented an ad hoc procedure prior to the triggering of Article 7 TEU proceedings, in order to enhance dialogue with the Hungarian and Polish authorities. At the same time, the Commission targeted individual measures affecting the independence of the judiciary and launched several infringement procedures against both countries, including the request of interim measure to prevent the legislative changes from entering into force.¹⁶

The outcome of this balanced strategy is mixed. Whilst the changes have been relenting in both countries, the drive of the local government to pull them through is still undeterred, particularly after the arrival of the new Commission. Fidesz is still a member of the European People's Party and its membership is a matter of contention among the conservatives, fearing a breakup that could undermine the EPP's hegemony in the European Parliament.¹⁷ Industrial interests, mostly of German undertakings in Eastern Europe, have urged both the German Federal Government and the European Commission to avoid an escalation that could deteriorate and eventually lead to another withdrawal from the EU. However, the existential nature of this challenge is obvious, particularly at a time when the far-right and the populist discourse of its leaders directly target the EU as an enemy. By appeasing Fidesz and PiS, the Commission could be endangering its own existence, but pressuring and cornering them could also result in a second round of withdrawals with uncertain effects on the EU.

Finally, Juncker's Commission faced a humanitarian crisis in 2016 when a mass migratory movement, mostly from the Middle East, following the Syrian war, reached Europe from the southeast and put the Dublin asylum mechanism to the test. The lack of solidarity of many member states with Greece and Italy, which received the largest number of asylum seekers on their coasts, forced the Commission to enact a reallocation system through a binding Decision.¹⁸ The crisis was mostly averted following Germany's decision to host a significant number of refugees, but the Commission's relocation system was maintained and enforced. Juncker's commitment to support Italy and Greece proved vital in securing a relocation system among the member states, which the Council finally accepted after a persistent imitative on the part of the Commission. Overall, the relocations succeeded only

¹⁵ *Ibid.* at 96ff.

¹⁶ For an overview of the Commission's approach towards Poland and Hungary, see Halmi, 'The Possibility and Desirability of Economic Sanction: Rule of Law Conditionality Requirements Against Illiberal EU Member States', *EUI Working Papers*, LAW 2018/06 (2018), available at <https://cadmus.eui.eu/handle/1814/51644?show=full>.

¹⁷ Sedelmeier, 'Party-Politics as Usual? Positions of the European Parliament's Political Groups Towards Sanctions Against Democratic Backsliding', Paper presented at the European Consortium for Political Research (ECPR) General Conference, Oslo, 6 September 2017.

¹⁸ Wendel, 'The Refugee Crisis and the Executive: On the Limits of Administrative Discretion in the Common European Asylum System', 17 *German Law Journal* (2016) 1005.

partially. Whilst some member states fully complied with the quotas assigned to them (others made use of their opt-outs), others disregarded the mechanism, challenged it in court and were driven to infringement proceedings by the Commission, with hardly any effects, since the judgments were rendered once the most severe crisis was over.¹⁹

5. Juncker's Commission: A Study in Character

Juncker's Presidency was mostly a success. It achieved its policy commitments and it reinforced the Commission's institutional position within the EU's power structure.²⁰ In complex and politically sensitive policy decisions, in which member state interests were at stake, the Juncker Commission proved independent and focused on the general interest of the EU. This was not an easy task, particularly in the fight against member state tolerance towards multinational corporations regarding the enactment of highly tax-efficient ruling (including Juncker's own home country, Luxembourg). A similar situation ensued in the course of the Alstom–Siemens merger, blocked by the Commission as a result of the damaging consequences that the deal would have had for the market and consumer welfare, despite France and Germany's (unsuccessful) political efforts to push the deal through.

The Commission benefited from Juncker's personality and independence of mind, but it also caused the institution several communications and management tribulations. Juncker's outbursts in public, once calling Viktor Órban 'the dictator' in front of the press,²¹ or his affectionate kissing and hugging, together with his difficulties of movement resulting from a severe car accident in 1984, were the cause of continuous allegations of drinking and health issues that undermined his image,²² as well as the Commission's. The appointment of his chief of staff as Secretary General of the Commission, amending the internal rules in the last minute, was criticized and eventually decried by the European Ombudsman in a damning Opinion that claimed maladministration within Juncker's Commission.²³

¹⁹ Küçük, 'The Principle of Solidarity and Fairness in Sharing Responsibility: More than Window Dressing?', 22 *European Law Journal* (2016) 448.

²⁰ Bassot and Hiller, 'The Juncker Commission's Ten Priorities. An End-of-Term Assessment', European Parliamentary Research Service, PE 637.943 (2019), available at <https://epthinktank.eu/2019/05/06/the-juncker-commissions-ten-priorities-an-end-of-term-assessment/>.

²¹ "'Hello, Dictator": Hungarian Prime Minister Faces Barbs at EU Summit', *The Guardian* (22 May 2015), available at <https://www.theguardian.com/world/2015/may/22/hello-dictator-hungarian-prime-minister-faces-barbs-at-eu-summit>.

²² 'Questions Mount About Juncker's Health', *Politico* (13 July 2018), available at <https://www.politico.eu/article/questions-mount-about-jean-claude-juncker-health/>.

²³ Decision of the Ombudsman in the Joint Inquiry in Cases 488/2018/KR and 514/2018/KR on the European Commission's appointment of a new Secretary-General (11 February 2019), available at www.ombudsman.europa.eu/en/decision/en/109855.

However, the achievements clearly outnumber the failures. The ‘political’ Commission was perceived by the institution’s own staff as a successful period of time.²⁴ The sense of direction provided by Juncker, as well as the Commission’s commitment to deliver difficult policy decisions no matter how upsetting they may have been for certain member states, were perceived as a positive development.²⁵ It is obvious that only strong leadership can deliver such goods. In Juncker’s case, his leadership was undeniable. His character – the unique blend of historical experience, empathy, long-term vision, multilingualism, sense of humour and candour – are traits that will need a better understanding and evaluation by historians. Does the character make the leader, or vice-versa? In the case of Jean-Claude Juncker, the jury is still out.

²⁴ M.W. Bauer, S. Connolly, H. Kassim, B. Laffan and A. Thompson, ‘Bureaucrats and Administrative Reform. The Responses of EU Civil Servants to President Juncker’s “Political Commission”’, Denver 9–11 May 2019.

²⁵ Kassim and Laffan, *supra* note 5, at 59.