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Political steering in the European Commission

Political steering in the European Commission: a comparison of the energy and health sectors

Abstract

Upon taking office as President of the European Commission in 2014, Jean-Claude Juncker initiated a series of reforms to the internal workings of the EU executive. Existing research suggests that these have been successful in increasing political steering, creating a Commission which focuses on fewer fields, controls the policy activism of its officials and produces less legislative output. However, much of this research focuses on the Commission as a whole. This article addresses a gap in the literature by exploring how the Juncker reforms have impacted upon the policy-making structures and internal dynamics within two contrasting policy sectors – energy and health. It finds that the reforms have been successful in prioritising selected policy initiatives and increasing top-down steering of the Commission but that, whilst this has led to centralised coordination and reduced conflict in energy policy, it has served to curb purposeful opportunism and legislative activity in health policy.

1. Introduction

Upon taking office as President of the European Commission in 2014, Jean-Claude Juncker initiated a series of reforms to the internal workings of the European Union (EU) executive (European Commission 2014a, 2). The most visible changes were the adoption of ten priority projects, the appointment of seven vice presidents (VPs) of the Commission, each responsible for coordinating a team of their fellow commissioners, and an expansion of the role of the Secretariat General (SG) in coordinating the Directorates-General (DGs). These mechanisms were designed to address the Commissions' internal fragmentation, which saw power widely dispersed between Commissioners, and between DGs (Wille 2013, Kassim et al. 2017, Russack 2017).

This article assesses how Juncker's organisational reforms have impacted upon policy-making structures and internal dynamics at the level of individual policy fields and their relevant DGs. It studies the fields of energy and health policy, because both the degree of prioritisation and the tasks of the VPs and SG differ significantly between them. In priority portfolios such as energy, the President expects that horizontal coordination by the VP and SG will contribute to more coherent legislative initiatives and progress towards relevant goals; in non-priority portfolios, such as health, it is expected that VPs and the SG will provide firm hierarchical steering, implying the filtering and, where appropriate, the deterrence of new initiatives. Our analysis, based on interviews with 35 EU actors, suggests that Juncker's reforms achieved both goals. The increased degree of top-down steering has led to more horizontal coordination and reduced conflict in energy policy, and has served to curb entrepreneurship and legislative activity in health policy.

These findings contribute to closing a gap in the emerging research on the Juncker Commission which, so far, has focused on the implication of Juncker's organisational

reforms for the Commission as a whole rather than on how they are playing out at the level of individual DGs (an exception in this regard is the study of Bürgin (2018a) on DGs and commissioners involved in the Energy Union project). A small but coherent body of literature suggests that Juncker has succeeded in creating an even more 'presidentialised' Commission than had developed under his predecessor, José Manuel Barroso (Kassim et al. 2017; Bürgin 2018b; Russack 2017). Research considers the motivation for the reforms and how they were achieved (Kassim 2017; Kassim et al. 2017), analyses what it means to create a more 'political' Commission (Dinan 2016; Peterson 2017; Russack 2017) and explores changes in the Commission's role vis-à-vis the European Parliament and other EU institutions (Kaeding 2015; Dinan 2016; Bürgin 2018b; Becker et al. 2016; Peterson 2017; Nugent and Rhinard 2016). It finds that the Commission remains key in shaping legislative outcomes (Nugent and Rhinard 2016, 1204), that it has 'managed to focus on fewer policy fields' (Russack 2017, 10) and that the reforms have been successful in controlling policy activism, reducing the production of legislative proposals and 'lowering Commission output' (Kassim et al. 2017, 654). However, there is little consideration of how the implications of the reforms might vary across DGs and policy sectors.

This article proceeds by examining the literature on organisational leadership within the European Commission. Subsequently, case selection and an analytical framework for the assessment of the reforms' impact are presented, followed by the two case studies. In a concluding section, the commonalities, differences and generalisability of the two experiences are discussed.

2. **Organisational leadership in the European Commission**

The decentralisation of government in many Western countries, which began in the 1980s, contributed to reduced levels of coordination and coherence in government. Consequently, from the mid-1990s to the mid-2000s, political leaders in several Western countries attempted to reassert policy control, while maintaining the efficiency and effectiveness produced by the initial reforms (Dahlström et al. 2011, 7-10). This enhancement of top-down governance implies changes in both hierarchical steering and horizontal network management (Currie et al. 2011, 242). The former implies stronger leadership at the top of government regarding policy priorities, since some central control is needed to mitigate the confusion that results from decentralisation. The latter relates to enhanced means of policy coordination within government (Metcalfe 2000, 831).

In contrast, traditionally, both hierarchical steering and horizontal coordination have been traditionally weak within the European Commission for two main institutional reasons (Kassim et al. 2013; Wille 2013). Firstly, and hierarchically, the President's cabinet and the SG's role in the coordination of the services has been limited. The SG has customarily been a guardian of collegiality, serving and supporting the College by operating on a narrow brief, enabling the President to retain some distance from interdepartmental coordination and arbitration (Kassim et al. 2013, 159). The absence of centralised political authority has also contributed to the development of quasi-autonomous DGs, able to pursue their own agendas, leading to intense rivalries between particular DGs and the private offices of individual commissioners (Peterson 1995). This development was further facilitated by the expansion of EU competences, resulting in a growing administrative workload and internal specialisation and fragmentation (Kassim et al. 2013, 181; Trondal 2012, 427; Wille 2013, 142).

Secondly, and horizontally, the Commission President is not the head of a government, and therefore cannot wield horizontal control over other commissioners in the same way that a

prime minister can over ministerial colleagues (Becker et al. 2016, 1015; Kassim et al. 2013, 156). Continued enlargement of the Commission, which now has 28 separate portfolios and responsible commissioners, has further complicated the President's authority Schon-Quinlivan 2011, 4). Individual commissioners have commonly used legislation as a way to make their presence felt, causing a proliferation of legislative proposals, and this 'ambition problem' has been exacerbated by a trend for appointing increasingly powerful political actors as commissioners (Wille 2013, 70).

These two institutional constraints hint at a further factor contributing to the Commission's lack of coordination and coherence – the strategy of 'purposeful opportunism' adopted by Commissioners and sectoral officials. The concept of purposeful opportunism is linked to the broader literature on cultivated spillover and dynamics of integration (Majone 1994; Haas 1958; Lindberg 1963; Stephenson 2010), policy 'advocates', policy entrepreneurs and windows of opportunity in agenda-setting (Baumgartner 2007; Kingdon 1995; Laffan 1997; Cram 1994), and agency and the principal-agent model (Knill 2001; Pollack 1997). Whilst a single definition is elusive, when used to describe the European Commission the concept embodies notions of autonomy, discretion, activism and strategic thinking, as well as the capacity to influence, to pursue own agendas, to expand competences and to act independently, to some degree, from political constraints. It is most commonly used to describe the Commission's role vis-a-vis the co-legislating institutions but, as Cram (1994, 199) notes, '"purposeful opportunism" as an organizational strategy is not only played out at the level of the Commission vis-à-vis the other Union institutions and the member states, but also within the Commission itself'. Exacerbated by the weaknesses in hierarchical and horizontal control outlined above, it is this latter dynamic – whereby individual DGs and Commission officials, albeit with varying capacities and motivations, also pursue strategies

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of purposeful opportunism – which has underpinned a lack of coherence and coordination in the EU's executive. For instance, officials from a lead DG – that is the DG responsible for drafting a specific policy proposal – traditionally had important agenda setting powers in the early stage of the policy formulation process. They regularly neglected aspects raised by other DGs in the inter-service coordination, and were assured that, due to time constraints, their initial draft could only be slightly amended in the subsequent inter-service consultation, as well as in the political coordination between the commissioners (Hartlapp et al. 2013).

Subsequently, a series of treaty revisions and internal reforms have enhanced the President's institutional resources and his capacity to exert top-down management over the Commission (Becker et al. 2016, 1015; Nugent and Rhinard 2015, 79; Kassim et al. 2013, 186; Trondal 2012, 434). In 2014, President Juncker undertook further reforms aimed at reducing 'policy activism' by increasing political control over the Commission agenda. The reforms consisted of two main parts: prioritisation, represented by the focus on 10 priority projects and designed to strengthen the Commission's profile in areas where EU governance is potentially more effective than national regulations (European Commission 2014, 2), and top-down steering, delivered via the new VPs and a strengthened SG. A key function of the VPs is to assess whether a new initiative proposed by any commissioner aligns with the political guidelines of the President. In addition, Juncker allocated to the SG a crucial role in the Commission's internal policy formulation process in two regards. First, the SG has a gatekeeper function regarding new initiatives. As a rule, validation by the first-VP will be sought by the SG, 'in close co-operation with the President's Cabinet' (European Commission 2015a, 2). Second, the SG has an important agenda-setting power as chair of all inter-service steering groups (ISGs) – meetings bringing together representatives of the relevant services – dealing with priority initiatives. While the lead DG is responsible for drafting the policy

proposal, input from the ISG, and thus from the SG, has to be taken into account (European Commission 2015a, 4).

3. Case selection and research design

The article analyses the impact of these two elements of the Juncker reforms, prioritisation and increased top-down steering, upon policy-making structures and internal dynamics at the level of Commission DGs. It understands prioritisation to have both a direct impact – requiring officials to respond to prioritised issues and frame their work within these – and an indirect impact – via the VPs and the SG, whose task it is to ensure implementation of the priorities and curb activity outside of them via a series of formal and informal processes. As such, we structure our analysis of each case by considering first the impact of (de)prioritisation and second the functioning of specific mechanisms of top-down steering.

To facilitate this, Juncker's prioritisation informed our choice of case studies. As one of the Commission's priority projects, a sector with a dedicated VP, and an Article 4 TFEU shared competence, energy is very much a 'big thing' on the Juncker Commission's agenda, as demonstrated in Bürgin (2018a). As such, a better understanding of the impact of the reforms can be gained by comparing its experience with that of an Article 6 TFEU supporting competence and an area squarely in the 'small things' category – health policy. Our strategy is thus to choose 'most different' cases, insofar as such differences in the legal mandate and prioritisation of these sectors translates into different tasks for the VP and the SG. In priority portfolios, the President expects legislative initiatives and progress towards relevant goals; in non-priority portfolios, the President expects filtering and, where appropriate, deterrence of new initiatives. The trajectories of energy and health policy depend upon factors beyond the

organisational reforms, not least the salience of the issues involved and the specificities of the institutional environment, but this comparison allows us to explore how top-down steering differs in practice between priority and non-priority fields.

Our analysis is informed by the literature on organisational dynamics in the Commission and, in particular, the tension between top-down steering, prioritisation and purposeful opportunism. Here we are looking for change (or the absence thereof). Considering the intention of the reforms and drawing on the literature, we might expect to see suppression or encouragement of initiatives from individual DGs or commissioners, exclusion of 'non-priority' issues from the Commission agenda, reduction in governance activity within non-priority policy fields, acceleration of activity in fields which link into the President's agenda, and a more central involvement of the SG and VPs in the day-to-day working of the DGs. We follow Russack (2017, 2) in conducting a qualitative, narrative analysis of impact upon the 'policy-making structures and internal dynamics' – by contrast, for instance, to the quantitative study of impact upon decisional and legislative output by Kassim et al. (2017). We focus on characterisations of how the Commission's internal policy process, through which actions are conceived, developed and progressed. We do not restrict our analysis to one specific aspect of policy-making, such as agenda-setting or decision-making. We adopt this wide focus so as to operationalise the concept of purposeful opportunism, embodying the range of strategies and actions that officials use, across the policy-making process, to advance their interests, exert influence and expand their particular policy portfolios. Such actions are not limited to one-off interventions at the agenda-setting stage, for example; purposeful opportunism, as we understand it here, is a long-term modus operandi rather than a short-term tactic, shaping the day-to-day workings of DGs, officials and the Commission as a whole.

Our central concern – how the Juncker reforms have impacted upon policy-making structures and dynamics in individual DGs – can thus be broken down into two research questions.

1.   How have the policy-making structures and internal dynamics of the energy and health fields been impacted by their respective prioritisation and de-prioritisation?

2.   How have policy-making structures and internal dynamics in energy and health been impacted by the introduction of the VPs and the strengthening of the SG?

Our analysis is supported by interviews with 35 EU officials and practitioners (see appendix 1), and with a review of relevant documents from the EU institutions, such as the 'mission letters' sent to the energy and health commissioners, President Juncker's 'political guidelines' and relevant legislative documents from both sectors, as well as civil society and research publications. The interviews, conducted between April 2015 and February 2018, involved officials from DGs Energy, Climate Action, Santé (Health and Food Safety) and SG, the cabinets of the Commissioner for Energy and Climate Action[i] and the VP for Energy Union, the European Parliament, the Council of the EU and NGOs involved in the policy fields. They were semi-structured in nature and focused upon the participants' perception of change under the Juncker Presidency, be that to the agenda or activity in their field, in day-to-day relationships within their own or with other parts of the Commission, or to particular formal or informal processes, for example.

   4. EU energy governance and the Juncker reforms

Prior to the Lisbon Treaty, when member states transferred competences for energy governance to the EU level, the Commission had to rely on regulations pertaining to the establishment of the single market, competition law and environmental law to pursue its energy agenda (Schubert et al. 2016, 86-87). As within the Council, views differed within the Commission regarding the appropriate policy instruments (market-based vs. regulatory approaches, indicative vs. mandatory renewable energy targets) and the prioritisation between three interrelated dimensions (the security of supply, energy market integration and climate policy), often leading to disagreements between Commissioners and DGs (Rietig 2019). The implications of such weak top-down steering were made evident, for instance, in the Commission's attempts to introduce support schemes for electricity produced from renewable energy. Seeking to broker a compromise initiative in autumn 1999, then Energy Commissioner Loyola de Palacio found, as her predecessor Christos Papoutsis had done, that she was confronted with severe resistance and the initiative ultimately failed (Lauber and Schenner 2011, 516).

Another illustration of weak top-down steering can be seen in the negotiation of the EU's 2030 greenhouse gas (GHG) and renewable energy targets in 2013. While Commission President Barroso was in favour of a 40 per cent GHG reduction goal and a nationally binding 27 per cent target for renewable energy, Energy Commissioner Öttinger was in favour of a more modest 35 per cent GHG reduction target and for a nationally non-binding renewable energy target. Encouraged by the strong stance of Öttinger, other Commissioners, such as Industry Commissioner Tajani, also maintained their opposition against the 40 per cent goal. In the end, Barroso suggested a compromise agreement that retained the 40 per cent GHG reduction goal in exchange for the abandonment of the national binding renewable energy targets (Bürgin 2015, 703).

4.1 Prioritisation and the 10 priority projects

A resilient energy union with a forward-looking climate change policy is one of the 10 priority projects adopted by President Juncker. The 2015 Energy Union strategy contains three related goals: (1) an integrated continent-wide energy system in which energy flows freely across borders, (2) a low-carbon and climate-friendly economy, including investment in energy efficiency and renewable energy, and (3) improved energy security, to be achieved inter alia by a diversification of energy routes, and greater solidarity between neighbouring countries to deal with supply disruption (Commission 2015a). The strategy builds on the 2030 policy framework for climate change and energy and the prioritisation of the Energy Union has resulted in a significant acceleration of legislative initiatives. In July 2015, the Commission published a summer energy package of legislative proposals on energy efficiency labelling and emissions trading, and communications on energy markets and consumers. Subsequently, in February 2016, a sustainable energy security package was presented. A further package focused on addressing climate issues falling outside of the emissions trading system sector, in July 2016. The November 2016 'clean energy for all Europeans' package included, amongst others, legislative proposals on energy efficiency, renewable energy, the design of the electricity market, as well as a proposal for a regulation on the governance of the Energy Union, which aims to enhance the transparency and coordination of energy policies between member states. In November 2017, the Commission adopted the clean mobility package, which includes proposals to foster low-carbon solutions in the transport sector, followed in May 2018 by a proposal for reducing the CO_2 emissions of heavy-duty vehicles.

The prioritisation of energy is reflected in the appointment Maroş Šefčovič as VP responsible for the Energy Union. In his mission letter to VP Šefčovič, Juncker stressed that Šefčovič

would act on his behalf, implying a mandate to steer and coordinate the work the Energy Union project team, composed of the Commissioners for Climate Action and Energy; Transport; Internal Market, Industry, Entrepreneurship and SMEs; Environment, Maritime Affairs and Fisheries; Regional Policy; Agriculture and Rural Development; and Research, Science and Innovation. Furthermore, as a VP, Šefčovič received the right to assess whether a new Energy Union related initiative proposed by any Commissioner aligns with the political guidelines of the Commission President.

4.2 Top-down steering, the vice-presidents and the Secretariat General

While the introduction of VPs has been understood as introducing a new hierarchy within the Commission, leading to reduced political discretion and visibility of the line Commissioners (Bürgin 2018b, 844), according to most interviewees the relationship between Šefčovič and Energy and Climate Commissioner Cañete is better characterised as a division of work. At the start of the Juncker Commission, 'diverging priorities between Šefčovič and Cañete existed, even if about nuances, rather than fundamental differences' (Interview Cabinet 2016). Indeed, several interviewees attribute to Šefčovič a bias towards the interests of Central and Eastern European (CEE) countries, which generally prioritise energy security, and remain sceptical of ambitious energy efficiency and renewable energy targets, which, in contrast, were prioritised by Cañete. However, contrary to the relationship between other VPs and line Commissioners, a power struggle was averted, interviewees report, by early intense coordination which contributed to an agreement, facilitated by their 'easy-going personalities' (Interview SG 2016). Consequently, the energy security package, published in February 2016 (European Commission 2016d) reflected two priorities of Šefčovič, including a provision on common gas purchasing and transparency of gas deals between member states and energy providers. Regarding the latter, an interviewee states 'if the VP were a West

European politician, this issue would not have made it into the Commissions' proposal' (Interview SG 2016). By contrast, the revision of the Energy Efficiency Directive, published as part of the Winter Package in November 2016 (European Commission 2016a), reflects more closely the priorities of Commissioner Cañete. Specifically, it includes a target to reach 30 per cent energy efficiency by 2030, instead of the 27 per cent decided by the member states in October 2014 and despite the noted preference of 12 member states to retain the lower target (Simon 2017). In line with his CEE bias, it is also reported that Šefčovič would have preferred to keep the 27 per cent target, but 'was enough of a politician not speak in public against Cañete' (Interview SG 2016).

As regards the steering of the services, it is the common view that Šefčovič and his cabinet have promoted political coordination at an earlier stage than was the case in the past, providing stronger policy guidance to the services. For instance, in contrast to previous Commission initiatives, the Energy Union Strategy was internally designed in a top-down process with a central coordination role of Šefčovič and his cabinet. After receiving input from relevant DGs, Šefčovič presented a first draft version in December 2014, whose content remained almost unchanged after the consultation of other Commissioners and wider DGs. Such a clear division of labour between the cabinet and the DGs was a novelty (Interview SG 2016; see also Thaler [2016, 580]).

Similarly, the preparation of the 2016 'Clean Energy for all Europeans' package illustrates the new top-down approach during the drafting process. In September 2016, a task force was established, comprising the heads of the Šefčovič Cabinet and the Cañete Cabinet, officials from the SG, as well as officials from DG Energy and DG Climate Action. 'This group prepared the chapeau communication, outlining the political and economic rationale of the proposal; previously, this had been the task for the respective lead DG' (Interview DG

Energy 2016). In addition, the task force took tactical decisions regarding the content of draft legislative proposals. For instance, clauses on the conditionality of capacity markets, providing payments to encourage investment in new capacity or for existing capacity to remain open, were withdrawn from the draft version in order to prevent leakage before the finalisation of the legislative package.

Finally, as concerns the SG's role in steering the Energy Union project at service level, its main function was to enforce of a more holistic approach to policy-making, in line with the President's pledge to 'put an end to silos' (European Commission 2014c, 31), and to balance DG Energy's leadership influence. This can be illustrated by two examples. First, the preparation of the 2016 Energy Security Package demonstrates the assertiveness of the SG in the coordination of the services. Due to capacity constraints in the SG, DG Energy was instead given the responsibility of chairing the inter-service steering group dealing with the Energy Security Package. Several interviewees reported that the SG intervened on behalf of Šefčovič after DG Energy neglected the issue of common gas purchasing in the first legislative proposal. For many, this was indicative of the reduced discretion enjoyed by DG Energy and of a broader dynamic. DG Energy is often the lead DG in Energy Union related projects, and thus responsible for the drafting of policy documents, but 'has a tendency to neglect objections raised by other DGs' (Interview SG 2016). Consequently 'the SG frequently urges DG Energy to incorporate the concerns of other DGs' (Interview DG Climate 2016). These interventions have been considered as 'particular[ly] beneficial for those officials whose DG is in a less central role regarding a particular policy file' (Interview SG 2016).

Second, the preparation of the Energy Union Strategy in February 2015 reveals the SG's influence in its role as chef de file. At the beginning of the drafting process, the concerned

DGs were asked to prepare a draft text and, according to an interviewee, 'the result was a strategy paper including a number of mutually exclusive recommendations. Each DG insisted that their portfolio interests were incorporated, thereby ignoring the conflicts between their proposals' (Interview SG 2017). Then, 'the SG, in cooperation with the Šefčovič cabinet, introduced a more holistic view on the Energy Union project' (Interview Cabinet 2016).

However, several interviewees stated that the SG's influence is explained not only by its formal competences, but also by its more detailed knowledge of the issues, enabled by a significant staff increase. Four new members were added to the three existing members of SG's core team for the Energy Union at the start of the Juncker Commission. Of these, three were recruited from DG Energy, and one from DG Climate Action. Such existing 'personal networks between SG officials who formerly worked in DG Energy and DG Climate Action contributed to good working relations, while in other policy areas, the relationship between the SG and DG is much more tense, with the latter jealously defending their interests' (Interview SG 2017).

5. EU health governance and the Juncker reforms

The literature on EU health policy has long been concerned with explaining the fundamental conundrum of how health has become such a significant EU portfolio in the absence of a strong legal base or demand from member states (Greer 2006; Mossialos et al. 2010). One explanation for this is the use of soft law, the core of most EU health activity, as a way to encourage upward convergence without encroaching upon subsidiarity (Greer and Vanhercke 2010; Greer et al. 2014, 31). A second is the creative exploitation of non-health treaty articles

by health actors. The literature documents a specific and crucial dynamic of EU health governance, captured well by Randall (2000, 139), who concludes that,

> The development of the EU's role in health policy has – for the most part – been opportunistic and accidental, in some cases serendipitous...Opportunism has […] been an essential ingredient for getting the EU health policy show on the road and keeping it there.

Though DG Santé has relied upon supporting coalitions for both legitimacy and influence (Lamping and Steffen 2009, 1374; Kurzer 2008, 198), it has historically acted as a health policy entrepreneur (Permanand and Mossialos 2005) and, in collaboration with other actors within the Commission, has demonstrated an '…ability to govern without complete formal competency by using windows of opportunity and carefully extending the frontiers of Community health policy' (Lamping and Steffen 2009, 1373).

5.1 Prioritisation and the 10 priority projects

Health does not really feature in the Juncker reforms; there is no VP for health, no priority project to accelerate activity and no accompanying project team. The Commission website (European Commission 2019a) notes that DG Santé contributes to the priority projects in jobs, internal market and trade, but the 'mission letter' sent to Health Commissioner, Vytenis Andriukaitis, limits the areas of focus to crisis preparedness, health system performance assessment (HSPA), genetically-modified organisms and pharmaceutical regulation (European Commission 2014b, 4). Moreover, the Commissioner's role is often shared with or in support of colleagues in other sectors – crisis preparedness and HSPA activities are to support the Commissioner for Humanitarian Aid and the economic policy coordination exercises lead by DG Economic and Financial Affairs (ECFIN) respectively, whilst the

development of pharmaceuticals policy is to be undertaken jointly with the Commissioner for Internal Market (European Commission 2014b, 4). As a result, the post-2014 health agenda has changed considerably. There have been few new legislative initiatives in this decade and civil society actors, concerned about the future of existing programmes and cooperation, launched a campaign to defend health as a 'core business' of the EU (European Public Health Alliance 2017). This is not to say that activity within DG Santé has stopped. It remains one of the busiest DGs in terms of legislative output, on account of the vast number of delegated and implementing acts that support its central acquis, but development of new initiatives is now more actively restricted to areas which can be linked with the President's priorities. For instance, an interviewee confirms that colleagues in the public health units of DG Santé are 'struggling', because there is 'no interest in chronic diseases' among staff in the SG or 'Juncker's team' (Interview DG Santé 2017). Though action on chronic and non-communicable diseases has always been difficult to promote, such lack of priority was not historically debilitating for DG Santé; the change here is that officials are less able to pursue opportunities around the edges of the formal mandate.

Consequently, governance activity is now focused on areas such as health systems data collection, digital health and health technologies, since these link with the digital single market, jobs, investment and growth, and internal market priorities. The core mechanism for ensuring that new initiatives link to the President's priorities is the Better Regulation Agenda (BRA). The BRA includes a set of principles and processes used to structure the development of policy, stipulating particular steps, such as impact assessment (IA), public consultation and evaluation. These steps, according to interviewees, have a delaying effect and act as a filter on the progression of new initiatives, illustrated by briefly considering the experience of two recent legislative files. Health technology assessment (HTA), a process for systematically evaluating the effects and impacts of a particular health technology (World Health Assembly

2014, 1), links clearly to the President's priorities. Interest in HTA has been fuelled by increasing concern about health system financing (Kristensen 2008, 8) and the inception IA for the current proposal details the relevance of HTA for priorities in the internal market and investment, the broader fiscal stability agenda and the mandate given to Commissioner Andriukaitis in his mission letter (European Commission 2014b, 8). Though it faces a difficult road to final adoption by the other EU institutions, a proposed regulation on HTA was published in January 2018 (European Commission 2018). By contrast, action to curb the use of trans-fat in food (TFF), a particularly significant determinant of coronary heart disease, has been delayed. Originally due in 2014, an initial report on regulatory options was delayed by 12 months, and a Commission Regulation finally published in April 2019 (European Commission 2019b). The need to justify a link to the President's priorities has not prevented such an initiative; the IA makes the health case for a legal limit of TFF, mentioning only secondarily the internal market implications of the current divergent standards across member states (European Commission 2016c). However, the case is indicative of the delaying effect perceived by interviewees from both non-governmental organisations (NGOs) (Interview Health NGO 1 2017) and DG Santé itself (Interview DG Santé 2017). Whilst officials in Santé identify HTA and vaccination as two areas where they have been successful in 'convincing colleagues in the SG' (Interview DG Santé 2018), progress on TFF, despite being an issue that has been repeatedly highlighted by the European Parliament (2007, 2015), has been slow.

5.2 Top-down steering, the vice-presidents and the Secretariat General

Interestingly, even though a strong link was drawn between the HTA proposal and the President's priorities, one health attaché still questioned whether DG Santé 'will be allowed by the [SG] to table it', since 'one of Juncker's general policies is to avoid bad moods in the

bigger member states' and some are unhappy with the proposal (Interview Permanent Representation 1 2017). Two interviewees noted that the same restrictions had been applied by the SG in the case of the Alcohol Strategy – though the previous Strategy expired in 2012 and health ministers had called for its renewal, the Commission declined to publish a new initiative (European Commission 2015b; Interview Permanent Representation 2017 1; Interview Council 2017). Reflecting on where in the process new health initiatives 'get stuck', an official from the EP highlighted the case of antimicrobial resistance (AMR), where the Parliament had been calling for action since 2014 and only recently started to see success; in this instance, the official noted, progress was held up in the cabinet of VP Jyrki Katainen (Interview European Parliament 2017). Summarising the situation across health more broadly, a health policy advocate stated that '[the] SG would block even a communication' (Interview Health NGO 2 2017).

Officials in DG Santé approach these colleagues in the College, VPs and first-VP offices as 'the political level' and the SG as the body responsible for implementing the political filter that is set at this level (Interview DG Santé 2018). Important to Santé's ability to convince colleagues and push its initiatives forward is the 'export' of staff. Similarly to Energy, it has seen some staff relocated to the SG and acknowledges the benefit of having 'people with the necessary technical background on the other side'; indicating that this is perhaps even more important for Santé, its leadership is actively encouraging the transfer of staff to other DGs, so as to facilitate better understanding of health issues in complementary sectors (Interview DG Santé 2018).

The filtering of health initiatives is also taking place informally, via the impact of the ceiling upon individual health actors. The reduced discretion available to DG Santé and the Health

Commissioner limits entrepreneurship and opportunism, puts pressure on intra-institutional relations and exposes weaknesses in capacity and capability.

> [Santé] are definitely more constrained, especially because they, I mean, after two years they realise that basically if they do not argue very well their case on the basis of the ten priorities there is no…chance to get anything.... [this is why] they are looking now at eHealth…because it would fit into the Digital Single Market priority (Interview European Parliament 2017).

A recent review of functional capacity noted a '…current absence of individual visionary leaders within DG SANCO [now DG Santé] compared to the 1990s and early 2000s' (Clemens et al. 2017, 599) and attributed a lack of common purpose and overarching strategy in the sector to this absence. Interviewees concur with this assessment and link the formal reduction of discretion and the political climate surrounding the reforms to a shift in the attitudes and ambition of individual officials. 'There is an understanding that [getting initiatives through is] really, really difficult and quite unlikely. Expectations, I would say, are not too high' (Interview European Parliament 2017). Similar constraints are identified in the cabinet of the Health Commissioner. 'Commissioner Andriukaitis, when he came, he thought he would be able to do more, but found out after some time that he would not be able to do what he wanted…the Commission became more horizontal, in a way…there is not so much free space for commissioners as before' (Interview Council 2017). As such, the sense of restriction and moderation created by Juncker's reform has established a kind of informal, indirect filtering whereby individual officials are more hesitant about proposing new initiatives or engaging in purposeful opportunism.

6. Conclusion

Using examples from the energy and health sectors, this article has illustrated how the organisational reforms introduced by President Juncker operate in practice and their impact upon policy-making structures and internal dynamics within the European Commission. The cases were chosen on the basis that prioritisation is expected to have affected each of them differently – accelerating governance activity in energy and reducing it in health – and the findings have broadly confirmed this expectation. Whilst a raft of new policies has been adopted in the energy sector, legislative activity in health has slowed and, though the reforms are not directly blocking action in health, there is evidence that they are serving to delay progress.

The structures introduced to strengthen top-down steering – the introduction of the seven VPs and the increased responsibility of the SG – have had both common and diverging impacts in the case study sectors. In both cases, the reforms have been successful in increasing the degree of control over the political agenda by the President and his cabinet. Moreover, interviewees from both sectors confirm a reduction in the discretion of officials within the DGs and individual commissioners, who must now obtain the support of the relevant VP and first-VP before acting, and note the importance of personal relationships and connections into the services – for instance via transfer of staff – for ensuring that their interests are taken into consideration.

The strengthened role of the SG has been significant in both cases but its practical impact has differed. In energy, the SG's role in ensuring early coordination among the cabinets and leading inter-service consultation processes has promoted a more holistic approach to policy-making. Early coordination at both the political and administrative levels has been crucial and, supported by good relationships between the SG and DG, has successfully mitigated the

kinds of conflicts that were seen in the past. Whereas DG Energy used to take the lead on developing energy policy initiatives, it must now give due consideration of the position of other DGs, and the SG itself. Meanwhile in health, the SG has been shown to perform a filter function, both formally and informally. Interviewees note an informal 'understanding' that some initiatives, particularly those which do not align closely with the President's priorities, will not be permitted to progress, thus discouraging their development and creating a kind of 'policy-making chill'. Formally, the new structures – in particular, the revised IA procedures – encourage a replication of 'traditional' health policy-making dynamics by requiring officials to tie initiatives to the President's priorities.

The starting points of the two case studies become important here. Health enjoys a less comprehensive legal basis than energy and it is for this reason that its development has historically relied on the manipulation of non-health treaty provisions. Issues of health promotion and disease prevention – such as those addressed by the TFF proposal – have always been harder for the EU to act upon. As such, diverging experiences are to be expected and we do not claim that all changes observed result exclusively from the reforms; however, the findings reveal an interesting contrast between the response of opportunist health actors to the Juncker reforms, by comparison to past reforms. Historically, the literature notes that even initiatives designed to remain under the control of member states, such as the open method of coordination, have been manipulated into platforms for 'an ambitious and entrepreneurial Commission' (Greer and Vanhercke 2010, 204). Yet, to date, such actors seem to have struggled to engage in similar purposeful opportunism with the new organisational structures introduced by President Juncker, lending further support to the conclusion that these have been successful in reducing policy activism.

Whilst we do not claim that our findings are immediately generalisable across DGs, they make two main contributions to the literature on the Commission's inner workings. In the first, they offer insight into how different policy sectors may be expected to experience the Juncker reforms, based on their particular scope conditions. Secondly, they challenge the view that scope for centralised leadership of the Commission remains limited (Trondal 2012). The transformation of the SG into an extension of the President's own office was not heavily institutionalised by Barroso, and, consequently, the permanence of this stronger presidential leadership via the SG was uncertain (Peterson 2015, 203); however, the deeper institutionalisation of the SG under Juncker has stabilised and reinforced the President's long-term personal control over the Commission's services. Furthermore, the stronger filtering and coordination by the VPs and their cabinet illustrates that reducing policy activism and discretion of DGs has been successfully achieved, facilitating Juncker's goal of being 'big on the big things and small on the small things'.

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Appendix 1: List of interviewees

Health

Council official, Brussels, 22.06.17

DG Sante official, Brussels, 22.06.17

Health NGO representative 1, Brussels, 22.06.17

Permanent Representation official 1, Brussels, 22.06.17

Health NGO representative 2, Brussels, 23.06.17

Permanent Representation official 2, Brussels, 23.06.17

DG Sec Gen official, Brussels, 06.07.17

European Parliament official, Brussels, 07.07.17

DG ECFIN official, Brussels, 07.07.17

DG Santé official, Brussels, 21.02.18

Energy

Commission, Secretariat-General (SG), Brussels, 27 April 2015.

Commission, DG Energy, Brussels 27 April 2015.

Commission, Head of Cabinet, Brussels, 28 April 2015.

Commission, DG Energy, Brussels, 28 April 2015.

Commission, SG, Brussels, 28 April 2015.

Commission, Deputy Head of Cabinet, telephone, 20 October 2015.

Commission, Deputy Head of Cabinet, telephone, 21 October 2015.

Commission, Head of Cabinet, telephone, 30 October 2015.

Commission, Head of Cabinet, telephone, 16 November 2015.

Commission, Deputy Head of Cabinet, telephone, 1 December 2015.

Commission, DG Energy, telephone, 1 March 2016.

Commission, DG Climate Action, telephone, 3 March 2016.

Commission, Member of Cabinet, telephone, 7 March 2016.

Commission, SG, telephone, 11 March 2016.

Commission, DG Climate Action, telephone, 15 March 2016.

Commission, Member of Cabinet, telephone, 21 March 2016.

Commission, DG Energy, telephone, 31 March 2016.

Commission, Deputy Head of Cabinet, telephone, 26 May 2016.

Commission, Deputy Head of Cabinet, telephone, 12 October 2016.

Commission, Secretariat-General, Brussels, 19 October 2016.

Commission, Secretariat-General, Brussels, 19 October 2016.

Commission, DG Climate Action, Brussels, 20 October 2016.

Commission, DG Energy, Brussels, 20 October 2016.

Commission, SG, telephone, 6 January 2017.

Commission, DG Energy, 11 January 2017.

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[i] Requests for interview within the cabinet of the Commissioner for Health and Food Safety did not receive a response.