

PROPOSALS FOR REFORM
OF THE COMMISSION
OF THE EUROPEAN COMMUNITIES
AND ITS SERVICES

Report
made at the request of the Commission
by an Independent Review Body
under the chairmanship of
Mr Dirk Spierenburg

Brussels, 24 September 1979

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Preface

Terms of reference and composition of the Review Body

1. The Independent Review Body was appointed by the Commission in January 1979 with the following terms of reference:

"- In view of the changing character of the Community and the different categories of task the Commission will face in the 1980s, to examine how the Commission's organization and staff resources can best be adjusted to meet future needs, and thus cope with a rapidly changing workload in the light of defined priorities.

- With the objective of maintaining a permanent Community civil service of the highest quality, to examine the ways in which the Commission can further develop its policies in respect of staff recruitment, career development and provisions for retirement.

2. Ambassador D.P. Spierenburg chaired the Review Body, and Mr K. Buschmann, Mr P. Delouvrier, Mr G. Petrilli and Mr D. Taverne were appointed members.
3. The Review Body was assisted in its work by Mr Noël, Secretary General, Mr Baichère, Director-General for Personnel and Administration, Mr Cardon de Lichtbuer and Mr Verheyden, general Rapporteurs, and Mr Lambert and Mr Olivier, to whom the Review Body entrusted in particular a study on questions of administrative organization. Mr Nuttall was Secretary.

Organization of the work

4. We held meetings on twenty days between February and September 1979, at which we had discussions with Members of the Commission, senior officials and representatives of the Trades Unions and Professional Organizations. In addition, the Chairman and Members of the Review Body individually had many private contacts with a wide range of opinion both inside and outside the Commission, and in particular with Commission staff at all levels.

5. Two meetings were held to exchange views with the Three Wise Men appointed by the European Council to examine the workings of the Community institutions.

Layout of the Report

6. The Report is divided into three parts. The first consists of general observations, which give our view of the Commission's fundamental role in the interplay of Community institutions and the effectiveness with which it carries out that role. These observations set out the principles on which are based the second and third parts of the Report, of which the former deals with the organization and structure of the college itself and of its Services, while the latter discusses administrative policy.
7. In the second part of the Report, we recommend keeping the number of Commissioners to a strict minimum, and dividing among them portfolios of comparable weight. The Presidency should be reinforced to allow it to exercise effective coordination of the Commission Services and ensure a better distribution of staff. The number of administrative units should be reduced, and the position of Directors-General further strengthened.
8. In the third part of the Report, we put forward a package of measures designed to improve administrative efficiency and to give staff more regular career prospects, while ensuring that the Commission can benefit from a current of outside experience. There are also proposals for encouraging mobility of staff among the Commission services and placing greater emphasis on management qualities.

Part One : General Observations

9. The Commission plays a vital and unique role among the institutions of the European Community. It must represent the interest of the Community as a whole. That is why under the Treaty it is responsible for making proposals to the Council of Ministers, which cannot deliberate in their absence. It also administers important areas of Community policy. Whatever view is held about the future development of the Community, it is in everyone's interest that the Commission should perform its many tasks efficiently and effectively.
10. In order to carry out these tasks, the Commission is assisted by an Administration whose structure and organization are inevitably complex. It is staffed by officials from nine different countries with their own traditions and styles of administration, and works in six different languages. Among these different factors the Commission seeks to preserve some kind of balance, and to forge the officials into a European civil service. Moreover, the Commission depends for the resources which it needs to perform its tasks on the Council and on Parliament, which authorize, not an overall appropriation for staff expenditure, but a specific number of posts at different levels.
11. The total number of Commission employees is smaller than is generally realised. Excluding staff paid from research appropriations, it amounts to 8.300 officials, of whom some 40% are directly or indirectly concerned with linguistic work*. Taken as a whole, these numbers do not seem excessive when compared with national central administrations.
12. In carrying out its work the Commission is therefore subject to a number of constraints. In spite of these, and of the inherent difficulties of its task, one should not underestimate the success of the Commission in fulfilling its duties under the Treaty. These results could not have been obtained without a generally devoted and

* See Annex I.

capable staff. In the years since the founding of the Community the proposals worked out by the Commission have led to the customs union, the common agricultural policy, free movement of persons and the common commercial policy. The Commission has applied an effective competition policy. It has played an important part in the GATT negotiations and made an essential contribution to the new type of relationship which has been evolved with developing countries. The present Commission, and more particularly its President, have been tireless in urging greater monetary cooperation, and it is of great political importance that through its President the Commission takes part in the European Council and the economic summits.

13. But these remarkable successes should not blind us to the fact that over the last ten years the Commission's influence, effectiveness and reputation have declined. This has been partly for external reasons, which lie principally in a change in the political and economic environment, and which are not the concern of this Report.
14. Some of the difficulties the Commission faces are outside its control; we have referred to them in para. 10. Other constraints derive from the nature of the college itself. Its members have widely varying political backgrounds, are not likely to know each other personally before their appointment and do not necessarily complement each other. Finally, the President of the Commission can control them only to the extent of his personal authority, since he is only primus inter pares.
15. Nevertheless there are internal weaknesses, of which the present Commission is well aware; hence the appointment of our group to review its organization and workings and suggest reforms.
16. We have found that there is a certain lack of cohesion in the college of Commissioners, an imbalance between portfolios, insufficient coordination among senior officials, a maldistribution of staff between departments, and shortcomings in the career structure of the civil service of the Commission. The fact is that the Commission is being managed in a manner and with techniques which are inappropriate in present circumstances and can only be more so after further enlargement.

17. Since the entry into the Community of Ireland, Denmark and the United Kingdom and the increase in the number of Commissioners from 9 to 13, the importance and workload of the portfolios given to the different Commissioners have inevitably varied. Some portfolios have grown in importance. Others, some newly created, have not yet realised their full potential. This imbalance in the importance of different portfolios is not conducive to the cohesion of the college. At the same time there has been a tendency for responsibilities to be personalised and the outside world has sometimes been left with an impression that the Commission as such lacks a sense of collective purpose and a taste for joint action, with the consequence that priorities and selectivity in the development of the Commission's programme of work are not as clearly established as they should be.
18. The lack of adequate coordination among Members of the Commission and a certain lack of encouragement from them for central coordination and planning among senior officials are particularly evident. The result has been a lack of structural coordination among Directors-General and a growing emphasis on the roles of the personal staffs of Commissioners.
19. While the total amount of work has inexorably grown, the distribution of staff between Directorates-General does not accurately reflect the differential growth of departmental burdens. A reallocation of staff between Directorates-General, and sometimes even between Divisions within Directorates-General, has proved difficult to achieve, and has intensified the problem of a lack of mobility on the part of officials.
20. Furthermore, for reasons of the distribution of age based on the accident of time at which they were recruited, relatively few top civil servants will retire in the next six years. As a result, prospects for promotion are at present poor and morale has inevitably suffered.

21. Other factors affect morale. Managerial inadequacies in the Commission Services inevitably lead to dissatisfaction among the staff. The failure of the Council to adopt proposals which have required months of hard work to prepare is the source of much frustration. Finally, the limited scope of many officials' work and their excessive specialisation, their lack of information about Commission policy in general and especially the feeling that they are too remote from the decision makers, all act as disincentives.
22. We believe that these weaknesses need to be urgently remedied. The energy crisis provoked by difficulties in the supply of oil, inflation, unemployment and the restructuring of industry forced by the emergence of rapidly developing countries are presenting the world in general and our countries in particular and the Community institutions with unprecedented problems. Moreover, the imminent enlargement of the Community can only complicate the difficulties.
23. As regards the most noteworthy developments which have occurred in recent years in the institutional structure of the Community - the creation of the European Council and the direct election of the European Parliament - they have in no way changed the tasks and the powers entrusted to the Commission by the Treaty.
24. For all these reasons, the Commission must be able to act as a real college, strong, resourceful and efficient, in order to be in a position to play its full part in the dialogue with the Council and the Parliament.
25. The reforms we propose in this report will have to be decided on by a variety of Community bodies. We commend them for urgent implementation to the Commission, the governments of the Member States and the representatives of the people of the Community in the European Parliament.

Part Two : The Commission and its Services

The Commission : role

26. The ability of the Commission to carry out successfully the duties assigned to it by the Treaties, and in particular to exercise its powers of initiative, is, then, of supreme importance. Enlargement of the Community may multiply administrative problems, but it must not be allowed to weaken the exercise of these powers.

27. The Commission exercises its powers of initiative by making formal proposals to the Council. In formulating these proposals it can ask the opinion of government officials, industry and the Trades Unions, but must ensure that these discussions do not turn into prenegotiations in which the proposals lose their specific nature and already become compromises at this stage. The real debate begins within the Council on the basis of formal proposals from the Commission as provided for in the Treaty. Informal discussion papers, such as the Commission has tended to send to the Council in recent years, should only be resorted to in order to give a coherent general explanation of a new policy which is then given concrete form through a series of formal proposals. The Commission may, of course, amend its proposals after they have been sent to the Council, but even so should avoid compromise for its own sake.

28. In order to put its proposals in a general perspective, the Commission must draw up, in the work programme it presents to the European Parliament, specific objectives and priorities to be reviewed at regular intervals. It must indicate the policies it intends to follow to attain these objectives as well as the means which it will require.

29. The Commission must act as a college. This means that on all important matters decisions can only be taken following a debate in the college, and they commit the Members of the Commission. At the same time, the Commission must be aware of the political role conferred on it by the Treaties, its responsibility as their guardian and its duty to explain continuously to public opinion the

decisions which are taken. This is the only way in which the Commission can lose its present technocratic image.

The Commission : portfolios

30. The Commission organizes its work by assigning portfolios to its Members; in other words each Commissioner is responsible for a given sector and thus for the corresponding services. The number of portfolios has therefore varied with the number of Members of the Commission. Each time a new Commission has been appointed, the make-up of the portfolios has given rise to protracted discussion resulting in a redistribution of portfolios, which have been of unequal weight. These fluctuations have led to uncertainty about where services belong, with damaging effects on their efficiency.
31. The system of portfolios is not in question, and indeed seems to be the only sensible way of organizing the work of the Commission and of its Services. But the number of portfolios cannot be increased indefinitely without losing coherence. For the system to work smoothly, duties must be shared out more or less equally among Commissioners (to avoid internal friction and frustration) and the division of portfolios must be stable. This is not the case today.
32. Some portfolios, like external relations and agriculture, are clearly homogeneous and of considerable importance. If the other portfolios are to be of comparable importance, their number must be limited. We have made a careful examination of ways of dividing up the Commission's present areas of activity. This has shown that in a Community of Nine, soon to become Ten, there is not scope for more than eight portfolios of sufficient content. When Spain and Portugal join, there could be a small increase in this number especially since the workload and importance of some services are likely to grow. In that case, there should not be more than ten portfolios. To create artificially a greater number would mean that some portfolios would be lightweight, and would introduce a

distinction between first- and second-class portfolios. In addition, the greater the number of portfolios, the more difficult coordination becomes, whereas good coordination is essential for the efficient operation of the college.

The Commission : work-programming and coordination

33. If the portfolio system is not to weaken the collegiate nature of the Commission, it must be accompanied by strong coordination procedures and proper machinery for arbitrating between the claims of competing sectors. Coordination within the Commission itself is at present insufficient. It cannot be replaced by coordination at administrative level, which is then too often a formality and takes place at too late a stage in the decision-making process.
34. Effective coordination at the political level can be achieved by systematic and permanent working parties of Commissioners with the participation of Services. This has been tried in various forms but, since the merger of the executives in 1967, has not given the results hoped for, because of the heavy workload of Members of the Commission and because no-one was made officially responsible for seeing that coordination actually took place.
35. These drawbacks could be remedied by a Presidency actively responsible, with the right organizational backing, for directing coordination. This has never been tried as a regular system, although successive Presidents have intervened when no agreement can otherwise be reached. However, to achieve systematic, day-to-day coordination, involving Commissioners and Services alike, would place too great a personal burden on the President, who must also devote himself to the other tasks of the Presidency, which are becoming more and more onerous as the Community develops.
36. The President should therefore be assisted by a Member of the Commission who alone would exercise the functions of Vice-President. They would together form a strengthened Presidency, which would improve the allocation of resources, make for a better selection of

priorities and improve the general functioning of the Commission. They would control all horizontal services. How the various tasks were shared out between them would depend on the personal preferences of the two individuals, but it would be logical for the President to be responsible for presiding over the Commission and representing it in important matters both inside and outside the Community and for the Vice-President to be responsible for work programming, coordination and supervision of the organization (matching of available resources with work to be done). He would also be the permanent deputy to the President. The Vice-President's key role would be his responsibility for coordination. The right procedures for this will have to be worked out and approved by the Commission; they will include frequent meetings with Commissioners and Directors-General, and the flexible use of ad hoc working parties on major topics.

The Commission : composition

37. We note that Article 10 of the Merger Treaty provides that the Commission must include at least one national of each of the Member States, but may not include more than two members having the nationality of the same State. The number of Members of the Commission, at present fixed at thirteen, may be altered by the Council acting unanimously.

38. Immediately before 1973, the Commission was composed of nine Members with eight portfolios, there being two Members of the Commission from each of the larger Member States. At the first enlargement, this principle was continued by adding two Commissioners from the United Kingdom and one each from Denmark and Ireland. These thirteen Members share twelve portfolios. (The President does not normally have a portfolio of his own.) If the same principle continues to be applied in the future, the enlargement of the Community to include Greece, Spain and Portugal will lead to a Commission of seventeen Members (of whom one would be Greek, two Spanish and one Portuguese) sharing sixteen portfolios.

39. We believe that such a large Commission would be undesirable.

A Commission of fewer Members is preferable because:

- (i) a smaller Commission will ensure better coordination;
- (ii) it will enable matters to be more thoroughly discussed and facilitate clear conclusions;
- (iii) it can constitute a genuine team and allow its Members to have a better personal knowledge of each other, thus creating a better collegiate spirit;
- (iv) it will project a better image of itself;
- (v) for the reasons we have already given, it will not be possible in a Community of Nine or Ten to create more than eight portfolios of genuine content and equal weight to be divided among the Commissioners (leaving aside the functions of President and Vice-President), nor later in a Community of Twelve to create more than ten portfolios.

40. Against this position and in favour of a larger Commission the following arguments have been put to us:

- (i) that, especially after further enlargement of the Community, Commissioners will be required to travel more frequently over greater distances and that extra demands will be made on them by the increased need, in the wake of direct elections, to cultivate political links with their country of origin and with Parliament;
- (ii) the dispersal of the Community's activities in three different places will continue, with its attendant barriers to efficient functioning;
- (iii) political considerations might argue in favour of a larger Commission, which would allow the relative size of the Member States and the political balance in them to be reflected in the composition of the Commission.

41. The difficulties arising from the Commissioners' heavy workload can be countered by observing an order of priorities in their duties. The three tasks which should be given priority are work in the college, relations with the Council and relations with the Parliament. Other tasks, for example representative engagements in the home country, political contacts and preparing the ground for Commission proposals during tours of capitals, could be performed by making more use of high level cabinets, especially for political contacts, and by upgrading the role of the Directors-General to relieve Members of certain tasks directly concerned with the management of their portfolios.
42. As regards the political arguments, we note that the Treaties specifically provide for national weighting in two Community institutions, in the Council by weighted voting and in the Parliament by differentiated numbers of seats. No such specific provisions exist for the Commission and the Court which are both more particularly concerned with safeguarding the Community interest. The assumption that Members of the Commission should in some way represent the points of view of the Member States whose nationals they are runs counter to their obligation of independence. Indeed, the Commission's role of defining the interest of the Community as such does not require the number of Members to be weighted by nationality. As regards the political composition of the college, it is up to governments to continue their previous practice of concertation.
43. We therefore believe that the arguments for a small Commission of twelve Members (one from each Member State), must prevail over those for a larger Commission of, for example, seventeen Members.
44. Since it can be fairly assumed that all three candidate countries will become Members of the Community during the lifetime of the next Commission (1981-1985), the principle that the Commission should be composed of not more than one Member from each Member State should be applied from its inception in January 1981, which coincides with the entry of Greece. Thus, for the period before further enlargement,

the Presidency and the eight portfolios will be divided among ten Members. When Portugal and Spain join the Community, and the number of Members of the Commission rises to twelve, the number of portfolios will have to be increased by two by detaching some sectors of activity from what will by then be eight portfolios. Indeed, the likely increase in the workload after this further enlargement will justify increasing the number of portfolios to ten without impairing the quality of the administration and without entailing an imbalance in sharing out duties among Members of the Commission. The choice of the sectors to be detached should be made in the light of the development of the Commission's work and of Community policy.

45. If nevertheless governments nominate, for reasons of their own, a Commission of fourteen Members on the entry of Greece, and of seventeen Members, or in any case of more than twelve Members, on the entry of Spain and Portugal, it will still be necessary, for the reasons given above, to maintain a maximum of eight and ten portfolios respectively. The Review Body has carefully examined various ways of sharing the work among the Members of the Commission in such a situation, and has come to the conclusion that the only viable solution is for four or five Commissioners without portfolio (who would be the second Members from the four or five big Member States) to assist four or five of their colleagues in the management of portfolios which involve a particularly taxing workload.

The Commission : permanence of the proposed structure

46. The rule that there should be a maximum of ten portfolios must be permanent. The content of these portfolios must be as stable as possible and not subject to negotiation each time the Commission is renewed. If this rule were not followed, the administrative structure corresponding to the portfolios would be subject to periodic upheaval and its consequent unsettling effects. The stability of the portfolios does not, however, mean the same thing as rigidity; the portfolios have been framed sufficiently broadly to enable them to adapt to the evolution of the Commission's tasks.

