



## EU elections countdown #2

### Tough race to the top of the European Commission

February 28, 2019

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The outcome of the EU elections and the composition of the new Parliament will significantly influence the nomination and election of the next President of the European Commission (EC). Parliament will vote for the Council's proposed candidate in a secret ballot with a majority of component MEPs required. The election of the Commission President will be particularly challenging this year for three reasons.

First, the so-called 'Spitzenkandidaten process' introduced by the EP in 2014 envisages the leader of the largest political fraction in the post-election EP – most likely the conservative EPP – as the best positioned candidate for EC President. The German Manfred Weber who was elected EPP Spitzenkandidat might find it challenging, though, to secure a broader cross-party consent to pass the majority vote in a more fragmented EP with a shrinking political center. Installing the EPP's Spitzenkandidat as the next EC President will not be a fast-selling item.

Second, EU leaders have been reluctant to fully endorse the automatism of the Spitzenkandidaten process and reserved themselves the right to consider other nominations as well. Expectations for the next EC President are flying high in order to represent the EU at eye level with world powers as well as improving the image of the EC among the European population.

Third, while concerns that populist leaders with an EU-sceptical agenda could make it to the very top of the EC are misleading, this could well be the case for Commissioners proposed by national governments and nominated by the Council. Given that the EP has won the (informal) power to vote on individual candidates, putting the college of Commissioners together might become even more difficult than in previous times which already saw rejections of candidates by the EP. Also, a coherent agenda and work of the next Commission might become more challenging.

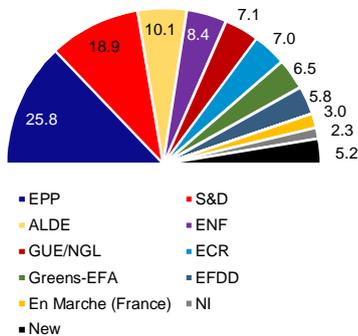
Given the projected new balance of power after the elections both within the EP and within the Council as well as between the EP and the EU Council, an institutional stalemate cannot be ruled out. Anything seems possible ranging from a compromise EC President Candidate in the EP or from the "outside" to a prolonged period until the new Commission finally resumes office.



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### 2019 EU parliament indicative share of seats (total 705)

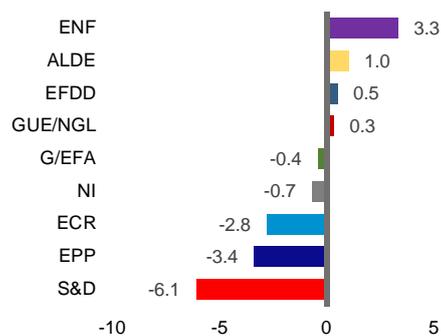
Share of seats (% of total)



Sources: Deutsche Bank Research est., based on PollofPolls.eu data, European Parliament

### Indicative wins and losses in the next EP

+/- share of seats compared to current EP, pp



Sources: Deutsche Bank Research est., based on PollofPolls.eu data, European Parliament

### Groups in the European Parliament

- EPP - European People's Party (Christian Democrats)
- S&D - Socialists and Democrats
- ECR - European Conservatives and Reformists
- ALDE - Liberals and Democrats for Europe
- GUE/NGL - United Left/Nordic Green
- Greens/EFA - Greens/ European Free Alliance
- EFDD - Europe of Freedom and Direct Democracy
- ENF - Europe of Nations and Freedom
- ENF - Europe of Nations and Freedom
- NI - Non-Inscrits (not member of a EP group)

Source: European Parliament

## Tough race to the top of the European Commission

With less than 90 days until the European Parliament elections on May 23–26, the European Union is facing manifold external and internal challenges while its leaders appear increasingly divided over a broad range of issues. As we wrote in October<sup>1</sup>, further fragmentation and an expected shift in the next EP away from the center towards anti-European and populist parties will make policymaking in the EU's legislative chamber increasingly difficult and will require closer collaboration across the EP's political groups (see Charts 1-3).

In our first note for the run-up to the elections<sup>2</sup>, we looked at Brexit and how an extension of Article 50 could impact the upcoming vote and next European Parliament. Our second note focuses on the role of the EP in the election of the next Commission President and how the results of the EU elections could impact the process towards the next Commission and its policy agenda.

The co-election (together with the Council of European leaders) of the next European Commission President and nomination of the next Commission will be one of the first decisions that the new European Parliament has to take after its inauguration on July 2. It will be also one of its most important votes, given the broad competencies of the European Commission in shaping European domestic and external politics over its five-year term.

While originally the nomination of the EC President was up to the European leaders alone, the Lisbon Treaty of 2007 granted the EP a larger role in the process by giving it the right to approve the candidate for the EC President in a simple majority vote (i.e. 50% of MEPs required, see Chart 5).<sup>3</sup>

Formally, it is still up to the Council to nominate a candidate, even though it will be "taking into account the elections to the European Parliament and after having held the appropriate consultations".<sup>4</sup> But how exactly to consult the EP and reflect the election results is not specified in the treaties.

Informally, Council and Parliament have therefore agreed to follow the so-called 'Spitzenkandidaten' (or 'lead candidate') process that gives the EP a strong say, even though not a few in the Council have questioned the binding nature of this agreement ahead of the 2019 elections.

### What is the idea behind the 'Spitzenkandidaten' process?

This process was first introduced for the 2014 elections initiated by the EP and was informally acknowledged by the EU leaders (though not all of them). The idea behind the 'Spitzenkandidaten' process is twofold:

- It aims to involve European political parties in the nomination of candidates for the role of Commission President. Before the EU elections, groups in Parliament nominate 'lead candidates' for the Commission Presidency. After the elections, the Council should then propose the EP's

<sup>1</sup> K. Körner and B. Böttcher (2018). European Parliament elections 2019. Deutsche Bank Research.

<sup>2</sup> K. Körner and B. Böttcher (2019). EU elections countdown #1. Deutsche Bank Research.

<sup>3</sup> The vote in the EP for the EC President will be a secret one as decided back in 2016 when a proposal to replace the secret vote with one by roll-call (which means recording how each MEP voted) was rejected by a slim qualified majority in the EP.

<sup>4</sup> Art. 7 TEU: "Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members."



## EU elections countdown #2

### Roadmap towards the next EC

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| 2019      |   |
|-----------|---|
| March     | Start of the electoral campaign   |
|           | Mar 29: Brexit date<br>• UK set to leave the EU   |
| April     | Apr/May: TV debates between lead candidates nominated by EP groups  |
|           | Apr 18: Last session of outgoing Parliament   |
| May       | May 23-26: Elections to the European Parliament<br>• 705 MEPs from 27 EU members  |
|           | May/June: Negotiations about formation of political groups in the next EP   |
|           | May/June: Council President consults with EP on candidate for EC President, taking into account election results  |
| June      | June 20-21: European Council<br>• EU leaders likely to propose candidate for EC President (qualified majority), elect Council President                 |
| July      | July 1: End of 8th European Parliament's term   |
|           | July 2: Inaugural plenary session of the newly-elected Parliament   |
|           | Jul 11: 2nd EP plenary session<br>• First opportunity for the EP to approve EU Council candidate for EC Presidency (simple majority, i.e. at least 353) |
| August    | Aug/Sep: 27 EU members propose their commissioner-designates  |
| September | Sep/Oct: Commissioners-designate face hearings of EP committees   |
| October   | Oct/Nov: Vote by EP on new Commission (can only approve/disapprove complete list)   |
|           | Oct/Nov: Inauguration of new EU Commission  |

Sources: European Parliament, Deutsche Bank Research

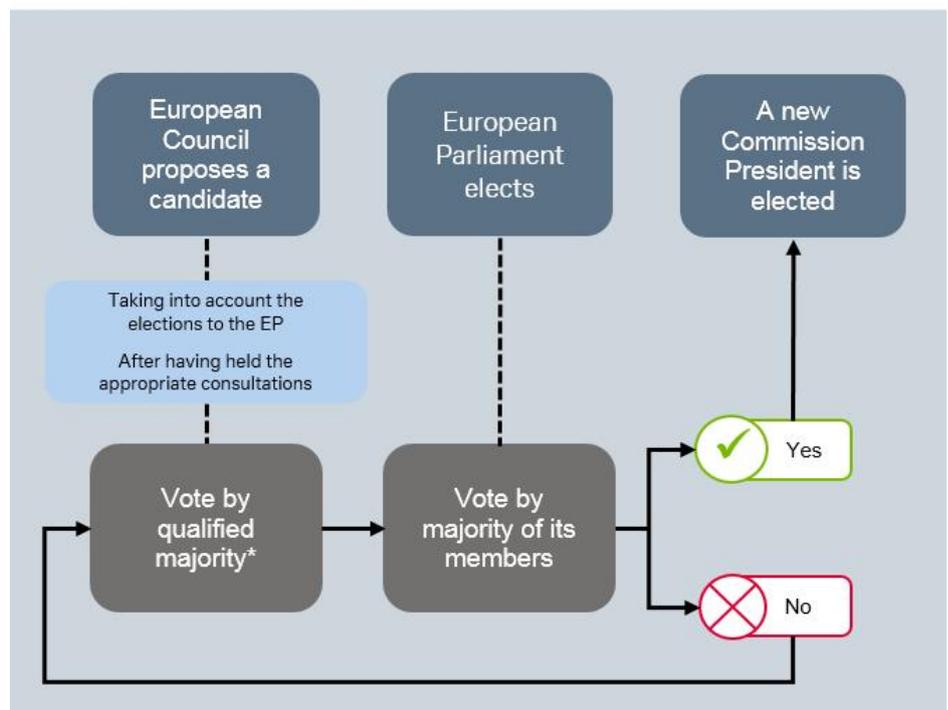
Candidate who seems most capable of forming a majority in the EP (with the Candidate of the largest political group in the EP to be considered first).

- By linking the nomination of the EC President to the outcome of the EP elections, transparency and legitimacy of the Commission should be fostered. It should give European voters the opportunity to indirectly participate in the process of electing the President of the EC, also improving the traditionally low turnout of the EP elections.<sup>5</sup>

Back in 2014 the S&D selected Martin Schulz and the EPP Jean-Claude Juncker as Spitzenkandidat, the latter then becoming EC President.

### Election of the European Commission President

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Note:\* qualified majority in the European Council = 55% of member states representing 65% of the total EU population.

Sources: European Council, Deutsche Bank Research

The background for the move to change the procedure had been provisions in the Treaty of Lisbon that strengthened the role of the EP and empowers the EP to take a more active role rather than merely approve the EU Council nomination for EC President. The establishment of this procedure beyond the 2014 elections is contested between the EP and the European Council, though. Parliament has attempted to codify the process and the majority of political groups have already nominated their lead candidates.

### If not enshrined in the treaties, can the EP insist on the 'Spitzenkandidaten' process?

Parliament and Council disagree on this.

In January 2018, the Constitutional Affairs Committee of the EP adopted a text stating that the Spitzenkandidat process could not be overturned. It also emphasized that Parliament "will be ready to reject any candidate in the investiture procedure of the President of the Commission who was not

<sup>5</sup> European Parliament (2019). Election of the President of the European Commission.

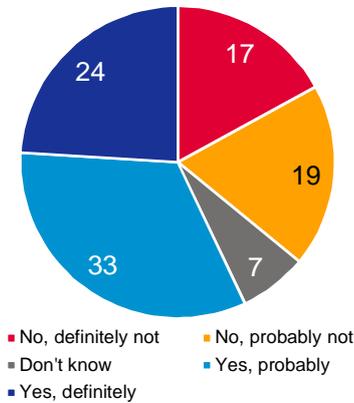


## EU elections countdown #2

Majority of electorate feels motivated by lead candidate process

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% EU



Question: "Would this process of electing the President of the European Commission depending on the results of the European elections make you more likely to vote than at present?"

Source: European Parliament

appointed as a 'Spitzenkandidat' in the run-up to the European elections".<sup>6</sup> The resolution was later approved by a large majority of the EP plenary.

Leaders in the EU Council are less enthusiastic about this new procedure that is not reflected in treaties; they do not see themselves bound to it. At the Council's informal meeting in February 2018 in Brussels they rejected the inherent automatism that the next EC President has to be the Spitzenkandidat of the party winning the most seats in the next EP. In particular France and some of the Eastern European members are critical of this procedure as they fear losing the lead in the election of the next EC President.

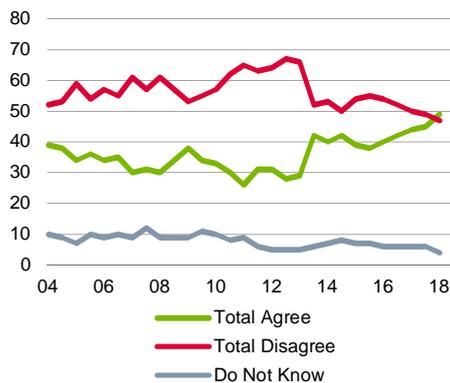
Commenting on the matter, Chancellor Merkel (who backed Manfred Weber as Spitzenkandidat of the EPP) said: "There won't be any straightforward majorities in the new European Parliament. We can't know who might form a coalition with whom. So we just can't say it will be the candidate of the strongest party. We'll have to see how majorities in the Parliament can be formed. That's where the phrase 'no automaticity' comes from."<sup>7</sup>

### What do voters think about the procedure?

Almost half of Europeans still think they have no say in EU

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Poll: "My voice counts in the EU", % of EU



Source: Standard Eurobarometer 90 Autumn 2018

The majority of the voters seem to support the lead candidate procedure. In a December 2018 poll, 57% said that they were more likely to participate in the vote if it follows the procedure while 36% said it would not impact their voting behavior (Chart 6). The results vary strongly between member states. Positive responses are highest in Hungary (70%) and Austria (67%) and lowest in Denmark (33% and Estonia 34%).<sup>8</sup>

67% of Europeans agreed or tended to agree that the lead candidate process meant "significant progress for democracy within the EU" and 63% that it would give more legitimacy to the European Commission. At the same time, though, 77% also think that the process only makes sense if "it is accompanied by a real debate about European issues and the future of the EU".

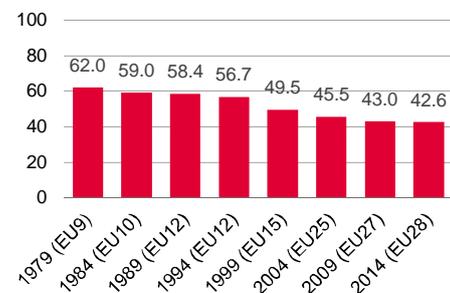
However, despite the overall positive resonance towards the reformed election procedure, voter turnout in 2014 (when the lead candidate process was introduced) continued to decline. It remains to be seen whether this year hopes that the lead candidate process could help to break this trend will be met.

Despite the strengthened role of the EP, almost half of Europeans still believe that their voice does not count in the EU, even though perception has improved substantially since the time of the euro crisis.

Continous decline in EP election participation

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EP elections, voter turnout, %



Sources: TNS/Scyt in cooperation with the European Parliament

### Have all the political party groups in the EP picked their candidates?

In recent months, a number of European party conventions took place and the majority of political groups elected their respective lead candidates (see Chart 9). But not all EP factions elected or intend to elect a Spitzenkandidat. Even among mainstream pro-European parties, the lead candidate procedure does not find unequivocal support.

— At their November congress in Helsinki, the conservative EPP elected Manfred Weber (CSU, Germany), the current chair of the EPP group in the European Parliament.

<sup>6</sup> European Parliament (February 2018). Revision of the Framework Agreement on relations between the European Parliament and the European Commission.

<sup>7</sup> Politico (23.02.2018).

<sup>8</sup> European Parliament (2018). European Parliament Flash Eurobarometer - First Results.



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### Who joined the race as (elected) Spitzenkandidat?

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- EPP: Manfred Weber (DE)
- S&D: Frans Timmermans (NL)
- ECR: Jan Zahradil (CZ)
- ALDE: several candidates planned
- Greens-EFA: Ska Keller (DE), Bas Eickhout (NL)
- GUE/NGL: Violeta Tomič (SI), Nico Cué (BE)
- ENF: no candidate (yet)
- EFDD: no candidate (yet)

Sources: various sources, Deutsche Bank Research

### Previous EP vote results on the Commission President

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| Year         | EC President        | (Yes-No-Abst.) |
|--------------|---------------------|----------------|
| 2014, 15 Jul | J.-C. Juncker (EPP) | (422-250-47)   |
| 2009, Sep 16 | J.M. Barroso (EPP)  | (382-219-117)  |
| 2004, Jul 22 | J.M. Barroso (EPP)  | (413-251-44)   |
| 1999, May 5  | R. Prodi (ALDE)     | (392-72-41)    |
| 1994, Jul 21 | J. Santer (EPP)     | (260-238-23)   |

Source: European Parliament

- The European Green Party elected two candidates at their Berlin congress in November, the German Ska Keller (Bündnis 90/Die Grünen) and Bas Eickhout from the Netherlands (GroenLinks).
- Also in November, the Conservative ECR nominated Jahn Zahradil from the Czech Republic (Civic Democratic Party) as their Spitzenkandidat.
- S&D followed suit in their December Lisbon party meeting, nominating Frans Timmermans (PvdA, the Netherlands), currently Vice President of the European Commission.
- The United Left elected two candidates at their January meeting, Violeta Tomič from Slovenia (Levica) and Belgian unionist Nico Cué.
- The liberal ALDE announced that it would not nominate one lead candidate but a "team of liberal leaders" to be endorsed on March 21. ALDE, previously a strong supporter of this process, has become more skeptical. It now argues that the procedure is actually less democratic than widely perceived, forces candidates to commit early for a European candidacy and gives the EPP too much influence. Even more important for the position of ALDE might be the group's ongoing discussion of building a faction together with French President Macron's En Marche in the next EP. Macron and En Marche, however, reject the Spitzenkandidat concept and ALDE might not want to weaken their prospects of cooperation in the next parliament.
- The EU-sceptic ENF and EFDD have so far not nominated lead candidates. Opposing the process, already in 2014 they did not appoint any candidates.

## Who could emerge from the race to the helm of the Commission?

This is a tricky one. We discuss various poll-based scenarios below:

In 2014, with Jean-Claude Juncker from the EPP, the lead candidate of the largest group in the EP was nominated by the Council and approved by a clear majority in the EP (see Chart 10). This time, however, things might turn out to be more complicated.

Assuming that the Council sticks with the lead candidate process, the most likely EC President candidate to be proposed by the Council would be Manfred Weber from the EPP. The conservative group is expected to again become the largest group in the next EP with 25.8% of seats (see Charts 1 and 11), according to our poll-based projections.

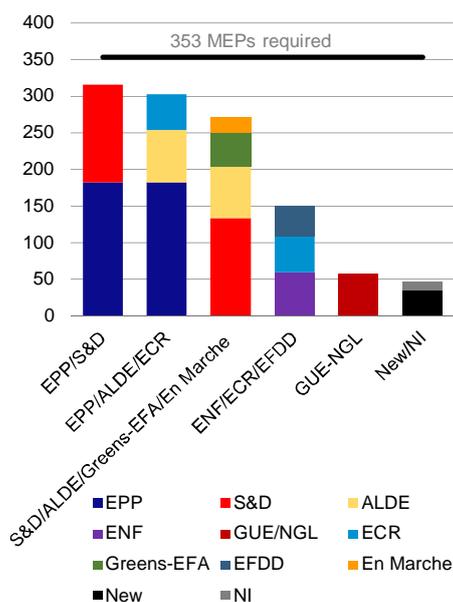
However, the traditional "grand coalition" between EPP and S&D in the Parliament appears to have lost its majority. Therefore, support from MEPs of other groups in the EP would be necessary in order to get more than 50% of the votes (at least 353 MEPs) required to elect the next Commission President.

But given the projected increased fragmentation of the next EP, this might not be so easy. Neither a center-right coalition of EPP, ECR and ALDE nor a center-left coalition of S&D, ALDE and the Greens could secure the required majority (see Chart 11). Broad consensus between EPP, S&D and ALDE (potentially including French President Macron's En Marche) might be the most promising option to gain a majority.

But whether EPP's Weber could gather support among S&D, and ALDE is currently highly uncertain. Weber, considered to be in the conservative camp of the EPP, has frequently been criticized for being too lax on Hungary's EU-sceptic Fidesz party, including by French President Macron. Last September, Weber supported the opening of an Article 7 procedure against Hungary due to its violations of EU law but at the same time opposed to expel Fidesz from his own EPP. But when writing this note, after a recent campaign by Hungary's PM

### Challenge to find majority candidate for EC President in the next EP

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Note: DB projections of the potential distribution of seats in the next Parliament based on current national polls.

Sources: Deutsche Bank Research est., based on PollofPolls.eu, European Parliament



## EU elections countdown #2

### Role of EU Presidents

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#### European Commission President

- Political guidance to the Commission
- Calls and chairs meetings of Commissioners
- Leads the EC's implementation of EU policies
- Takes part in G7 meetings
- Contributes to EP and EU Council debates

#### European Council President

- Leads Council in setting the EU's political direction/priorities together with the EC
- Promotes cohesion/consensus in the Council
- Represents the EU externally on foreign/security issues

#### European Parliament President

- Ensures following of EP procedures
- Oversees EP's activities and committees
- Represents EP in legal matters/internationally
- Gives final assent to the EU budget

Source: European Union

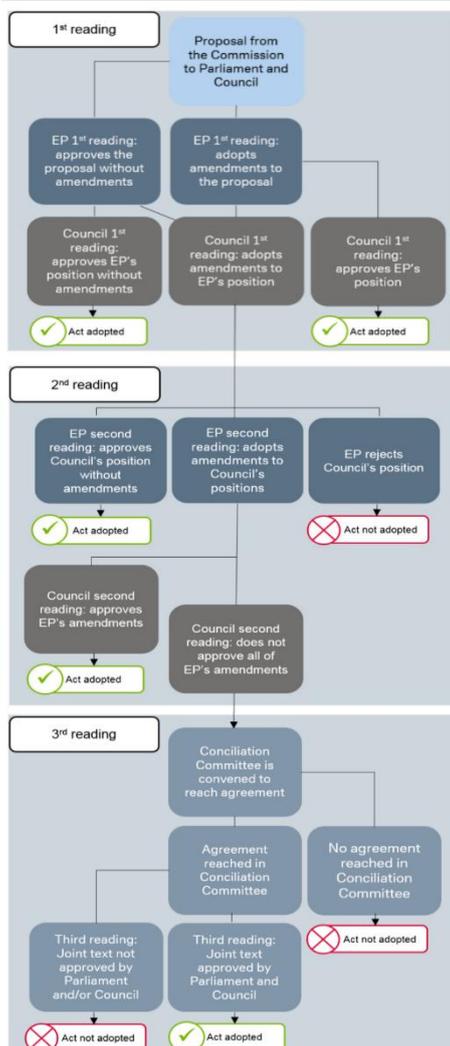
Viktor Orbán against the Commission, Weber started to distance himself from Fidesz more explicitly. In reaction to the Hungarian affront against the Commission and him personally, Commission President Juncker, himself from the EPP, called for Fidesz to leave the EPP.<sup>9</sup> If Fidesz is pushed out of the EPP, however, risks are that the Hungarian party would further strengthen one of the EU-sceptic groups in the next EP with its expected 12 MEPs.

But also a leftist coalition backing S&D's lead candidate Timmermans would not manage to gather the required majority, even including all MEPs from the United Left. They would therefore require votes from EPP MEPs as well. EPP as the largest group might insist on their candidate. But as Weber is not undisputed within EPP itself, it does not seem unthinkable that liberal-leaning members of the EPP could gather behind Timmermans. Whether EPP members could be mobilized for such an alternative might also depend on whether German Chancellor Merkel, who endorsed Weber's nomination in the first place, will continue to support the German EPP candidate or publicly opens the way for a broader pro-European (EPP/S&D/ALDE) camp behind the S&D candidate.

Of course, if the Council decides not to follow the lead candidate procedure and propose an alternative candidate, all options would be open. Names that have been dropped for alternative candidates not nominated by the EP include Michel Barnier (France, EPP), the EU's Chief Brexit negotiator, and the EU Commissioner for Competition, Margrethe Vestager (Denmark, ALDE). But both are members of parties that are not part of their governments at home, reducing their chances of being considered by the Council.

### EC's role in EU legislation

13



## How strong is the EC President's influence on the EU's political agenda?

The Commission President is often considered the most influential position in the EU's institutional framework.

The Commission is the EU's executive body, solely responsible to propose new laws to be adopted by the Parliament and the Council. It has a key role in the allocation of EU funds and the enforcement of EU law.

The President of the Commission leads the college of Commissioners, one for each member country (i.e. Commission President plus 26 Commissioners once the UK leaves the Union).

All EU Commissioners have in principle equal standing in the Commission's decision-making process but the President is in charge of leading and defining the body's policy direction. In that way, the President has a key role in setting the EU's political agenda. She or he also has the power to dismiss Commissioners or reshuffle portfolios of responsibilities and represents the EU internally as well as in international fora (see also Chart 12).

The leading role of the Commission and its President in setting the EU's political agenda has been vividly illustrated during the Juncker Commission, where the Commission has issued a battery of discussion papers and recommendations for further E(M)U reforms and integration or the bloc's future budget. The Council, currently chaired by President Donald Tusk, dismissed or watered down many of the Commission's proposals but the Commission's mark on the Council's decisions is still clearly visible.

<sup>9</sup> Politico (21.02.2019).



## Can the EC President chose its cabinet of Commissioners?

Not really.

The Council – by common accord with the President-elect – adopts with qualified majority the list of the 26 Commissioner-designates (including the High Representative of Foreign Affairs and Security Policy) whom it appoints as members of the Commission (Art. 17 TEU). The full list then needs to be confirmed by the EP. In fact, though, member states rather nominate than suggest their respective candidate following a sometimes delicate political compromise at home. The EC President would then allocate portfolios to the individual commissioners.

Competence of the candidate on the respective matter helps but is not an indispensable precondition. As on national level, the importance of portfolios varies significantly. Behind the scenes, negotiations and pressure on the President-elect as to who gets what therefore tend to be intense. For the next parliamentary term, the focus will most likely be on (i) Budget, as the next Multiannual Financial Framework needs to be agreed in 2020 (ii) Trade, as the future relationship with the UK needs to be negotiated and the trade conflict with the US is likely to continue (iii) Economic and Financial Affairs, as the business cycle is slowing and euro area resilience will be exposed.

While the Commissioners are elected for a five year term, they can be re-nominated for a second one, though not necessarily for the same portfolio (e.g. Neelie Kroes from the Netherlands in 2010, Mario Monti from Italy in 2004). With regard to the current Juncker Commission, the Danish Margrethe Vestager, Commissioner for Competition, was recently quoted by saying that she seeks a second term as it takes time to understand processes and develop strategies.<sup>10</sup> This decision is up to the Danish government, though, where majorities have changed in the course of this Commission's term.

The EP plays a decisive role for the Commission's composition even if the treaty-based rights are restricted to giving its consent to the Commission only as whole. Reflecting hard won powers through informal means, the EP holds hearings with a subsequent vote on every candidate for the college of Commissioners.

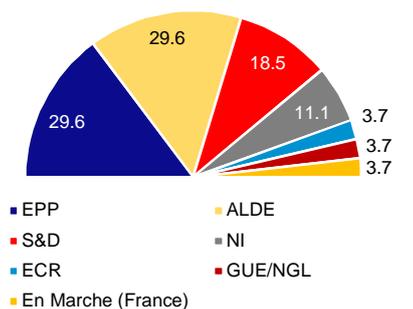
The hearings will be conducted by the EP Committee responsible for the Commissioner-designates' future policy areas or portfolios, which then gives a recommendation. There is sufficient historical evidence that MEPs take these hearings very seriously both with regard to the Commissioner-designates' political background as well as their qualification for the post. The EP Committee can informally ask the EU Council to replace an individual candidate.

This has happened after every EU election since 2004. In case of the Juncker Commission, e.g. the proposed Vice President and Commissioner for energy policy, Alenka Bratušek (SVN), was refused by the respective Committee and consequently replaced by Violeta Bulc. This time, MEPs will likely pay particular attention to the Commissioner-designates from member states with governments that take a more critical if not hostile view towards the EU and European integration. On more general terms, the EP will insist on an adequate gender balance (currently the college of 28 includes 9 women).

European Council - EP group affiliation of EU27 leaders (a)

14

% of 27 EU leaders in the Council



Note: European Parliament group affiliation of EU27 leaders in the Council: EPP: Austria, Bulgaria, Croatia, Cyprus, Ireland, Germany, Hungary, Latvia. ALDE: Belgium, Czech R., Denmark, Estonia, Finland, Luxembourg, Netherlands, Slovenia. S&D: Malta, Portugal, Slovakia, Spain, Sweden. Non-affiliated: Italy (independent PM of Lega/M5S coalition), Lithuania, Romania. ECR: Poland. GUE/NGL: Greece. En Marche: France.

Sources: European Council, Deutsche Bank Research

<sup>10</sup> Frankfurter Allgemeine Zeitung (17.01.2019).

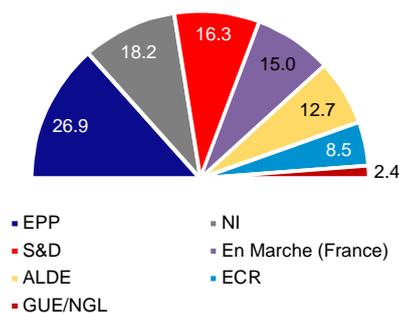


## Is a lengthy political and institutional standoff to be expected before the next Commission can assume office?

European Council - EP group affiliation of EU27 leaders (b)

15

% of EU27 population represented by Council members



Sources: European Council, Deutsche Bank Research

Despite some objections, the Spitzenkandidat process has gained traction in the run-up to this year's election. It will receive more media attention than back in 2014. If the EP is closing ranks to back one of its own candidates, leaders in the EU Council will find it difficult to endorse a different candidate. It might well be that groups in the EP eventually will find necessary cross-party consensus on a candidate only to make sure that the Spitzenkandidaten process will be followed and that the EP's previously won active role in electing the next Commission President will be warranted.

If majority support for a candidate in the EP cannot be found, leaders in the Council might use this as a further reason for not seeing themselves bound to the lead candidate process. This might therefore increase chances that they decide to propose a different candidate of their own choice.

But the Council leaders themselves need to agree on a candidate as well. For this, the treaties foresee a qualified majority vote in the Council (i.e. 55% of member states representing 65% of the total EU population). As can be seen in Charts 14 and 15, political groups' affiliation of Council members diverges from the composition of the EP, with 60% of the leaders representing parties that belong to the EPP and ALDE. However, European political groups in the Council do not have the same importance as in the EP and in practice, consensus among all members is aimed at.

Whether this can be reached – either on one of the EP's lead candidates or an alternative one – remains to be seen. The visible changes in the European political landscape since the last EP elections and tensions with some EU members over the EU's fiscal and legal frameworks will make the decision certainly not easier. In case of diverging views, against the background of the qualified majority principle, opposing members in the Council might be overruled. This happened in 2014, when the UK and Hungary voiced opposition against Juncker's nomination.

But in case of stronger dissent in the Council this could undermine the authority of the EC Commission from the start. Rather than risking to outvote a large minority in the Council, one could therefore expect a rather lengthy process of consultations between the Council and Parliament and delays in the election of the next EC President and Commission. Other key EU positions that need to be replaced this year as well, including the Presidents of the ECB and the Council certainly will also play a crucial role in the Council's decision on their candidate for the EC President and his or her nationality.

The biggest beneficiaries of a lengthy standoff between Council and Parliament on this issue would certainly be EU-sceptics who seek to discredit EU institutions as illegitimate and dysfunctional. Both the Council and the pro-European majority in the next EP should have a strong common interest in avoiding such a scenario.

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