



CEPS EXPLAINER

# CONFIRMATION HEARINGS AND VOTING IN THE NEW COMMISSION: WHAT IS THE EUROPEAN PARLIAMENT'S ROLE?

Sophia Russack

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## SUMMARY

The European Parliament (EP) has significantly increased its role in appointing the European Commission over the last few decades. Through multiple treaty revisions, the EP has gained the power to formally elect the Commission President and approve the College of Commissioners as a whole. To be able to vote for the President has also enabled the EP to influence the Commission's policy agenda.

The vote on the College has enabled the EP to organise confirmation hearings for Commissioners-designate. First introduced in 1994, they have now become a common political practice. These hearings scrutinise candidates' competence, their European commitment and their independence.

As this CEPS Explainer details, this process has been very effective from the start to trigger changes in portfolio distribution and the College's composition. It has also further professionalised over time. Still there is room for improvement. Besides figuring out who is the best fit for the job, (inter-)institutional power play and party-politicisation traditionally play crucial roles.

While the outcome of the 2024 hearings remains uncertain, the process appears to have been potentially tamed by the EPP's dominance and a culture of political tit-for-tat among the political groups.



Sophia Russack is a Researcher in the Institutions unit at CEPS.

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## INTRODUCTION

The European Parliament (EP) elections earlier this year were only the first step of the EU's institutional turnover; next up was the formation of the new College of Commissioners. Before the summer, Ursula von der Leyen was again nominated (by the European Council) and elected (by the EP) to serve a second term as European Commission President. Then, during the summer, Member State governments selected their College candidates. After personally interviewing these candidates herself, von der Leyen built a complicated portfolio tableau balancing out a multitude of interests and announced how she intended to structure her second College and which candidates will work on what.

But before the new College of Commissioners can start their work and kick-off the new legislative term, MEPs will vet the Commissioners-designate to ensure that they're fit for the job. This has not always been the case – in the original EU treaties, the College appointment process was purely driven by the Member States. Over time, the EP's influence has greatly increased and it now has the power of approval (and removal), with this right morphing into the political practice of the confirmation hearings.

This CEPS Explainer elaborates further on how the EP's power has developed over time regarding both the appointment of the Commission President (Part One) and the College of Commissioners (Part Two). It outlines how the EP has gradually increased its say over the Commission's agenda and portfolio distribution within the College. It zooms deeper into the confirmation hearings and explains how they work, how past rounds have went and what we could expect from the new round of hearings that will be taking place during November 2024.

## THE EP'S ENHANCED ROLE IN APPOINTING THE PRESIDENT AND THE COLLEGE

As the below box illustrates, the EP has gained power over both the Commission President and the College's appointment during the past four treaty revision rounds, first starting with the Treaty of Maastricht up until the Treaty of Lisbon.

### Box 1: How the appointment process has changed over the past four treaty revisions

#### Treaty of Maastricht (1991/1993):

- ⇒ Appointment of the President: Involved the EP for the first time by prescribing that Member State governments nominate 'after consulting the European Parliament' the individual they intended to appoint as Commission President (Article 158).
- ⇒ Appointment of the College: Gave the EP the vote of approval over the College as a whole (Article 158)
- ⇒ Additionally: The legislative terms of both institutions were aligned to five years (previously, the Commission's legislative term had been four years).

#### The Treaty of Amsterdam (1997/1999):

- ⇒ Appointment of the President: The EP gained the right to confirm the Commission's appointment with a formal vote of confidence (Article 214 TEC).

#### The Treaty of Nice (2001/2003):

- ⇒ Left the EP's powers over the College and President's appointment largely unaltered – but it did enable the Council to decide on who to nominate by QMV instead of unanimity.

#### The Treaty of Lisbon (2007/2009):

- ⇒ Appointment of the President: Specified that the European Council must 'take into account the elections to the European Parliament and [...] 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' (Article 17(7) TEU).

Source: Authors' own elaboration.

Also before and in-between formal treaty changes, the EP managed to expand its powers by applying a strategy of [unilateral action](#) – In 1981, the directly elected Parliament began a practice of holding a formal debate and vote on the entire incoming Commission (the first one being the Thorn Commission). In 1983, Member States formally acknowledged this practice in their '[Solemn Declaration](#)' in Stuttgart. Additionally, they committed to seek input from the EP's Bureau over the selection of the Commission President. This change was later formalised in the Treaties as described above in Box 1.

The practice of confirmation hearings is not anchored in the EU treaties. The EP – emboldened by the first direct elections in 1979 – [established the practice](#) of a confidence vote on incoming Presidents in the Thorn College (1981) and continued in all three Delors Colleges (1985, 1989 and 1993). But only with Maastricht came formal power (i.e. the power of actual rejection). Both Delors and Santer after him had been sceptical about the practice of hearings, as they were concerned it would compromise the Commission's key principle of Collegiality.

Indeed, there was (and is) tension between the EP's right to approve the College as a whole and the individual vetting process of Commissioner-delegates in the respective committees. As there was no legal base for these hearings in the treaties, the EP had to tread carefully to ensure its actions would be accepted by both the Commission and the Member States. The then-EP President, Klaus Hänsch, eventually found a compromise by suggesting that no voting would take place in the individual committees but that they would only provide '[impressions](#)' on the individual candidates.

## PART ONE – THE EP'S SAY OVER APPOINTING THE COMMISSION PRESIDENT

In the very early days of EU integration, the Treaty of Rome didn't grant any rights to the EP (then Assembly) when it came to appointing the Commission President. This power was explicitly reserved for Member State governments. The only right that the EP had from the start was to dismiss the Commission as a whole (Article 24 of the 1951 ECSC Treaty). As mentioned above in Box 1, the legislative terms of the Commission and the Parliament were not even aligned – in the original EU Treaties, the College of Commissioners was appointed for a four-year term instead of five for the Assembly/Parliament.

Over time, the EP gained more influence over the choice of the President and the College's composition. The first important changes were made in the Treaty of Maastricht as up until then the EP only had to be 'consulted' by Member States on their choice of Commission President. Back then, the EP could already vote on the College but the formal



vote of confidence on the Commission President was only introduced a few years later in the Treaty of Amsterdam. The Treaty of Lisbon brought the next notable change on the Commission President's appointment. Both 'approving' (Amsterdam) and 'electing' (Lisbon) were done by a vote in the EP's plenary – so what was the difference in this seemingly semantic change?

Lisbon made two crucial changes: first, it established a link between the EP elections and the Commission President's appointment by requiring the European Council to consider the EP election results when appointing a candidate. Second, the necessary majority changed, as the appointed candidate had to secure the votes of an absolute majority instead of the previously required simple majority. Effectively, that meant that abstentions and absences counted against, making such a majority much more challenging to achieve.

The first College the EP voted on was the Santer College in 1994. However, that vote was not yet binding for Members State governments (because this was still under the Maastricht Treaty), which is why Santer came into office, despite just missing the 50 % threshold. Since the Prodi Commission, the vote has been binding.

Table 1. European Parliament votes on each Commission President since 1994

Presidents	In favour	Against	Abstentions
Ursula von der Leyen II 18 July 2024	401	284	22
Ursula von der Leyen I 16 July 2019	383	327	22
Jean-Claude Juncker 15 July 2014	422	250	47
José Manuel Barroso II 16 September 2009	382	219	117
José Manuel Barroso I 21 July 2004	413	251	44
Romano Prodi 15 September 1999	510	51	28
<i>Jacques Santer</i>	<i>260</i>	<i>238</i>	<i>23</i>

21 July 1994 ( <i>non-binding</i> )			
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Source: Own compilation based on information provided by the EP (see [here](#) and [here](#)).

### THE EP'S SAY (AND SWAY) OVER THE COMMISSION'S AGENDA

The right to vote on (Amsterdam) and later elect (Lisbon) the Commission President-designate was a gamechanger for the EP's influence – not only over the Commission President but also over the Commission's agenda. MEPs can make their ratification of a President conditional on their amenability to the President's programme. The time between the European Council's nomination of the Commission President and their formal election by the EP is generally the time of maximum political leverage for the EP. In this timeframe, the EP (i.e. its political groups) can intensely negotiate not only on *who* makes it into the College but also about *what* the College will prioritise and do – i.e. its programme.

This confirmation vote puts Commission President-designates firmly on their toes, as they now have to secure a majority and this can lead to extensive negotiations with the various political coalitions in the EP. Yet *how* this is done has changed over the past few decades.

With the Treaty of Amsterdam (1993), and even before the EP's vote on the President became legally binding, it was customary for the President-designate to meet with all relevant groups in the EP. Following Amsterdam, this practice appears to have become more formalised, with demands expressed verbally and sometimes documented in writing. The purpose was to ensure confirmation votes by taking onboard the ideas, suggestions and requests from the different political groups.

The Lisbon Treaty subsequently mandated that the Commission President must create a set of political guidelines, a requirement first implemented when José Manuel Barroso started his second term in 2009 (Lisbon had yet to formally come into force but in anticipation of this soon happening, Barroso decided to already comply with this requirement). By then, the political groups had stepped up their game, sending written demands to the President-designate and formally inviting him for a 'grilling'. The [media](#) at the time even labelled then this as Barroso being in 'application' talks with the EP.

In 2014 the dynamics changed again, as Jean-Claude Juncker had campaigned as one of the lead candidates in the entirely new lead candidate procedure. This made him the first candidate ever to campaign on a political programme, which was then transformed into a concrete political agenda. At that time, the S&D and EPP still together held a majority of seats in the EP, which meant that the decision could be passed by only the two biggest groups agreeing. Thus, negotiations on the Commission's agenda were done mainly between these two groups. Presidents Juncker and then-EP President Martin Schulz had

elevated this ‘grand coalition’ to new heights by strengthening it through close personal relationships and frequent meetings at the highest political level. Nonetheless, Juncker also met with the other political groups in the EP, knowing that the EP notoriously features little voting discipline within the groups and since the eventual vote is secret, he perceived the need to also gather support from other groups.

That situation significantly changed in 2019 for Ursula von der Leyen. She hadn’t run as a lead candidate and this initially placed her at odds with the EP. But what mattered more was that the ‘grand coalition’ between the EPP and S&D had ended (i.e. they failed to reach a more than 50 % majority), meaning she needed a level of support that spanned much wider across the political spectrum compared to her predecessors.

In 2024, she was in a better position *vis-à-vis* the EP as she ran as one of the lead candidates and could point to a reasonably good record as the incumbent President (despite being on difficult terms with her own party). Nonetheless, her ‘roadshow’ to the different political groups had been equally tricky, requiring her to make concessions across the political spectrum. Yet she managed to walk this tightrope and present an agenda which seemed to cater for all tastes and desires – at least enough to allow her to pass through the EP on a much less nerve-wracking slim majority than was the case in 2019.

As a growing general trend, the demands of the EP political groups have become less institutional and increasingly policy specific – 20 to 30 years ago, these demands would mainly relate to the EP’s institutional power (i.e. deals on framework agreements, accountability mechanisms etc.). Today, the individual groups tease out very concrete policy demands – and it’s highly likely that such demands will continue to dominate for the hearings in 2029 and beyond.

Finally, as a sidenote – the more influential the EP has become in terms of agenda-setting, the more the European Council has attempted to predefine the Commission’s agenda through its [Strategic Agenda](#), first drafted in 2014 and allegedly as a reaction to the EP’s lead candidate procedure.

- *Since the EP has obtained the right to vote (and therefore can potentially reject) the College of Commissioners, it has also increased its say over the Commission’s political agenda (through its groups).*
- *Given the end of the ‘grand coalition’ in 2019, the EP’s increased institutional power has become more equally distributed across the political spectrum.*



## PART TWO – THE EP'S SAY OVER THE COLLEGE OF COMMISSIONERS

While it's mainly the Member States and the Commission President that have the key say regarding the who will be appointed, the EP has the power of approval and removal by majority vote. It can only refuse or accept the Commission as a whole and not individual Commissioners-designate due to the collective responsibility of the Commission as a collegiate body. Table 2 below illustrates how the EP has voted in terms of approving the College as a whole since this was introduced in 1994, following the Maastricht Treaty.

Table 2. European Parliament votes on each proposed College since 1994

Presidents	In favour	Against	Abstentions
Ursula von der Leyen II <i>Scheduled for 27 November 2024</i>	TBC	TBC	TBC
Ursula von der Leyen I 27 November 2019	461	157	89
Jean-Claude Juncker 22 October 2014	423	209	67
José Manuel Barroso II 9 February 2010	488	137	72
José Manuel Barroso I 18 November 2004	478	84	98
Romano Prodi 15 September 1999	510	51	28
Jacques Santer 18 January 1995	417	104	59

Source: Own compilation based on information [provided by the EP](#).

### THE CONFIRMATION HEARINGS

From the power of voting, the EP derived the right to organise public hearings to vet the candidates for their suitability for the job they had been nominated for. The EP [interpreted](#) the hearings as the 'necessary counterpart to the requirement of obtaining Parliament's

consent, which would have no substance if Parliament could not examine the aptitude of the candidates’.

In three hour-long hearings, the designated Commissioners face a multitude of questions from all the political groups. The aim of the hearings is to scrutinise each candidate to ensure the EP can make an informed judgement ahead of its vote of confidence on the College as a whole. Thus, the basic but key rationale is to check whether the candidates are fit for the job. The EP’s Rules of Procedure describe that the EP evaluates the Commissioners-designate based on their ‘general competence, European commitment and personal independence’ and further ‘shall assess knowledge of their prospective portfolio and their communication skills’ (Article 2, Annex VII).

The EP has also increasingly used the hearings to push the Commissioners-designate to make certain (policy) commitments and this has even been anchored in its recently revised [Rules of Procedure](#)<sup>1</sup>. This is a practice which meets much resistance from the Commission’s Secretariat-General and the EP’s increased focus on this (even though entrenched in its Rules of Procedure since 2016) has thus made the Commission more wary. While in 2014, the EP’s ability to wrangle policy commitments had proven ‘moderately successful’, in 2019, most commitments were [described](#) by Richard Corbett and colleagues as ‘non-committal’.

What has effectively been achieved with the hearings procedure is more *ex-ante* accountability of the Commission. While there are accountability mechanisms in place that the EP could activate throughout the legislative term (such as parliamentary questions and Commissioners attending either a committee meeting and/or plenary), the potential decision to reject the entire proposed College through one single vote makes this probably the EP’s most powerful and effective accountability tool of all.

### *How the process has developed*

The process for approving the Commission has become increasingly formalised and structured. Initially, the hearings were rarely defined. The EP’s 1993 Rules of Procedure did introduce rules on appointing the Commission to reflect its new powers under the Maastricht Treaty. But they simply stated that the EP’s President would invite the nominees, that those nominees would make a statement, would then answer questions and that the hearings would be public.

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<sup>1</sup> ‘The commitments made and priorities referred to by Commissioners-designate during the confirmation hearings shall be reviewed, throughout his or her mandate, by the committee responsible in the context of the annual structured dialogue with the Commission undertaken in accordance with paragraph 1 of Annex 4 to the Framework Agreement on relations between the European Parliament and the European Commission’ (Article 7 Annex VII).

Since then, the Rules of Procedure have been amended multiple times to reflect the EP's stronger role. The reports drafted by [Andrew Duff](#) and [Richard Corbett](#) (in the Constitutional Affairs Committee – AFCO), who evaluated the hearing processes for 2004 and 2014, were very influential. These changes laid the groundwork for more explicit rules on the organisation, schedule, conduct and evaluation of the hearings.

The latest [2024 revision to the EP's Rules of Procedure](#) marks a significant advance. The term 'confirmation hearings' (as opposed to the simple 'hearing') was formally adopted. The scrutiny undertaken by the Committee on Legal Affairs (JURI) expanded beyond financial declarations to cover other potential conflicts of interest. Furthermore, the EP's President now formally requests that the Commission President-elect present the College's proposed structure (including the titles of individual portfolios) and portfolio distribution (Article 1, Annex VII).

But the most important refinements were made to committee involvement and decision-making after the hearings have taken place. The EP streamlined how committees are chosen to take part in the hearings process, clarifying the roles of leading and invited committees, and their ability to submit questions. Decisions made post-hearing must now follow stricter and more transparent guidelines, including detailed rules for additional questions. Finally, another aspect to the professionalisation of this process is the EP's outsourcing and pre-screening of (financial) declarations and written questions (see below).

In 2024, the Commissioners-designates' CVs and their responses to written questions were published on the Parliament's [website](#) before the confirmation hearings started. The hearings will all be livestreamed as well. All important information about every candidate has been made fully accessible to the public. This confirms that the process is intended by the EP not only as a scrutiny tool but also as a 'getting to know' exercise for the wider EU population, thus shoring up the transparency of the process.

- *The hearings process has been increasingly professionalised in multiple rounds of revision of the EP's internal rules, aiming to allow for a more active exchange between MEPs and Commissioners and to streamline the procedure more across the different committees.*



### *Previous rounds of hearings*

The hearings have been carried out since 1994 and are now a well-established practice. While, indeed, the opinions of individual committee have no legal significance, the threat to vote down the entire Commission has been effective in forcing the Commission President and the respective Member States to make necessary changes to the distribution of portfolios and/or the composition of the College.

In 2024, the EP is organising the confirmation hearings for the seventh time. While the first rounds in 1994 and 1999 have only led to portfolio shifts, from 2004 onwards the EP has pushed for one or more candidates to be replaced every time, as can be seen in Table 3 below.

Table 3. Commission candidates not approved by the European Parliament, 2004-19

Year	Candidate(s)	Member State(s) concerned	Political group	Reason for rejection	Replaced by
2004 (Barroso I)	Rocco Buttiglione	Italy	EPP	His controversial views on homosexuality and the role of women in society	Franco Frattini
	Ingrida Udre	Latvia	EFDD/ALDE	Suspected conflict of interest (concerns over financial irregularities)	Andris Piebalgs
2009 (Barroso II)	Rumana Jeleva	Bulgaria	EPP	Suspected conflict of interest and unfamiliarity with the proposed portfolio	Kristalina Georgieva
2014 (Juncker)	Alenka Bratušek	Slovenia	ALDE	Lack of experience and poor hearing performance	Violeta Bulc
2019 (VDL I)	László Trócsányi	Hungary	EPP	By JURI: Suspected	Olivér Várhelyi

				conflict of interest	
	Rovana Plumb	Romania	S&D	By JURI: Suspected conflict of interest	Adina Vălean
	Sylvie Goulard	France	Renew	Suspected conflict of interest	Thierry Breton

Sources: The [London School of Economics](#) and [Agence Europe](#).

The EP demonstrated in 2004 that it was willing to reject the entire Commission over individual Commissioners, clearly showing that the hearings were not just a mere formality. While in both 2009 and 2014 only one candidate got rejected, in 2019 three candidates had to go. Two more failed to pass the JURI Committee's preceding integrity check (Trócsányi and Plumb). One Commissioners-designate (French candidate Goulard) was not approved by the responsible committees (Committee for Internal Market and Consumer Protection (IMCO) and the Committee for Industry, Research and Energy (ITRE)) after a second oral hearing. Another candidate (Hungary's Oliver Varhelyi) had to respond to more questions before he was eventually approved.

Candidates were rejected mainly based on poor performance during the hearings before the parliamentary committees (i.e. due to a lack of subject knowledge and doubts about their suitability for the portfolio) but also due to conflicts of interest related to the assigned portfolio and doubts about their overall integrity.

With this practice, the EP gained much more power over the College's composition and indirectly over the distribution of portfolios. Until 1995, portfolios were distributed by the College Members during their first College meeting following informal talks.

- *The hearings are not just a formality – the EP has flexed its institutional muscles ever since the start of the hearings procedure.*



### *The hearings process: a step-by-step guide on how they work*

#### **Step 1 – the JURI Committee’s assessment**

As a first step of the hearing process, the EP’s JURI Committee assesses whether any of the 26 Commissioners-designate could have any conflicts of interest that might compromise their integrity. For this it reviews detailed information on the candidates’ assets, financial interests and employment history. Candidates must disclose any investments (such as real estate or company shares) above EUR 10 000, they have themselves, as well as investments held by their partners and their children. They must also describe their career up until the point of their nomination to enable the EP to trace all of their previous employers.

If JURI discovers possible problematic aspects, it can request clarifications and may ask the Commissioner-designate to address the issue before the oral hearings begin. However, JURI has no right to investigate – making it dependent on the information that candidates give it and on its own judgement on what constitutes a potential conflict of interest. While candidates have had to declare their financial interests since 2004, the JURI assessment is relatively new and has only been undertaken [since 2019](#). In 2019, the Committee wielded its power by rejecting two candidates but for the 2024 cycle, it has cleared all candidates.

- *Step 1’s great weakness is that the JURI Committee has no investigatory powers and is completely dependent on candidates’ self-assessment.*

#### **Step 2 – the written questions**

After the JURI Committee has assessed all Commissioner-delegates’ declarations of interest and ahead of the oral hearings, each Commissioner must respond to a set of questions in writing. The EP introduced this step in 1999 after the [mass resignation of the Santer Commission](#).

As per the EP’s Rules of Procedure, two questions for each candidate are drafted by the Conference of Committee Chairs – one relating to their general competence, European commitment and personal independence and a second related to the management of their designated portfolio and cooperation with the EP. Alongside these two questions, the Committee responsible for the hearing can submit five additional questions. If the Commissioner-designate is being vetted by two or more committees, each has the right to submit three questions. Associate committees (i.e. those invited to take part in the hearings but are not formally leading them) have the right to submit one question each (Rules of Procedure, Article 4.5, Annex VIII).



What's problematic in this stage is that there is no set definition on what qualifies as a question. For example, one question can (and does) consist of, or contain, multiple sub-questions. The committees abuse this grey zone and list multiple questions under one heading. The [questionnaire sent to Michael McGrath](#), Commissioner-designate for Democracy, Justice and the Rule of Law, for example, contains a whopping (sub) 75 questions. Admittedly, several committees are involved in his hearing (three committees are involved in a leading function and five more invited). But even for Commissioner-designate Magnus Brunner (Internal Affairs and Migration), where only one committee is directly involved in his hearing and only one is invited, there were [still 49 questions](#) sent to him. The Rules of Procedure clearly state that sub-questions are not permitted (Article 4.5, Annex 7) but this seems to be hardly enforced.

These questionnaires aim to save time in the hearings by covering the basic questions. However, they seem to be a rather administrative, box-ticking exercise. They are usually drafted by the EP's services, answered by the Commission services and then read by the EP's services. The Commissioners-designate usually just read and approve the answers drafted by their Commission service.

There is also the increasing trend of streamlining answers by the Commission's Secretariat-General. The language used across the answers is very similar and the answers are increasingly uniform. There have even been [examples](#) spotted of candidates having to abandon positions that they had recently taken so as to streamline the 400 pages of responses given. These issues of abundance and bureaucratic ping-pong are by no means new – [Andrew Duff](#) reported similar issues 20 years ago, asserting that the 'direct involvement of the Commission candidates in this process was not always self-evident' and that 'it became obvious during the oral hearings that not every MEP had bothered to read the answers'.

- *There is an enormous number of written questions asked as there is no clear definition of what actually constitutes a question.*
- *This step appears to be a round of bureaucratic ping-pong between the EP and Commission services.*
- *Responses to the questions are heavily streamlined by the Commission's Secretariat-General.*

### Step 3 – the oral hearings

The oral hearings are the centrepiece of the entire confirmation process, modelled after the confirmation hearings that take place in the US Senate when appointing high-ranking officials. With one exception in [2004](#), when a turf battle between two committees (LIBE and JURI) was resolved by sending the Commissioner-delegate to two separate hearings,

committees co-organise the hearings where responsibilities overlap. Which committees are involved is decided by the Conference of Presidents (i.e. all political group leaders) upon receiving a recommendation from the Conference of Committee Chairs. As mentioned above, other committees can also be invited to take part as 'associated committees'. The associate committees can each ask one written and one oral question but do not formally participate in the candidate's formal evaluation.

There is a trend of increasingly co-organised hearings due to the growing number of cross-cutting portfolios for the College members. Jean-Claude Juncker's proposed College setup challenged the EP because he introduced the new distinction of Vice-Presidents, who were (for the first time) not just carrying an honorary title but had a different role (i.e. coordinating Commissioners in the same 'policy family') and hence had portfolios that would touch upon many committees' responsibilities. This trend has continued under von der Leyen and even intensified ahead of her second mandate, as even single Commissioner portfolios have been designed with increasingly cross-cutting competences.

In 2024, 13 of the 26 hearings are being co-organised by two or even three committees. By comparison, in [2019](#) there were 11 and nine in [2014](#). Associated committees have been invited for all hearings in 2024, which was not the case in 2019, where there were no associate committees invited for seven of the 11 hearings. In [2014](#), there were only nine hearings that invited associate committees.

The most involved committee is ITRE (Industry, Research and Energy), which is co-leading seven hearings in 2024 (previously four both in 2019 and in 2014). The second most involved committee is ENVI (Environment, Public Health and Food Safety), as it's involved in six hearings in 2024, compared to three in 2019 and four in 2014. In third place comes ECON (Economic and Monetary Affairs), which is leading or co-leading five hearings this year, compared to three in 2019 and five in 2014. AFET (Foreign Affairs) is involved in four hearings (compared to only two in both 2019 and 2014).

Through the cross-cutting nature of most portfolios, there's the overall trend of even more committee involvement. Five hearings in 2024 (for Commissioner-delegates McGrath, Lahbib, Hoekstra, Séjourné and Ribera) are being co-led by three or even four committees, which is completely unprecedented.

In each hearing, the Commissioner-designate starts with their opening statements, a presentation of 15 minutes. After that, they engage in a Q&A session with the MEPs. Speaking time is allocated as a block to the different political groups. Commissioners get twice as much time per each question to answer. In the past, these questions were grouped (as is still customary in regular EP hearings where Commissioners can easily



escape uncomfortable questions) but progress has been made in the confirmation hearings – today the Commission-delegate is obliged to answer every question.

In 2024, the sequence foresees four rounds of questions – In the first round, all coordinators (i.e. the representatives of the politics groups in that particular committee) have five minutes each, allowing for one question and one follow up. In a second round, the ordinary MEPs present can raise questions for three minutes each. The slots are allocated according to the [d'Hondt method](#). In a third round, the invited committees can ask their questions, also in blocks of three minutes each. In a final round, the speaking slots are allocated in reverse order of group size. Follow-up questions after the first round are in theory possible but in practice very difficult due to the tightly calculated speaking time. A question-answer ping-pong exchange is only facilitated for the coordinators and not for the ordinary MEPs present (which in an improvement to [previous practice](#)).

MEPs usually don't pick up the preceding speaker's line of argument but rather uses their timeslot to raise questions based on their own 'hobby horses', also to increase their own visibility *vis-à-vis* their constituency. Thus, MEPs' ability to really nail down the candidate is heavily compromised and as a result, the Commissioner-delegate is often easily let off the hook. Thus, it's very difficult to ensure a systematic follow-through even as and when candidate weaknesses become apparent.

- *The trend of increasingly cost-cutting portfolios poses organisational challenges to the EP – especially as the EP's committee structure is rather rigid.*
- *This has led to a trend of increasing the number of committees involved (as co-leading and increasingly also as invited committees).*
- *The style in which questions are asked has improved but doesn't (yet) allow for a Q&A ping-pong exchange for all MEPs present, which limits opportunities to apply pressure to the Commissioner-designate.*

#### Step 4- The decision

Once the hearings are over, the coordinators (i.e. the party representative from each committee) and the respective committee chairs meet and discuss whether they deem the candidate fit for the job. In theory they have 24 hours to make their decision but in practice the evaluation meetings are all scheduled on the same day as the hearing – even for the evening hearings. Voting takes place only if no unanimous agreement can be achieved over whether the candidate is both qualified to be a member of the College and qualified for that portfolio (hence, until today, no systematic voting takes place).

The coordinators decide on whether they deem the candidate fit for the job of Commissioner and whether they are a good fit for their assigned portfolio. The basis for

this is Article 213.1 of the Treaty which stipulates that the Commission shall consist of members ‘who shall be chosen on the grounds of their general competence and whose independence is beyond doubt’. Streamlined evaluation criteria seems to be lacking. As already mentioned, [most candidates fail](#) due to either integrity issues, competency concerns, a lack of portfolio knowledge or questionable (policy) views.

After the decision is made, the coordinators issue a letter indicating the approval or rejection of the candidate. The letter is examined by the Conference of Committee Chairs and then sent to the Conference of Presidents. There is some horizontal scrutiny undertaken by these two groups, though it seems that this has now started to decrease. The procedure is formally closed by the Conference of Presidents.

If no majority of two-thirds of the coordinators can be reached, either another set of written questions or a second hearing (of 1.5 hours) can be requested. This is decided by the coordinators, though for the latter, the Conference of Presidents’ approval is needed. If still no agreement among coordinators can be achieved, the matter goes into the committee, where all MEPs from the respective committee can vote and where only an absolute majority is required. If a candidate fails, the matter is handed over to the EP President, who then enters a political negotiation with the Commission President over how to proceed. Potential responses by the Commission President include adjusting the portfolios or withdrawing one or more candidates.

- *Even today there is no systematic voting among coordinators (only when there’s disagreement) as the EP still only has the right to reject the entire College as a whole in a vote of confidence.*
- *Key players in this process are the coordinators and the respective committee chairs.*

## WHAT CAN WE EXPECT IN 2024?

The primary objective of these hearings is to ascertain whether the person nominated is fit for the job. But of course, there is lots of political wheeling and dealing around this – and the process has always been very party-political.

But it seems that party-political considerations this time round in 2024 has intensified, due to the increased levels of polarisation inside the EP itself and an increasing gap between the left and the right sides of the chamber. The different political groups have always tended to be protective of their own candidates and more critical towards those of the other groups. Most critical questions usually come from MEPs from political groups that don’t have any potential Commissioners in the game (i.e. for 2024, the Greens, the Left and the Europe of Sovereign Nations (ESN) group), as they have far less to lose. Thus, this time round, these three groups are expected to do most of the heavy ‘grilling’. The



Greens, however, might be held back by their current intention to demonstrate their 'cooperativeness', i.e. their overall willingness to support von der Leyen's new Commission.

Party-politics doesn't only operate inside committees but also *between* committees. In 2019, for example, commentators witnessed what some would classify as a political tit-for-tat – the two big political groups, the EPP and S&D, each 'lost' one Commissioner in the JURI screening and therefore a Renew candidate had to be 'taken down' in the oral hearings (the French Renew candidate allegedly also had integrity issues). It seems that the political groups, especially the larger ones, increasingly want more control over the process, which is designed in a way that allows the groups to keep each other in check. Some criticise that this – if taken too far – undermines the procedure and makes a mockery out of the EP's control and vetting function. Indeed, pre-cooked deals agreed before the hearings take place are democratically questionable and might lead to the candidates not taking the process seriously.

While the desire to put political opponents under pressure seems to be a broader, longer-term trend, what is different this time is the balance of power inside the EP. The EPP remains not only the strongest party, but, more importantly, the centre and centre-left parties (the Social Democrats, Liberals, Greens and Left) have lost the necessary majority to make decisions. This puts the EPP in the extremely powerful position of kingmaker (a position which, though with fewer overall seats, was held by the liberals in the last EP), as they can now build majorities by negotiating with both sides and are thus essential to any meaningful majority.

The EPP [has already shown](#) that it won't shy away from building majorities with the far right – the 'far right' here meaning not only the ECR (already a frequent coalition partner for the EPP during the last term) but also now the 'Patriots for Europe' and the AfD-led ESN.

At the same time, the EPP is very exposed due to the high number of Commissioners coming from its affiliated national parties – it must shepherd 14 EPP Commissioners through the process. This significantly changes the dynamics and as a result, many observers expect less aggressive questioning in 2024 than in previous years.

The EPP, as kingmaker with the support of the far right, determined some crucial factors regarding the hearings process, such as the order of hearings and the committees involved. These decisions are made in the COP based on a proposal by the Conference of Committee Chairs. At first glance, the hearings are organised similarly to the previous two rounds, as both the [2019](#) and [2014](#) sessions spanned six days (five this time in 2024) and featured the most senior posts at the end. Arguably, the main rationale behind the

timetable was to avoid an overlap between responsible committees. However, when taking a closer look at the detail, one can still make out the EPP's handwriting.

Regarding the order of hearings, Teresa Ribera (the Spanish Commissioner-delegate for the post of Executive Vice-President for Clean, Just and Competitive Transition) is widely seen as the EPP's 'hostage' to tame the S&D. As her hearing is last (as the S&D's allegedly most important candidate), her party might be more cautious when evaluating other parties' candidates due to its fear that she may not make it through.

Some choices over which committees are taking part in some hearings have also raised eyebrows. For example, allowing the LIBE Committee to only participate in but not co-lead the hearings for Henna Virkkunen (among others responsible for Security and Democracy) or Dubravka Šuica (responsible for the Mediterranean) was as controversial as the decision to only invite the ENVI Committee for the hearing for the Commissioner responsible for Fisheries and the Ocean (Costas Kadis). This is decisive, as invited committees don't take part in making the decision over whether the candidates are fit for the job. Furthermore, the duration of the hearings has been limited to just three hours – a move, according to some, aimed at reducing the available time for critical questions.

The EPP is also maintaining crucial power in the evaluation stage. There is the understanding that, in the case of disagreement among coordinators, the vote can be transferred immediately to a committee vote (before requiring another hearing or more answering more written questions). In this (secret) committee ballot, only a simple majority is necessary (as opposed to a two-thirds majority in the coordinators meeting). Such a simple majority is easily reachable for the EPP if it cooperates with the far right.

It's impossible to predict the outcome of these hearings. After all, it does still depend on each candidate's performance and as such cannot be a '*fait accompli*'. Weak candidates can still fail by performing poorly during their hearing and some might still reveal integrity issues. However, party-political steering might tame the usual aggressiveness seen during the process, which could even see more controversial candidates waved through.

Take Raffaele Fitto, for example, Italy's Commissioner-delegate – the centre-left parties are opposed to an ECR candidate getting one of the influential Executive Vice-President posts. It appears though that he's being protected by the EPP. Also, the controversial Hungarian pick, Olivier Varhelyi, could eventually get through (potentially with a slight portfolio change), due to Viktor Orbán's potential to blackmail, as he could refuse to propose another candidate and thus postpone the whole procedure indefinitely. Even so, the EP could still demand a second hearing or another set of written question as a clear sign of its disapproval.





Even if candidates were to be rejected, the scheduled start of the new Commission on 1 December might still be possible – depending on the EP's willingness to process the new candidate quickly and depending on Member State governments' willingness to quickly find replacements. However, even additional (written or oral) questions, a committee vote or von der Leyen needing to make adaptations to the portfolios could trigger additional delay, potentially also delaying the start of the new Commission's work until the New Year.

- *Institutional power play and party-political tit-for tat has always played a role in the hearings process.*
- *But the new majorities in the EP, the increasing culture of 'mutual backscratching' between the different political groups and the heavy dominance of the EPP, including its diminishing reluctance to collaborate with the far-right, might tame the 2024 round of hearings.*
- *That doesn't mean that candidates are safe; individual performances still matter and a delay to the procedure (i.e. more questions, another hearing or a committee vote) is still likely.*

## CONCLUSIONS

The EP's say over the College's appointment has steadily increased. Particularly important are the confirmation votes on both the President (introduced in the Treaty of Amsterdam in 1997) and the College as a whole (introduced in the Treaty of Maastricht in 1993). The EP has not only increased its say and influence over the Commission's programme but also over the College's composition and the allocation of portfolios – at least indirectly. The EP's expanded power hasn't only happened through treaty revision but also through its successful strategies for unilateral action, last seen with the EP's new Rules of Procedure (in place since July 2024).

The EP's role in the College appointment procedure is far more rigorous than comparable procedures in most Member States. The process has professionalised over time and has allowed for a better and more active exchange between MEPs and Commissioners-designate. However, there remains room for improvement regarding the structure and practice of these hearings. The almost lack of follow-up questions, for example, limits the effectiveness of the EP's ability to scrutinise the candidates. The trend of overlapping portfolios in the College has triggered organisational challenges for the EP and its rather rigid committee structure.

While the main rationale of the hearings process remains to evaluate the candidates' competence – and this procedure is a crucial mechanism to make the Commission overall more accountable to the EP – the latter has also been driven by self-interest. Introduced

in 1994, the EP has taken every opportunity since then to flex its muscles with every new incoming Commission and effectively forced change at least to the distribution of portfolios and the College's composition, being true to the adage to 'use it or lose it'.

There's an ongoing trend for party politicisation. While party politics has always played a dominant role, the control of the (big) political parties and the targeting of political opponents seems to have increased. This has been expressed in the way hearings are organised (i.e. their timeline and which committees are involved) but also in the increased role that the Conference of Presidents plays (a political body where partisan considerations prevail) to the detriment of the Conference of Committee Chairs (a body where portfolio considerations prevail). At the time of writing, it remains to be seen how party-political considerations will impact the decision over which Commissioners will get through and which ones will not in 2024.

**CEPS**  
**Place du Congrès 1**  
**B-1000 Brussels**

