The 2014 European elections
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By Heather Grabbe and Stefan Lehne

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The EU urgently needs measures to improve its democratic legitimacy and the decisions taken in its institutions. But the most prominent proposal touted in Brussels as the solution to the democratic deficit could make the problems worse rather than better. The idea is to turn the European Parliament (EP) elections into a way to select the next president of the European Commission, with the four party families putting forward their choices as the face and voice of their 2014 campaigns.

This essay examines the implications of this new procedure for the workings of the EU and the European political space. It concludes that a party-nominated Commission president would weaken the Commission and lead to increasing conflict between the European Parliament and national governments. A pretend democratic choice could also alienate the public further. The authors argue that instead of focusing on the choice of Commission president, politicians who want reform of the EU should use the election campaign to promote a wider public debate about the benefits of European integration across the 28 member-states.

Faced with rising populism and falling public trust in political institutions across Europe, politicians are casting about for new ideas to reconnect the EU with its citizens. There is a crisis of representative democracy in many countries, with voters feeling they have little say over decisions on austerity and other unpopular policies. The EU institutions are far removed from voters, and they are where most of the decisions that led to austerity were made. Public support for the EU has fallen sharply, even in countries where it used to be strong, and trust in political elites at all levels is at rock bottom.

The way out of these enormous challenges is not to make the Commission president partisan. Instead, politicians who want reform of the EU should use the election campaign to promote a wider public debate about the benefits of European integration across the 28 member-states. National leaders must themselves get out in the campaign because they have the clout and credibility to make the case for the momentous decisions they took to save the euro. EU-level policies have become much more salient and citizens in every country have strong views on them now.

The spheres of national and European politics are no longer separate, so the election campaign for the European Parliament must integrate them. This is the vital challenge which European political parties should take up.

The new proposal for selecting the next Commission president

Until now, Commission presidents have been chosen by the heads of state and government in the European Council, and the European Parliament had then approved the choice with a majority vote. Article 17 of the Lisbon treaty now gives the Parliament the right to elect the Commission president. It states: “Taking into account the elections of the European Parliament and after having held the appropriate consultations, the European Council acting by a qualified majority shall propose to the European Parliament a candidate for the president of
the Commission. This candidate shall be elected by the European Parliament by a majority of its members.”

The new treaty provision leaves the power of nomination with the European Council. However, the main party groups in the European Parliament would like to establish a more direct link between the outcome of the elections and the choice of the Commission president by putting forward their own candidates for the job. The largest party family, the European People’s Party (EPP), is committed to selecting a candidate but has not set a procedure. The Party of European Socialists (PES) will hold primaries to choose a candidate in January 2014, and the front-runner is the current president of the European parliament, Martin Schulz. The Liberals will elect their candidate at a party congress. The Greens will hold an online ballot to choose their candidate, who does not even have to be a party member – an impressively open procedure.2

The present Commission has endorsed the new procedure, with Vice-President Viviane Reding arguing it would “strengthen the people’s voice in European democracy and make next year’s European elections a real debate about the future of Europe.” Members of the European Parliament (MEPs) who support the idea argue that selecting the Commission president would help turn the existing federations of national parties into genuinely European parties.4 It would provide faces to complement the policy manifestos, attract media attention and increase voter turn-out, they claim. In sum, the elections would be about a decision on the head of Europe’s executive branch and amount to a big step for European democracy.

However, the impact of this procedure on democratic legitimacy raises many questions, and any benefits could be outweighed by its negative effect on the EU’s functioning and the balance of power between its institutions. Will it really give greater legitimacy and authority to the Commission? Will it lead to the selection of a strong president who can make the Commission function better and restore its political role? Will it help rebuild popular support for the EU? Will it enhance public interest in the 2014 elections and increase participation? And how would a partisan Commission president affect the functioning of the EU’s political system?

**Would the Commission do its job better with a partisan president?**

Supporters of the idea argue that the Commission needs more political accountability and that this could be enhanced by linking its head to a political family in the European Parliament. But in fact the opposite might happen: a president who is blatantly beholden to one party will lack the credibility to impose sanctions or take other measures against national governments who are of another political stripe.

Commission presidents are usually politicians with a background in one party or another, but they have never before had a mandate to achieve one party’s programme. They can only perform their function properly if they respect the Commission’s role as the impartial ‘guardian of the treaties’ that pursues the broad European interest. This role of the Commission is vital to the EU’s system of rule of law. When taking office, every commissioner takes an oath to be “completely independent in carrying out her responsibilities, in the general interest of the Union.” This pledge loses its meaning if the president of the College is explicitly partisan.

Moreover, the Commission has gained new powers as a result of the euro crisis – but to exercise them effectively, it needs to act as referee in the political game, not as captain of one of the teams. Member-states have agreed that the Commission should monitor and enforce fiscal discipline across the eurozone under new rules aimed at reducing budget deficits and public debt (with such unlovely names as the European semester, Six-Pack, Two-Pack and Fiscal Compact). These powers intrude deeply into national sovereignty because the Commission analyses countries’ draft national budgets before national parliaments debate them, and can ask for revisions. The Commission then makes recommendations and its proposed sanctions can only be stopped if a qualified majority in the Council of Ministers votes against them.

“The Commission needs to act as referee in the political game, not as captain of one of the teams.”

As a member of the troika (together with the European Central Bank and the International Monetary Fund), the Commission also plays a crucial role in enforcing the conditions on debtor countries that receive international assistance in the event of crisis. And

1: The Lisbon treaty left the other arrangements for the appointment of the Commission unchanged. Each commissioner is nominated by a member-state in consultation with the president of the Commission. The entire list is then submitted first to the Council, then to the European Parliament. If approved by the Parliament, the Commission is officially appointed by the Council.

2: Individually, European parties have taken such initiatives before. In 2004 the Greens unsuccessfully nominated Daniel Cohn-Bendit as their candidate and in 2009 the European People’s Party, which won the most seats, nominated incumbent President José Manuel Barroso for a second term.


the new measures to strengthen fiscal governance and address macro-economic imbalances require a bureaucracy to monitor them.

An institution with such powers has to maintain a high degree of trust in its impartiality and technical competence. Accusations of favouritism of one government over another would kill the disciplinary system. These new responsibilities are akin to those of the Federal Reserve or the US Federal Communications Commission rather than those of a national government. Would politicisation of the top job make the Commission a more credible referee? More likely, it would undermine its ability to enforce the rules effectively. Prime ministers facing Commission criticism could claim that it was being unfair, reflecting the political bias of a president seeking to advance the interests of her own political family.

This trap could also catch candidates for the Commission president job. Imagine a Socialist or Green candidate campaigning on a strong pro-solidarity and anti-austerity line; from the start, she would be opposed by the creditor countries, even if she was from Northern Europe. By contrast, a candidate identified with rigid austerity would get no support from the debtor countries. Even worse, neither of them would be able to deliver on campaign promises because the crucial decisions about fiscal rules are made by the European Council.

If the Commission were given great discretionary powers for running the Economic and Monetary Union – and hence setting macroeconomic policy – a political process for electing the president would make sense. But this is a political non-starter at present, so why make it harder for the Commission to do its job as referee? Further party-politicisation of the president would argue for reducing the Commission’s functions and powers, not increasing them. Governments and companies would question the Commission’s impartiality in taking decisions on state aids and anti-trust cases if its president were appointed by one party family.

The Commission is also gaining new powers in sensitive areas, most recently oversight of standards of border protection around the Schengen zone. If the Commission president were overtly partisan, member-states would be much more likely to challenge Commission decisions in the European Court of Justice. That would undermine the Commission’s authority and reduce the deterrent effect of infringement proceedings.

Recent problems with corruption and anti-democratic practices in several member-states have increased the need for EU-level monitoring of member-states’ adherence to fundamental values. The Commission has an important role to play as guardian of the EU’s treaties, including their provisions on fundamental rights and values. But a partisan president would make it much more difficult for the Commission to take on new functions such as safeguarding democracy. There are plans for the Commission to issue regular monitoring reports on corruption and rule of law in the member-states. How could its reports be taken seriously if any government facing censure – for mistreating immigrants, sacking judges, restricting media freedom or deporting Roma – could shrug them off as partisan and biased? The same risk would apply to the Commission’s threats of infringement proceedings.

Would the new method lead to the selection of a strong and capable new Commission president?

Rather than attracting new faces for Europe, the new procedure could deter capable politicians who would run the Commission well. For the past 20 years, the heads of state and government have picked the Commission president from among their own group because they trust prime ministers who have experience in running large and complex administrations. The Commission’s effectiveness depends critically on the president’s ability to work with national leaders, and she would be taken more seriously by them if she is one of their peers.

The problem is that a sitting president or prime minister is most unlikely to take the risk of declaring herself to be a candidate for the Commission, unless she can be sure of getting elected and/or is a lame duck at home. It would look like a breach of loyalty to the voters who had elected her to national office. No leading politician would abandon national office to venture into a potentially damaging campaign with an uncertain outcome. Why risk your position at the top of the national tree when you might be beaten by a political rival for the Commission job?

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The new procedure might broaden the field to more potential candidates, especially if they are selected through primaries, but many of these will lack the experience and political stature that the job requires.

5: For example, see Jan-Werner Müller ‘Safeguarding democracy inside the EU: Brussels and the future of liberal order’, Transatlantic Academy Paper Series, 2013.
Would the new method increase turnout and promote a more substantive public debate?

Voters tend to see European elections as second-order votes, when it is safe to kick the national government by casting a ballot for an entertaining or populist candidate, without any risk of him running the country. Every election since 1979 has resulted in a lower turnout. Only 43 per cent of voters bothered to go to the polls in 2009 – in some countries fewer than a fifth did so – and parties spend less money and time than on their national campaigns. European campaigns are often dominated by issues that have little to do with what the EU actually does, and even less with the real powers of the European Parliament.

Many MEPs have argued for years that increased powers would bring more attention and respect to the Parliament. The Lisbon treaty has now bestowed on the Parliament equal powers with the Council to decide legislation. It plays an increasing role in shaping the EU's internal and external policies, especially through its control of EU budgets and oversight responsibilities. The Parliament has recently thwarted the Council more often than in the past. It gained wide media coverage when MEPs rejected the SWIFT treaty on sharing of personal data with the US, and made the popular move of imposing a cap on bankers' bonuses. MEPs have stronger competences than parliamentarians in some member-states.

These enhanced powers would help to redress the democratic deficit if the Parliament were grounded in political life in the member-states, and if voters felt directly connected to EU business through it. However, after nearly 35 years of increasing powers, the Parliament is still not accepted as an essential part of the European body politic. The Parliament's creation and the step-by-step increase in its powers did not result from popular demand or broad public debate; rather it resulted from deal-making between governments. For example, direct elections were introduced in 1979 because of a trade-off with the creation of the European Council.6 The Parliament was constructed from the top down, and it has not grown deep roots in political life in most member-states.

As long as voters do not turn out to vote for their MEPs and follow EP debates, the Parliament cannot provide the democratic link between the citizen and EU decisions. The European Council has made unpopular decisions about the euro, but voters still recognise the legitimacy of their prime minister or president. Many of them still do not know who is their MEP, by contrast. If citizens remain distant from the EU's workings and the Parliament does not connect them to it, the legitimacy of the EU could be reduced rather than improved by increasing Parliament's powers.

Advocates of change argue that a link with the election of the Commission president would excite voters, because they would see personalities heading the campaigns across Europe. But are there candidates whom electorates would recognise, let alone support, across Europe? After nearly ten years in office, José Manuel Barroso is not known in the majority of EU households, and most of the likely candidates for his succession lack name recognition. Their nationality is more likely to be noticed than their campaign promises. For example, Martin Schulz has made his political career in the European Parliament and is well known in Brussels and Strasbourg, but his face on Socialist Party posters in Spain and Greece could bring out anti-German sentiment.

The EU's legitimacy would improve if EP election campaigns were fought on EU issues rather than national ones. But the nomination of pan-European candidates is unlikely by itself to transform the political debate. Instead, it could add to the confusion of voters.

Would an indirectly elected Commission president restore the EU's legitimacy?

The euro crisis has compelled European leaders to take important areas of economic policy out of the political sphere, subjecting them instead to technocratic supervision from Brussels. The Commission's new responsibilities for ensuring fiscal discipline have given it a role in areas such as pensions that were once purely national matters. This transfer of powers has effectively reduced the discretion of national governments and parliaments, especially in debtor countries, without introducing more political accountability at EU level.

Would the selection of the Commission president through EP elections introduce more accountability at EU level? Only if it offered voters a real choice between meaningful policy options. To do so, the candidates for Commission president would have to campaign on the

6: This problem is well analysed in Luuk van Middelaar, 'The passage to Europe', New Haven: Yale University Press, 2013.
basis of substantive economic policy platforms. But in fact the Commission does not have the power to decide economic policy.

While crisis management in the eurozone has reduced the member-states' autonomy over their fiscal policies and financial regulations, governments have reasserted their primacy in determining the EU's overall policies. Very few members still want a federal EU. The really important issues are now decided by the most important leaders in the European Council, who could still overrule the party-nominated Commission president. This renaissance of inter-governmentalism in crisis management for the euro has side-lined the lead role of the Commission in initiating policies and proposing legislation.

The Commission's influence had been declining over the 15 years before the crisis. Its sole right to initiate new legislation still gives the Commission considerable influence, but it no longer sets the agenda and provides political leadership as it did under Jacques Delors.

Like it or not, the Commission president is not the main shaper of EU politics, so her election cannot be the primary means of restoring democratic legitimacy. Ambitious political programmes of candidates will have little credibility if the real decisions are taken elsewhere. To link the choice of the Commission president to the performance of a party at the European Parliament elections will not change the fundamental structure of EU decision-making.

Would this new selection procedure “strengthen the people's voice in European democracy” as reding has claimed? The idea is to make the appointment of the next Commission analogous to the formation of a national government. But this is impossible under the current structures. All the vital elements of government formation – including putting together a coalition, negotiation of a government programme and selection of ministers – are incompatible with the current institutional rules. The Commission president alone does not determine the Commission's policies, and the other 27 people in the College of commissioners (who are akin to ministers) are put forward by national governments, one from each member-state. The president can quietly tell a prime minister that his or her candidate is unsuitable and ask for another potential commissioner, but he cannot choose them freely as a head of government does.

"If the next Commission president is beholden to the Parliament, confrontations will more often result in political deadlock."

The fact that commissioners are nominated by their governments means that the composition of the overall College reflects the political balance between member-states rather than the outcome of the European Parliament elections. If most governments are centre-right rather than left, the College of commissioners will also have a conservative majority. This matters because voters often choose different parties in the European Parliament elections than the ones they vote for in national elections, so the majority in the Parliament will not necessarily match that in the College or the Council of Ministers. So far, this tension has resulted in a delicate political balance because the Commission is answerable to both member-states and the Parliament. But if the Commission president is effectively beholden to the Parliament, it will lead to confrontations that more often result in political deadlock.

The impact on political dynamics between Commission, Parliament and Council

A Commission president nominated by a political party in the European Parliament could also have a profound impact on the EU’s political balance. The power constellations at EU level could change in three ways:

**Scenario 1: The Parliament wins**

Some member-states have doubts about the new selection procedure, but the European Council might feel morally obliged to nominate the biggest party’s candidate for the job, even though no party usually wins an absolute majority in the Parliament. Conceivably, the European Parliament could also put forth a common candidate who enjoys all-party support. This would be at odds with the wording of article 17 of the Lisbon treaty, but the Parliament could get its way if the nominee wins the votes of a majority of its members.

The outcome of more power to the Parliament is what MEPs and promoters of the new procedure hope for. If the Commission president has won her position through the EP elections, she will have a stronger sense of loyalty to the Parliament than to the member-states, as well as being the creature of one of its parties.

This will upset the balance between the institutions. The Commission risks deriving its agenda from the prevailing wishes of MEPs, with less weight of its own, despite its formal right of initiative. If the Parliament's weight grows, this implies that the member-states' relative influence over the Commission declines. If the next Commission president is more beholden to the Parliament and pays less attention to subsidiarity, disgruntled member-states will start to block the EU system more often. Member-state leaders would be less willing to take responsibility...
for EU-level policies and defend them publicly. They
might more often seek agreements among governments
outside the treaty framework.

Scenario 2: Protracted constitutional crisis

If the candidate of the party that wins most seats in the
European Parliament is not approved by the member-
states, the European Council might decide to nominate
another person; the EP could then refuse to elect that
candidate by majority, resulting in stalemate. The
European Council would then have to come up with other
candidates until the EP agreed.

The impact on the balance of power will depend on
who blinks first. In theory, the crisis could escalate; for
example, the Parliament could try to block the EU budget,
or the member-states could press their MEPS to agree
to the deal. If the European Council publicly imposed
a candidate against the Parliament’s will, MEPS would
demand other concessions before electing her. The final
outcome could favour either Parliament or Council. But in
both cases, the Commission would be weakened.

This would create a drama in Brussels, which is perhaps
useful to raise public awareness of political choices at
EU level. But such a messy procedure could sap the
authority of the Commission president who eventually
emerges. Yet another crisis of indecision would damage
the EU’s reputation. Moreover, inter-institutional battles
will not bring more legitimacy if they stop the EU from
performing its key functions.

However, this scenario is unlikely to emerge unless
the elections produce a result that upsets the
expectations of the mainstream parties. Both heads of
state and government in the European Council and the
EP party leaders have a shared interest in avoiding an
open confrontation.

Scenario 3: The Empire strikes back
(pre-emptively)

A political fix is also possible. It is no coincidence that,
the EPP, the party group most likely to win the most seats
in the next European Parliament, is not yet committed
to holding primary elections for its candidate. Instead,
informal contacts between the top EPP politicians in the
European Council and Parliament are likely to be the
means of pre-selecting a nominee who will be endorsed
as the official EPP candidate for Commission president. If
the EPP once again wins the most votes, this candidate
will easily win the approval of both institutions. This
political fix could include other jobs; for example an
EPP Commission president would be accompanied by a
Socialist Vice-President/High Representative for Foreign
Policy, as happened in 2009. The biggest parties might
even quietly agree such a deal prior to the EP elections.

“Inter-institutional battles will not bring
more legitimacy if they stop the EU from
performing its key functions.”

Such a solution would essentially continue the traditional
method of selecting the Commission president.
Proponents of the new procedure argue that voters
would see the same faces and names on election posters
across Europe. Some argue that this has value in raising
awareness and public acceptance in itself. However, as
argued earlier, this might not happen because of the
dominance of national politics and the unwillingness of
national leaders to put themselves forward as candidates.
Moreover, if a backroom deal ultimately decides the
nomination, voters will see through the pretence. The
added value in terms of legitimacy would be negligible.

What is really at stake in the 2014 elections

For all the reasons explained above, party nominations
for Commission president could cause huge problems
for the EU’s functioning, without delivering benefits for
democratic legitimacy that would outweigh them. Article
17 of the Lisbon treaty only says that the member-states
have to take into account the outcome of the elections
when selecting the Commission president. They should not
interpret it in a way that limits the search for an eminently
qualified candidate. The priority is to appoint a Commission
president who can restore trust in the institution and not
play party politics. A strong, independent, non-partisan
Commission is badly needed in this crisis.

The 2014 European Parliament elections will be more
important than earlier ones because the EU is in a deep

7: The case for more political drama was made by Larry Siedentop,
8: Hugo Brady, ‘The EU’s Rubik’s cube: Who will lead after 2014?’, CER
Insight, April 2013.
In the past, the democratic deficit could be ignored because the EU was dealing with issues that citizens did not care much about, whereas policies of direct salience on which they had strong views were dealt with at national level. But now the management of the euro crisis has brought the EU into matters such as the retirement age, social services, public investment, unemployment benefits and bank deposit insurance. Many long-maintained walls between EU competences and national sovereignty have been knocked down by the emergency measures to save the euro.

Following this fusion, the EP elections matter much more because the substance of vital economic policies is governed at EU level as well as national. MEPs still do not decide on these policies by themselves, and the European Council has gained the most powers as a result of the crisis. But the prime ministers and presidents who form the European Council can no longer rely on national elections alone to legitimate the decisions they take at EU level; instead, they need to engage fully in European level democratic processes. The only transnational arena for this debate is the EP elections.

For this reason, national leaders have a duty to involve themselves fully in the European campaigns, to justify the decisions they agreed to in the Council, and also to make the case for any further measures that they believe the EU needs – from banking union to a new treaty. The EP elections offer an opportunity to move beyond incrementalism to a broad public debate about the choices to be made on Europe’s long-term future.

To save the euro, talk to the Europeans

Since the crisis began, the emergency method of finding agreement between the 28 member-states has been to remove the deliberations from the public eye; restrict the number of participants in the negotiations to the highest political level; take small steps, one at a time, without spelling out the longer-term consequences; and limit public communication to press conferences that announce the results after the fact. This method might have been justified in the early stages of the crisis, but it is now inadequate given the massive significance of the decisions and their consequences, especially for austerity. This “silent revolution” is partly responsible for the rise in EU-scepticism and growing public mistrust of political institutions.

The fate of two recent attempts at long-term thinking on the future of the EU is telling. At the end of 2012, the European Council suppressed debate over papers on the EU’s long-term future produced by Commission President José Manuel Barroso and European Council President Herman Van Rompuy. German politicians, especially wanted to avoid a divisive public debate about big issues such as possible issuance of Eurobonds and banking union. This approach of incremental change and ad hoc, crisis-driven decision-making by a small elite is not sustainable. Voters in every country, even those where the EU used to be uncontroversial, such as Italy and Greece, now have strong views on the EU-imposed fiscal policies that have led to austerity. Banking regulation and government debt are discussed much more widely by the population, in households, cafés and taxis.

“Many walls between EU competences and national sovereignty were knocked down by the emergency measures to save the euro.”

The EP elections offer a great opportunity to have a much wider debate about strategic choices in the public domain. EU-skeptics and populists will certainly take up this opportunity. Will mainstream parties use it to make the case for EU-level solutions? Those who believe that ‘more Europe’ is necessary – to confront the challenges of the financial crisis, to safeguard the values and interests of Europe, and ensure that it helps to shape the future global order – now need to build public support through a broad and inclusive political process.

Conclusion: Make the utilitarian case for the EU

A major feature of the 2014 campaigns will be the prominence of eurosceptic and xenophobic parties, which could dominate the themes of the campaign. According to some estimates, there could be 150-180 such MEPs – out of a total of 751 – in the new Parliament. The new political reality in the EU is that most mainstream politicians are mistrusted and seen as remote and self-serving, even in their own countries. The only ones who have cross-border name recognition are the rhetoricians and demagogues who attack the EU and call for the destruction of the euro: Beppe Grillo, Nigel Farage, Marine Le Pen and Geert Wilders are among the best-known across Europe. The largest delegations of MEPs from the UK and France in 2014 could be UKIP and the Front National. The election of many MEPs from such parties might force the mainstream parties into a deal on the


Commission president, but their presence would impede the work of the new Parliament, and amount to a massive vote of no-confidence for European integration.

How should mainstream parties respond to this threat? Many might want to adopt part of the populist agenda, for example on migration. This would be a dangerous course. It is very hard for mainstream parties to outflank populists on the right. Why vote for the Conservative Eurosceptics when you can vote for UKIP? More fundamentally, if mainstream parties became more xenophobic, they would undermine European values.

Instead, the centre-right and centre-left should define their own policy offerings and stances more clearly. This is the best way to help voters to see that the populists do not offer convincing alternatives to continuing to manage the crisis through the EU. Moderates should confront xenophobia and anti-immigrant sentiment directly, and show the benefits of maintaining an open economy. They should call the bluff of the anti-EU forces who offer nostalgia for a minimalist Europe that could not survive in a global economy.

The utilitarian case for the EU is often reduced to mundane gains such as cheap bank transfers and mobile phone roaming; but it goes far beyond these daily benefits. The reality is that there is no going back to autonomous national policies for the economy or migration. Europe’s open markets are the best response to a globalising world. Populists in many countries pretend that a real option exists for European countries to opt out of globalisation by abandoning the EU and withdrawing behind national borders. This is a false choice. If mainstream politicians explained the implications convincingly – that prices would rise and travel would become more difficult, for example – they would confront populism, and the vast majority of citizens would opt for the EU.

There is a powerful utilitarian case for the EU to be made, but most mainstream politicians are not making it. This, rather than candidates for Commission president, should be the focus of the 2014 campaign. The centre of the political debate should be the practical benefits and economic necessities that require European integration. This offers the best hope for changing the prevailing mood of pessimism, cynicism and mistrust, and rebuilding a common European project.

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