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The 2019 European Parliament elections: Looking back and ahead*

by

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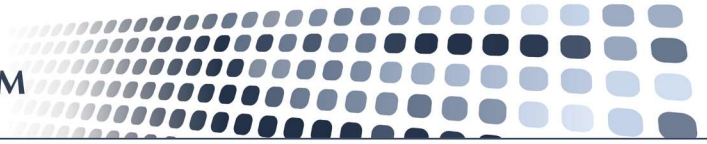


Abstract

At the end of May 2019, European citizens will be called to elect their representatives to the European Parliament. These elections are both uncertain, as the situation in which they intervene is unique, and crucial because the European Union arguably faces one of the most acute legitimacy crises since the beginning of the European integration process. At the same time however, these elections also mark the 40th anniversary of the direct elections to the European Parliament and a balance of this experience appears to be in order. Against this background, this article proposes both a reflection on the evolution over the past forty years, and some thoughts as to the way forward. In particular, it critically considers some of the solutions that have been put forward to improve democratic legitimacy within the European Union.

Key-words

European Parliament - Elections - Spitzenkandidaten - Democracy - European Union



At the end of May of this year, Europeans will be called to elect their representatives to the European Parliament (EP). These elections will mark the 40th anniversary of the direct elections to the EP since, before 1979, Members of the European Parliament (MEPs) were always delegated Members of the national parliaments of the Member States. The conditions of these elections are particularly uncertain: the European integration process has recently gone through several and multiform crises, i.e. economic and migration crises, but also legitimacy crisis as illustrated by the Brexit vote. Populist parties are also on the rise in several European Member States, and far right and anti-establishment parties are expected to win 120 seats, i.e. 16%, in the next elections.^I However, trust in the European Union (EU) is at record-high.^{II} In parallel, ‘lead candidates’ – or *Spitzenkandidaten* – have been designated by (some) political parties in an attempt to inject more democracy in the election process: By voting for a specific political party, citizens now supposedly choose the future President of the European Commission. This procedure, which is similar to the one in place in parliamentary systems whereby the prime minister commonly stems from the parliamentary majority, was introduced for the first time during the last EP elections in 2014 and will be reproduced in 2019.

Those elections are also ‘first time’-elections in five regards.^{III} 1). Provided that Brexit intervenes on 29 March as scheduled – or soon thereafter –, they will be the first European elections ever organised after the exit of a Member State; the influence this may have on voters is difficult to predict, and it could either go in favour or against the EU. 2). These elections appear to be more Europeanised, as they do not only have a national focus as had been the case of previous elections. This may not be true of all Member States, but it is of at least some of the Western ones as is visible in the way in which the media depict these elections. 3). For the first time over the past 25 years, the majority in place, i.e. the Grand coalition, will most likely not be maintained after May of this year. The consequences of this change are hard to predict, although it can be anticipated that a coalition of three groups will be necessary to pass a piece of legislation, which will eventually set the third, smaller party, in a strong position to impose its will. 4). It is also the first time that five of the main European figures will have to be designated at the same time. Indeed, it is not only the President of the Commission that needs to be chosen, but also the President of the EP, the President of the European Council, the High Representative of the Union for Foreign Affairs and Security Policy and the President of the European Central Bank



(whose nomination does not normally intervene simultaneously). 5). Finally, it is also the first time that Germany is a serious candidate to obtain two of these five high-level positions, i.e. the Presidency of the Commission (Manfred Weber) and the Presidency of the European Central Bank (Jens Weidmann). While it is highly unlikely that these two persons will obtain these positions, the fact that no German citizen has ever presided over the European Central Bank and that the last German President of the European Commission was Walter Hallstein points towards difficult political negotiations.

Against this background, a reflection on the EP as an institution and on how it has evolved since its creation appears to be in order (I), as is an analysis of the open questions immediately prior to the upcoming elections (II).

1. From the Parliamentary Assembly to today's EP

The EP is the result of the evolution of the Parliamentary (or Common) Assembly first created in the Coal and Steel Community Treaty which became the Parliamentary Assembly of the European Economic Community after the Treaty of Rome. As mentioned, its members were MPs delegated from the parliaments of the Member States, even if direct elections had always been envisaged as a possible alternative. An agreement in this sense could finally be reached in 1974 at a time when the intergovernmental aspect of the European integration process was also reinforced by means of the creation of the European Council. Following this decision, the first direct elections were organised in 1979. A dual mandate remained possible until 2002, i.e. a politician could be elected both as an MP and as an MEP, but in practice, the number of MEPs who also held a national parliamentary mandate decreased rapidly. MPs who were also sitting in Strasbourg prior to the introduction of the direct elections largely failed to 'Europeanise' their counterparts as the diffusion of information among MPs related to the European integration process that could have intervened through them generally failed to materialise. In this sense, the introduction of the direct elections arguably did not represent a major change for those MPs that were not also sitting in Strasbourg. This *de facto* isolation of (most) MPs from the European dossiers is also related to the absence of institutional adaptation by national parliamentary chambers with a view to scrutinising European affairs. Some exceptions



existed, but they generally did not have any dedicated structures during the first decades of the integration process, so that even where they received information, no adequate structure allowed them to process it. With the introduction of the direct elections in 1979 however, some parliaments, among which for instance the French one, started to mobilise and to create *ad hoc* structures and procedures. This notwithstanding, these arrangements remained largely imperfect in numerous parliaments until the adoption of the Lisbon Treaty. Differences existed, but overall a strong imbalance in favour of national executives, i.e. governments, could be observed to the detriment of parliaments which were not sufficiently associated to the European decision-making process. In parallel, the Parliamentary Assembly, and later the EP, was progressively reinforced. It ceased to be merely a consultative assembly and became a co-legislator in a growing number of areas. Since the Treaty of Lisbon, the EP is a co-legislator in almost all policy domains, and it has acquired numerous additional rights. Despite the crucial role the EP now plays, fewer and fewer European citizens vote for the European parliamentary elections, although some disparities exist across Member States. This is one of the challenges that urgently needs solving.

2. Contemporary challenges

The EP is not the only parliamentary institution facing important challenges; Some have pointed to an overall tendency towards ‘deparliamentarisation’ (Tapio and Hix 2000: 144f.), and we observe a loss of confidence in public institutions generally.^{IV} Within the EU, citizens’ trust in EU institutions is globally higher than their levels of trust in their own national institutions.^V This notwithstanding, the levels of participation in EP elections has kept decreasing since 1979,^{VI} which points to a certain paradox. In any event, the supposed democratic deficit characterised by a detachment from the European arena and by a lack of trust only represents part of a more complex reality whose components vary, and differ across Member States. Be this at it may, 40 years after the introduction of the direct elections, this change has clearly failed to make citizens identify to this supranational institution (Barrett 2018: 3). They do not feel it as their own even if it is precisely the EP that is supposed to represent citizens directly at Union level (art. 10-2 Treaty of the EU)

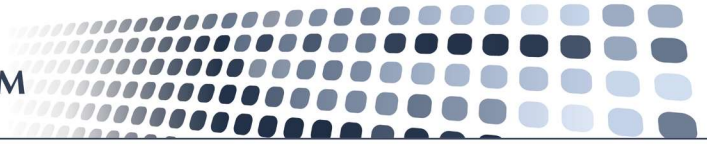


and to guarantee the democratic character of the European decision-making process. There is additionally certainly a broader issue of representativity in an ever larger, more diverse and more differentiated EU (Curtin and Fasone 2017). To name only one of the most well-known illustrations of this problem: how is the EP supposed to guarantee the democratic legitimacy of decisions affecting the Eurozone in view of its composition? Is it even in a position to fulfil this role? Should other mechanisms of representation be developed instead? Which form should they take? Any further complexity additionally bears the risk of leading to an ever-greater lack of understanding by citizens. The fact that European elections continue to operate under a national logic adds to this issue of adequate democratic representation in a fragmented EU. Even if the various national political parties are aggregated under broader European political groups, significant differences remain among them thereby leading to heterogeneous groups.^{vii}

To solve these issues, several solutions have been considered, and have even already materialised for some of them.

Indeed, there have been numerous and recurrent calls for the creation of a second (or third) parliamentary chamber composed of delegated MPs at European level. Such a reform would admittedly increase the complexity of the EU institutional system, and could render it even more alien to ordinary citizens. Nevertheless, it has some potential, provided that it is conducted alongside broader reforms of the institutional system in place, to avoid a duplication of functions with the EP or with the Council for instance. A second parliamentary chamber would allow for a better participation of national parliaments in the European decision-making procedures, and it would contribute to make European matters less alien to MPs. By the same token, current issues existing in terms of interparliamentary cooperation between national parliaments, and between them and the EP could be resolved. This would enhance democratic legitimacy in a multi-tier EU.

Transnational lists have also been envisaged as a solution to the currently existing problems, even if MEPs themselves rejected this idea. This is with no doubt a proposal worth examining, as it could contribute to the creation of a true European public sphere and to achieving more homogeneity within political groups. However, several issues could hinder those positive consequences: European citizens already feel largely distanced from their MEPs, and it can be anticipated that this distance would grow even further, were they to elect MEPs from a Member State other than that of their nationality. In this sense, the



linguistic issue is also likely to play a key role as those MEPs would need to campaign in several Member States whose languages they presumably do not master. Finally, if only some of the MEPs were to be elected on the basis of those transnational lists, an imbalance between them and the rest of the MEPs would appear, and would require at least some specific safeguards. In sum, transnational lists do not represent a miracle solution to the issues the EP is currently facing but with some specific safeguards, they could bear some potential.

In contrast, the *Spitzenkandidaten* procedure should urgently be abandoned for a series of political and legal reasons. Politically, binding the nomination of the Commission President to the result of the EP elections appears to be particularly risky in a context in which Euroscepticism and extreme parties are on the rise. This is all the more true as this procedure has been used by those same parties to delegitimise the Commission and its actions. Beyond this, the question can be asked as to whether a Commission President representing a group that has obtained only a few additional percentage-points than the next group will truly benefit from an increased democratic legitimacy among citizens. It is indeed unlikely that a clear majority will arise from the upcoming elections. Furthermore, how can a politicised Commission only be headed by a politicised President while Commissioners continue to be designated without taking the majority in the EP into account? The question also arises as to why of all the key figures existing within the EU only the Commission President should be chosen on the basis of the results of the elections, while the others continue to be picked by the Member States. All Commissions so far have admittedly shown an element of politicisation, even if President Juncker was perhaps the most vocal in admitting this fact. Yet, the Commission's function within the EU institutional system is to act as the Guardian of the Treaties. If it is too politicised and is thus perceived as less neutral, it is likely to lose its legitimacy vis-à-vis Member States to bring an action against one of them before the Court of Justice. Such an evolution is more dangerous today than ever before: the EU acutely needs a strong, neutral arbiter who makes sure that its rules and its values are respected.

Last but not least: this procedure did not have the positive impact anticipated in 2014 as turnout further decreased in that year. It could be argued that this might have been due to citizens' not knowing the procedure yet; it remains though that this is not an encouraging sign. Actually, political groups themselves do not seem fully convinced by this



procedure, as not all of them have nominated one lead candidate in 2019. Taking all these factors into consideration, the possibility exists that this procedure will do more harm than good: there is no guarantee that the lead candidate of the parties would eventually be chosen as Commission President, mainly because other positions have to be filled at the same time, and because Member States may not be ready to automatically designate a candidate they do not approve of.

Looking ahead...

Instead of constantly looking for solutions to the perceived democratic deficit in form of institutional reforms, perhaps the EU, and its Member States, should start by improving the way in which information related to the European integration process is communicated to citizens. Citizens' knowledge of the EU should also be improved, for instance by means of dedicated educational programmes in schools and for the general public. MPs and MEPs should also cooperate more and better.

* A large part of these ideas were presented at the workshop 'Les élections européennes : quatre enjeux en perspective' organised at Sciences Po Paris on 5 February 2019 and I take this opportunity to thank the participants for their insightful comments.

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^I Politico, Projected composition of the next EU parliament (18 February 2019), <https://www.politico.eu/2019-european-elections/>.

^{II} European Commission, Press release 'Spring 2018 Standard Eurobarometer: One year ahead of the European elections, trust in the Union and optimism about the future is growing', 14 June 2018, http://europa.eu/rapid/press-release_IP-18-4148_en.htm.

^{III} These features were underlined by Enrico Letta during the workshop 'Les élections européennes : quatre enjeux en perspective' organised at Sciences Po Paris on 5 February 2019.

^{IV} Standard Eurobarometer 89, Spring 2018, 41f.

^V 42% of citizens trust the EU, whereas an average of 34% trusts their national governments and parliaments. Standard Eurobarometer 89, Spring 2018, 12.

^{VI} European Parliament, 'Results of the 2014 elections', <http://www.europarl.europa.eu/elections2014-results/en/turnout.html>.

^{VII} Suffice it to think about the Fidesz party within the European Peoples' Party for instance.

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