

Five Questions on the EP Elections and the “Spitzenkandidat” Process: Answers by MARCO DANI

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For the upcoming European elections, most European parties have nominated candidates for President of the EU Commission. In the Brussels jargon, this issue is called the „Spitzenkandidat process“. How German is this idea? Does it actually make sense in other parliamentary systems or constitutional traditions?

The idea of proposing candidates for the post of President of the EU Commission is not necessarily a German one. We find similar institutional solutions in other constitutional systems such as the United Kingdom and Spain. Recently, even in Italy it has become common political practice for political coalitions to indicate their candidates to the position of *Presidente del Consiglio dei Ministri*, although I suspect that this was not the constitutional experience that the promoters of the „*Spitzenkandidat* process“ had in mind when they framed their proposal. In highlighting these similarities, however, we should not forget that the election of the President of the Commission remains a peculiar one. Unlike in national parliamentary governments, the President of the Commission is not appointed exclusively by the European Parliament. The European Council maintains important margins of political discretion, and the requirement to take into account the outcomes of the European elections leaves open many options.

If the „Spitzenkandidat process“ succeeds and the next Commission President will in fact be the top candidate of the party with the largest share of the vote – will he/she then possess proper democratic legitimacy of his/her own right? And if so, how would that affect the power balance in the EU with respect to member state governments?

But how will we know that the „*Spitzenkandidat* process“ has succeeded? My personal answer is that we have to look first of all to the turnout of the elections given that the main goal of the proposal is to dramatise political competition to involve a more significant portion of the EU electoral body. If the turnout will be at the lows of the previous European elections, I am afraid that even if one of the top candidates is elected as the next Commission President, its legitimacy will not improve significantly. Regarding to the balance of power, this is very difficult to predict because there are too many variables at play. However, I would be surprised to see remarkable changes. Neither Schulz nor Juncker – the most papable candidates – have proposed radical reforms of the EU institutional structure or policies, which means that once this process will be completed, the EU is likely to proceed along its well-trodden intergovernmental and technocratic path.

How does a Westminster-style European Parliament organized along the lines of government and opposition match with the hard-won influence the Parliament has secured for itself in the European legislation process (e.g. the informal „trilogue“ meetings between Parliament, Commission and Council)?

I am not sure we are going to see a European Parliament organized along the lines of government and opposition. At the end of this process, it would be already surprising to see a politically homogeneous Commission, let alone Westminster-style European Parliament. That's why I think that the European Parliament is more likely to continue along the lines of a substantially consociational model. To replace or transform ingrained institutional practices such as informal trilogues or first-reading agreements, more structural changes in the EU political system are needed. What is more likely to happen, particularly if Euro-sceptic parties will fare well in next elections, is a less benign attitude towards these institutional practices. Quite interestingly, the issue of political opposition *within* the EU institutional setting could become a prominent one.

The linkage of the EP election with the election of the Commission President, so the hope of its proponents, will help politicizing the European law-making process and thus ultimately strengthen its legitimacy. Is this a realistic expectation in a situation where the „Spitzenkandidat process“ will probably end in a continued PES/EPP Grand Coalition with an opposition dominated by eurosceptic and/or right-wing populist parties?

I am afraid that the most likely political scenario is the latter: a continued PES/EPP Grand coalition (with the occasional contribution of ALDE and the Greens) opposed by eurosceptic and eurocritic political parties. I am sympathetic with the idea of politicizing the European political process. But if one wants to be serious about it, there is a preliminary discussion to be done that the „*Spitzenkandidat* process“ completely overlooks which has to do with the scope for democratic contestation allowed by the current institutional setting. It seems to me that when it comes to the direction of EU policies, the Lisbon Treaty and the legislation adopted under it do not offer significant democratic latitude to political actors. Mainstream political parties are not competing for the pursuit alternative policy goals, because these are already established in the treaties as a legally binding frame. What we are witnessing is a less meaningful competition over the means to achieve the same policy goals. If mainstream political competition revolves around the “fifty shades of grey” of the politics of balanced budget and competitiveness, I am afraid that the most meaningful political discussions will be those between the EU political establishment and the rising sceptic and critic voices.

Can a European election without a European electoral law ever really be a European election?

Having a single European electoral law could certainly help, but it is not a necessary prerequisite. Again, if it is a supranational democracy that we want, we need the social and political infrastructures implicit in that idea. To have a genuine European election, we need a sufficiently robust European political system. At the moment, we have just political elites competing more transparently than in the past. It may

be a progress, but it is still a long way from the a genuine and vibrant democratic competition. *For the upcoming European elections, most European parties have nominated candidates for President of the EU Commission. In the Brussels jargon, this issue is called the „Spitzenkandidat process“. How German is this idea? Does it actually make sense in other parliamentary systems or constitutional traditions?*

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