Institutional initiatives for a solid and participatory European democracy

Susana del Río Villar | PhD in Political Science and Sociology, member of the Committee of Independent Experts of the European Commission on ‘Citizens and Governance. Democracy in a Supranational context’ and the Director of the Upgrading Europe project | @su_delrio

Theme

There is now an important debate underway on the democratic strengthening of the EU. This debate is focused on the method for electing the European Commission President, transnational European lists and citizen conventions.

Summary

This analysis centres on three current vectors of possible development in supranational European democracy: (1) the consolidation of the system for electing the European Commission President through the Spitzenkandidaten (the ‘principal candidates’ presented by the different European parliamentary groups); (2) the possible introduction of a supranational district in which transnational candidate lists compete; and (3) the proposals of the French President, Emmanuel Macron, to organise citizen conventions in all the member states. Such developments demonstrate Europe’s capacity to advance upon the foundation of a solidly representative democracy across the EU political space with the addition of new participatory and deliberative mechanisms.

Analysis

The first debate: Spitzenkandidaten

The Constitutional Affairs Commission (COAF) of the European Parliament strengthened supranational European democracy on 7 February 2018 in three ways: (1) by approving a report on the election method for the European Commission President; (2) by raising the possibility of transnational European candidate lists; and (3) by the reassignment of the parliamentary seats left vacant by the UK in the wake of Brexit. The departure of the UK from the EU requires subsequent redistribution of the UK’s 73 Euro deputy seats among the different member states. Because of Brexit, Spain will gain five seats.

These democratic and constitutional debates are essential for deepening the connection of European citizens with the EU, and they will likely influence the upcoming European elections in 2019. This influence stems from fact that these are issues that touch directly upon the inter-institutional balance of power, European democracy and concrete political powers. Such debates will also influence the perceptions of democratic legitimacy that the citizens hold of the EU and of its methods of decision-making.
The report approved by the European Parliament is a ‘Revision of the Framework Agreement on Relations between the European Parliament and the European Commission’.¹ This report lays out the reasons why the process for electing the President of the European Commission through candidates elected previously by the Parliament should be consolidated in the European elections of 2019. The precedent for this model came during the European elections of 2014 when, for the first time, European citizens elected the President of the European Commission through a previous election of candidates within each European parliamentary group. ² In constitutional and representational terms, the fact that the European Commission President was not chosen by Heads of State and Government behind closed doors represented an important democratising and legitimising advance for the EU.

With respect to communications, in 2014 we were able to witness a European debate on television between the candidates, aired in all the member states and even in other continents. The five candidates for the presidency of the European Commission proposed by the parliamentary groups of the EP were: Jean-Claude Juncker from the European Popular Party; Martin Schulz from the European Socialist Party; Guy Verhofstadt from the Liberal-Democratic Alliance; Ska Keller and Jose Bove from the European Green Party; and Alexis Tsipras from the European Party of the Left.

Such a debate scenario implied a leap forward in the framing of ‘European messages’ and a strengthening of the European model of political communication. In the wake of these primary elections, the European Parliament (EP) accepted the choices of the citizens and demonstrated its power by confirming that if Jean-Claude Juncker were the most voted candidate, he would have to be –out of respect for the vote of the European citizenry and for the democratic legitimacy of the EU– the President of the European Commission. David Cameron opposed the election of Juncker, labelling him a politician ‘of the old guard’. But, really, Cameron could see that Juncker’s Europeanism –his desire to deepen European integration– would undermine the ‘light’ integration formulas which the UK has always tried to impose on the EU.

On 14 February 2018 the European Commission released its report ‘A Europe that delivers’.³ In it the European Commission urges the EP, the European Council and the Council of Europe to consolidate and adopt this model for electing the President of the European Commission. The report emphasises that this can only be achieved by joint decision among the European institutions. In this way, the citizens would acquire a more clear and tangible vision of European political possibilities, the future of the EU and what this model could represent for the strengthening of EU democracy.

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Jean-Claude Juncker presented the report to the informal meeting of European leaders on 23 February 2018, and he further commented on it after the informal summit. Juncker made a call for European political parties to set in motion the process for choosing their respective ‘lead candidates’ in time to be presented by the end of 2018. He stressed that this process should take place in a transparent manner, and that a European electoral law would need to be prepared to regulate European political parties and foundations. If such initiatives are to prosper, all of this must happen during the spring of this year (2018) to be on time for the beginning of the 2019 European elections campaign. The report also proposes holding once again the televised debate between the lead candidates (as during the 2014 European elections), but it also recommends giving the debate even greater visibility in 2019.

The European Council, through its President, Donald Tusk, has stated that the institutionalisation of the Spitzenkandidaten process requires changes to the EU treaties; however, the European Commission has responded that such modifications are not necessary. This process is not contemplated in the treaties, leaving this option open to diverse interpretations. While the European Council went along with the results of the last European elections produced by Spitzenkandidaten process, the Council does not wish to see this model consolidated in the elections of 2019. The Heads of State do not want to use this system again because it takes away their power to nominate their own candidates. Angela Merkel and Emmanuel Macron have supported Donald Tusk on this issue. Merkel had previously not positioned herself so clearly, but on Friday the 23\textsuperscript{rd} she explained that the process could not be completely ‘automatic’. In response, Jean-Claude Juncker once again emphasised the position of the European Commission in favour of the process used to put him in his current position.

The German Eurodeputy Manfred Weber, President of the European Popular Group, also highlighted the Report again, and the Resolution which received the green light from the European Parliament in the plenary session of 7 February 2018.\footnote{‘Informe sobre la revisión del Acuerdo marco sobre las relaciones entre el Parlamento Europeo y la Comisión Europea, ponente Esteban González Pons’, http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bREPORT%2bA8-2018-0006%2bDOC%2bXML%2bV0%2f%2fES&language=ES.} Following the EP’s vision, the parliamentary President Antonio Tajani recorded the parliament’s clear position in favour of repeating the same process again in the European elections of 2019, with the argument that the model strengthens EU democracy.

It is interesting to observe that the MEPs could reject the candidate nominated by the European Council when they propose a new President next year. With respect to the process for selecting the EC President, the EU Treaty establishes in Article 17 that the European Council, considering the EP elections, will propose to the parliament through its own qualified majority vote a President for the European Commission. The possible rejection of this candidate by the European Parliament would imply an institutional deadlock with a resulting debate and a new re-adjustment of institutional positions.

The consolidation of the Spitzenkandidaten model in the upcoming European elections of 2019, with the voice and vote of European citizens expressed through the EP, would
imply a leap forward for the democratic legitimacy of the EU. The system is pitting face to face once again the closed-door intergovernmental model with the European representative method of decision-making.

The second debate: transnational European lists

First, it is a significant achievement by itself even to have a European debate on the issue of transnational European lists. On 7 February 2018 this issue was raised in the plenary session of the European Parliament in the context of the ‘Report on the Composition of the EP’. The redistribution of the Brexit seats was approved, but the proposal for transnational lists did not move forward. We should therefore analyse whether the EU is ready to take such a step. We should also ask what might be involved for the various levels of political representation, and whether the terms are sufficiently defined at the Europe-wide electoral level to proceed. The question is whether Europe is sufficiently prepared for the 2019 EP elections or, put another way, whether the implementation of transnational European lists is still premature. The adoption of such transnational lists would mean the creation of a European constituency, the synchronisation and harmonisation of the electoral systems of the member states (along with a harmonisation of their functioning). Transnational lists would imply a Europe-wide electoral system with a much higher degree of homogenisation, and many more functional capacities at a higher, multi-level legal, political and inter-governmental scale.

The development of truly transnational political parties has been problematic given the circumstances in which the process of integration and decision-making in the EU has evolved, and in which the inter-governmental model has been dominant (whether through the Inter-Governmental Conferences (IGCs) or within the Council of Ministers). This has ended up strengthening the role of the national governments at the cost of the power and influence of the national parliaments and political parties. The political parties still need to become the protagonists to push for a genuinely ‘European’ election and, above all, better communication of the European message to the citizens by MEPs, national MPs and national governments in the EU.

At the informal Summit meeting on the 23rd, the general position was to continue reflecting on these proposed changes so that, should the decision be taken, they could be implemented in 2024. The European elections of 2019 were too close in time, given their political significance. Therefore, the formal study of their relevance and implications would still be premature. Reference was also made to the plan to revise the decision of 22 May 2013 and consider whether to continue to base the European Commission on one commissioner for each member state (or to make the EC smaller), along with the possibility that the President of the European Council and the President of the European Commission be the same person (ie, a double presidency, with a dual hat). The ‘dual hat’ model has also prompted its own high-level debate which intersects with the power and the sovereignty of the member states and touches on the very inter-governmental and inter-institutional structure and fibre of the EU.

Should the idea of transnational lists prosper in the future, focus should be placed on communicating what they are and what they mean, and in revealing the faces of MEPs. One of the issues on the table in this regard is whether the transnational lists would
require an election of MEPs at two distinct levels (geographical and political). The citizens will need to recognize these people, including their faces, given that this arrangement would imply the opportunity of voting for political representatives beyond their borders of their own country. Debate on a new European electoral law has emerged within the European Parliament at different points over time. It is logical that a supranational European Parliament, elected by more than 500 million EU citizens, would at least the possibility of transnational European lists on its debate agenda.

The third debate: Macron and his ‘citizen consultancies’

President Emmanuel Macron has positioned himself against the Spitzencandidaten (‘lead candidate’) process for the election of the President of the EC, but in favour of transnational lists. These positions are at odds with those of the European Parliament of Jean-Claude Juncker. The large majority of the European Parliament is in favour of repeated the use of the Spitzencandidaten model used for the election of the President of the European Commission in 2014. Furthermore, there are more supporters in favour of consolidating the Spitzenkandidaten model than in favour of transnational lists. As underlined in the section on ‘lead candidates’, the Report\(^5\) on the election model for the candidates to the presidency of the European Commission received the green light from a broad majority of the full European Parliament on 7 February 2018.

An initial observation on Macron’s position in favour of transnational lists, but against the ‘lead candidate’ model, does draw our attention. The main factor behind Macron’s position could easily be that as a leader with a strong personality as a statesman, but with no direct linked to any EP parliamentary group, the French President simply prefers to see the Heads of State and Government maintain control over the election of the EU’s chief executive.

With regard to initiatives to stimulate the democratisation of the EU, on the other hand, the French President has pushed a campaign of European debates in all of the member states, with the citizens as the protagonists, putting forward their opinions about the future of the EU.

The precedent for the idea: The European consultancies with the citizens – ‘make your voice heard’

The declaration on the future of the EU from the year 2000 kicked off a Convention process on the institutional reform of the Union. In that declaration, the Heads of State and Government committed to launching a debate on the future of the EU and to push for the overall reform of the Union. The Convention was supposed to examine four key questions: the distribution of competences, the simplification of the treaties, the financing of the national parliaments and the statute for the Charter on Fundamental Rights.

After two years of work, the Convention presented its Project for the European Constitution that was approved by the Inter-Governmental Conference in June 2004 and signed in October of that same year by the Heads of State and Government. The ‘Treaty establishing a Constitution for Europe’ would enter effect only when it had been ratified by each of the signatory countries. In some countries, the Treaty was ratified by parliament; but given the importance of the issue, other countries chose to ratify it by way of popular referendum. In this way, via referendums, both France and the Netherlands rejected the Constitution by voting ‘no’. European constitutional fervour subsequently waned.

The European Constitution then became the Lisbon Treaty. The Treaty contains most of the declarations and contents of the proposed European Constitution, although it does not include many of the most symbolic elements of a constitutional text. And, of course, the word ‘Constitution’ does not transmit the same meaning as the word ‘Treaty’.

The European Council decided to launch a process of reflection, explanation and debate in all the member states. It was in this context that the ‘Plan D: Democracy, Dialogue and Debate’ was initiated to ‘foment a broader debate between the democratic institutions of the EU and its citizens’. Plan D aspired to restore the confidence of EU citizens, to engage civil society groups and individuals that could not be reached through campaigns and referendums, and to create mechanisms with which to hear the voices of the citizens.

During the period 2007-09 the European Commission supported a series of projects that exhibited these characteristics. One initiative among these, presented by the Fondation Roi Baudoin with the support of a network of civil society groups, had no precedents: it would allow the citizens of all the member states to debate, for the first time, the future of the EU, irrespective of the boundaries of geography and language. The project, ‘European Citizens’ Consultation: Making Your Voice Heard’, designed a consultation process through which Europeans citizens can exchange opinions, develop joint ideas on the future direction of Europe and communicate these perspectives to the European institutions and national governments of all the member states.

Macron’s proposal

This time, the proposal for citizen debates and conventions has been launched by the President of the French Republic and not by a European institution. This fact is important, given that it represents the re-launching of a supranational idea by a European government leader. At this time, facing numerous challenges to the future of the EU, it is of fundamental importance to analyse not just these challenges but also what has already been achieved to properly contextualise ourselves as we head toward the 2019 elections for the European parliament, the most political and social of elections. They are the most political elections because they are fought over the important day to day issues of employment, education and the economy. One reference document prepared by the Research Department of the European Parliament, ‘10 issues to watch in 2018’, looks

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to the European elections of 2019 and outlines the visions of the European Parliament, of Jean-Claude Juncker and of Emmanuel Macron with respect to the agenda priorities.

Among the actions pushed by Macron are the so-called ‘citizen conventions’. These conventions will be organised around consultations in the member states to learn the opinion of European citizens on issues of importance to the future of Europe. For these kinds of actions to achieve real impacts, from the outset they should consider the aspects that should characterise their development. The state of the art models for these kinds of consultations rely on the arbitrary election of participants from across an authentic spectrum of the citizenry (geographically, but also across the socioeconomic, ideological, gender, age and professional spectrums). The quality and reliability of these consultations could also be determined by the selection and work of the people who lead the consultations –academics or professionals with a consolidated trajectory at the European level-. During the consultations, an exhaustive tracking and analysis of the same will be needed at each step. With respect to the final Report, an explanatory model will need to be established in the document, agreed by all the member states, that facilitates the rapid visualisation of the convention parameters with respect to both the contents and functioning. This agreed unification is what will make possible the identification of the issues the repeatedly appear in the perception of the citizens who have participated in the consultations and, also, those issues on which citizens are divided with respect to degree of preoccupation, interest and contribution of ideas. The reports should reach European leaders in the first instance through sub-reports indicating the results of the consultations held in the member state to which each European leader belongs and, subsequently, through a more complete and global report with a cross-cutting analysis of each member state. These cross-cutting final reports on each member state should be presented at a common, European-level event with institutional, governmental, academic and civil society representatives. This event should have real political repercussions, establish a commitment by all representatives to make policy based on the data and results. In addition, the media should communicate both the meaning of the consultations and their process and real influence.

In the context of the pro-European actions by Emmanuel Macron, one should point out his address at the University of the Sorbonne on 26 September 2017.7 The speech –in which Macron laid out his European vision– could serve as the springboard for the renovation of Europe. Macron’s vision for Europe is anchored in three concepts: sovereignty, unity and democracy, all around a centralised axis which allows Europe to recover its shared and reinforced sovereignty, working in cooperation among member states. To achieve this goal, Macron points to six key areas of European sovereignty: security, border control, the partnership with Africa, ecology, digital technology and Economic and Monetary Union. With respect to the manner of achieving European sovereignty in these key areas, Macron speaks of multiple velocities. This position is perhaps difficult to defend given that the different velocities within the EU might undermine the visibility of the union of the block of member states integrating it. Although in practice this is reflected in concrete policies and in phases, variation in the velocities

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of EU countries is not a sign of identity for the unity and construction of the European integration process. Perhaps one could speak of another step forward in enhanced cooperation—‘enhanced integration’—as an advance in the deepening of the integration process that would be possible by strengthening the joint commitment among the countries of the EU.

With regard to citizens debates, Jean-Claude Juncker has encouraged the member states to involve themselves in the preparations for the Sibiu Summit on 9 May 2019. In his State of the Union Address on 13 September 2017, Juncker laid out the proposal to hold this Summit within the context of Romania’s revolving semester presidency of the European Council. After the speech by Emmanuel Macron at the University of the Sorbonne on 26 September, Juncker took up the proposal again, weaving it together with Macron’s pro-European address and affirming that ‘Europe needs value’ and that to achieve ‘a more united, stronger and more democratic Europe’, the EU would need to draw out a road map. The Sibiu Summit is found on this road map, as well as the French President’s proposal to organise a ‘group for the re-founding of Europe’. This group, made up of the European institutions along with the countries that wish to participate, would work for the creation of concrete fundamental measures for the future of the EU.

At the Sibiu Summit, the 27 member states of the EU will participate (once the UK has left the Union) on the ‘Day of Europe’, not long before the European Parliamentary elections of 2019. This summit meeting proposes to involve the EU institutions, the member states, national governments and national parliaments, together with the European Parliament, in a new kind of constant connection with European citizens through the development of the Citizens’ Dialogues on the Future of Europe and with the citizen conventions proposed by Emmanuel Macron.

### Conclusions

**A vital and ordered supranational European democracy**

As a conclusion, it is important to look to three issues and to reflect on the degree to which these mechanisms could strengthen the democratic legitimacy of the EU: (1) the election of the European Commission President according to the ‘lead candidate’ model; (2) transnational lists; and (3) the citizens conventions proposed by Macron.

It is important to consolidate the *Spitzenkandidaten* (‘lead candidate’) process during the European elections of the 2019. Both the process itself and the debates among the candidates constitute an effective manner way to raise the visibility of EU policies and EU political leaders, so that the citizens can take decisions on EU government, via their voting for the European Parliament. Such a process provides a model for a more ‘normal election’, and one more like the political process in each of the European countries.

The road that would be opened, should the idea of the transnational lists move forward, would be more sensitive and risky. This proposal requires time for reflection on what transnational European lists would really mean for the EU, and on what their ultimate impact would be. It is essential to reflect on whether the EU, its structures and, above all, its citizens, are prepared for the development of such lists and their implementation.
at a European scale. Such lists should receive much previous analysis on democratic checks and balances.

The democratic conventions proposed by Emmanuel Macron will be positive only if they are organised according to high-quality models which can identify the issues which most concern the citizens and select rigorous formulas and appropriate spaces for debate. It is also necessary, if they are to be perceived as valid, that there be some guarantee as to how the results will be tabulated and how the related reports would reach European leaders.

The analysis laid out here is anchored in one message: the need for an ordered democracy, driven by democratic representation, granting measured power to participatory democracy so that its reach and powers grow. This should be a quality democracy which shows its citizens that it continues to incorporate new ideas, looking both to the concrete and the abstract, identifying the dream that allows for continued progress and, at the same time, deepening European integration. All of this would make possible an authentic, ordered and representative democracy with a real voice and a real life for its citizens.