

The State of the Union debate in the European Parliament, 2016

SUMMARY

The 2016 State of the Union debate in the European Parliament comes at a time of severe challenges for the European Union, ranging from the refugee and migration crisis and the situation in Turkey and Ukraine, to the uncertainties following the UK referendum on leaving the EU, the economic difficulties persisting in many Member States, and more general questions on the future path of the EU.

The State of the Union speech by the President of the European Commission constitutes an important instrument for ex-ante accountability vis-à-vis Parliament but it is also aimed at rendering the definition of priorities at EU level more transparent and at communicating those priorities to citizens. It resembles similar speeches in national democracies. The United States for instance has a long-standing tradition of presidential State of the Union addresses, in which the President speaks in the Capitol to a joint session of Congress, thus fulfilling his constitutional obligation. In contrast to the US Constitution, the EU Treaties do not prescribe the State of the Union address, which was instigated with the 2010 Framework agreement between Parliament and the Commission. José Manuel Barroso gave four State of the Union speeches from 2010 to 2013, marked mainly by the economic and financial crisis.

Last year's speech by President Jean-Claude Juncker took place in a wider context of political agenda-setting that started with the *Spitzenkandidaten* process in the run-up to the 2014 European elections, the election of the Commission President and the adoption of the 2015 Commission Work Programme. The 2016 debate marks in contrast the second year of the Juncker Commission, with President Juncker's ten priorities, around which the Commission organises its work, increasingly being the basis on which the delivery of the Commission is examined.

This briefing updates an [earlier one](#), from September 2015.

See also our briefing from then on ['The US President's State of the Union Address'](#).



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State of the Union addresses in the world

Presidential State of the Union addresses are a feature in several federal states, and in particular in the United States, where the President gives his speech in the Capitol before a joint session of Congress, thus fulfilling his constitutional obligation to 'from time to time give to the Congress Information of the State of the Union' (Article II(3) US Constitution). President George Washington was the first to address the Congress in 1790. Now with modern communication technology, the Speech has become a powerful rhetorical tool, broadcast to a wide audience and given much attention and scrutiny by the media.

The State of the Union address, as part of the system of checks and balances, aims at reporting on current conditions in the US and at providing a policy agenda for the upcoming legislative year.¹ This is all the more important in a system of [separation of powers](#) such as the US one, characterised by a lack of direct connection between the legislative and executive branches of the federal government, in which the President as the chief executive does not participate in the proceedings of Congress. In this context, commentators have argued that there are two ways in which the State of the Union address can affect legislation: either through influencing the actions of the legislators themselves, who have monopoly over the legislative initiative; or through influencing the public first and thereby lawmakers.² The legislative success of proposals mentioned in the State of the Union address is seen as an indicator of the President's policy success in general.³

But State of the Union addresses can be also found in parliamentary systems (as opposed to systems of separation of powers) where the executive is dependent on Parliament and accountable to it. In fact, State of the Union addresses are rooted in 'speeches from the throne' that can be traced back to the 16th century. In the United Kingdom, for instance, the 'Queen's Speech' is given at the [State Opening](#) of Parliament which marks the start of a new parliamentary session. Although the Queen reads the Speech, it is written by the government and outlines its policies and proposed legislation for the new parliamentary session.

In Canada, the 'Throne Speech', also marks the beginning of a Session of Parliament, and is normally delivered by the Governor General⁴ on behalf of the Queen. As with the US State of the Union address, the Throne Speech is an opportunity for the government to announce to a wide audience their view on the state of the nation and to set the stage for upcoming legislative proposals. In both the United Kingdom and Canada, the House of Commons votes on the Speech after a debate. In the US, the opposition gives a formal response to the President's State of the Union address.

Speeches similar in form and substance can also be found in other parliamentary democracies, where they are usually called 'State of the Nation' addresses, e.g. in Spain, Luxembourg and the Netherlands (Throne Speech).

The EU State of the Union debate

How it started?

Unlike in the case of the US, where it is a requirement of the Constitution, the State of the Union addresses of the President of the European Commission are not prescribed by the EU Treaties. Rather, they were instigated with the [2010 Framework agreement between the European Parliament and the European Commission](#) as part of the annual

political and legislative programming of the Union. Article 5 of Annex 4 to the agreement provides that 'Each year in the first part-session of September, a State of the Union debate will be held in which the President of the Commission shall deliver an address, taking stock of the current year and looking ahead to priorities for the following years.'

Following the conclusion of the interinstitutional agreement (Framework Agreement), the then President of the Commission, José Manuel Durão Barroso, delivered his [first State of the Union speech](#) to the European Parliament on 7 September 2010, stating that 'From now on the State of the Union address will be the occasion when we will chart our work for the next 12 months.'

The Agreement also established regular consultations between Parliament and Commission, as part of their 'special relationship', including regular meetings between the Presidents of the two institutions, as well as between the President of the Commission, the Vice-President for inter-institutional relations or the Commission College on the one side, and Parliament's Conference of Presidents and Conference of Committee Chairs on the other (Chapter III of the EP-EC IIA).

Whilst State of the Union speeches by the President of the European Commission in plenary started officially in 2010, Parliament had held State of the Union debates previously, in the 1990s. Members of Parliament then also discussed major political priorities of the time, such as enlargement, economic and monetary union, and food safety.

Constitutional significance

Accountability and transparency

The Commission President's State of the Union speeches to Parliament do resemble, in their form, the State of the Union addresses of the US President to the US Congress, but with some important differences in substance deriving from the different systems of government. Like the State of the Union address by the US President, the Commission President's State of the Union speeches tend to be consensual, though not apolitical, in order to seek the broadest possible support for the Commission's Work Programme, which is presented a month or so after the State of the Union debate. However, unlike in the US, the State of the Union address by the President of the European executive serves not only transparency and communication goals, but also represents an exercise of political accountability to Parliament. This is due to the fact that while in the US system of separation of powers the President acquires his legitimacy directly from the voters and is thus not politically accountable to Congress, the President of the European Commission is elected by the European Parliament, and the Commission as a body is responsible to Parliament (Article 17(8) TEU).

The State of the Union speech by the Commission President therefore constitutes an important instrument of **ex-ante accountability**, along with instruments of ex-post accountability such as questions for oral or written answer (Article 230(2) TFEU), committees of inquiry (Article 226 TFEU), budget discharge and, as a last resort, the motion of censure (Article 234 TFEU). The State of the Union debate is however also aimed at rendering the definition of priorities at EU level more **transparent**, and at **communicating** those priorities to citizens, for which a debate in plenary is particularly suitable.

The debates on the State of the Union are also a venue for Parliament to shape, together with the Commission and the Council, the Union's political and legislative agenda, giving

it the possibility to participate actively in political programming.⁵ This, therefore, adds to the quality of the political accountability of the executive, in an attempt to remedy perceived flaws in the democratic legitimacy of the EU decision-making process. In this sense, the State of the Union speech, and ensuing debate in Parliament, seek to render the process of forming EU political priorities more transparent and indeed more political, making them subject to a parliamentary debate and inter-institutional negotiations – as prescribed in Article 17(1)5 TEU – instead of mere technocratic, or even political, but non-transparent bargaining. In response to this criticism, the 2010 EP-EC Framework Agreement made important changes in the way the Commission adopts its Work Programme, foreseeing that it will be preceded by discussions between the institutions on the Union's political priorities. This intense interinstitutional dialogue has been further deepened under the new [Interinstitutional Agreement of Better Law-Making](#) adopted in April 2016 (see below).

Indeed the State of the Union debates now come in the broader context of increasing **politicisation** of the EU decision-making process through a stronger political link between Parliament and the Commission. The Lisbon Treaty strengthened the relationship between Commission and Parliament, first of all through the election of the Commission President by the Parliament, rather than 'appointment' as was the case before,⁶ after their nomination by the European Council, taking into account the elections to the European Parliament (Article 17(7) TEU). The election of the President of the European Commission by Parliament, suggesting a political choice, is a major step in the further parliamentarisation of the EU democratic system. Furthermore, the *Spitzenkandidaten* process that took place in the run-up to the 2014 European elections contributed significantly to building a stronger political link between Parliament and Commission. This brings us closer to the structures of a parliamentary governance system, leading to increased political accountability and thus democratic legitimacy of the Commission.⁷ Therefore, the 2015 State of the Union speech of the President of the European Commission blended for the first time into a broader process of political agenda-setting and an ex-ante accountability exercise that started in the election year.

Reporting obligations of the Commission

The Commission is tasked with several reporting duties to Parliament and Council, in order to ensure both political accountability and transparency for citizens. The Commission has to report for instance on Union citizenship (Article 25 TFEU), on the results of multilateral fiscal and economic surveillance (Article 121(5) TFEU), and on the fight against fraud (Article 325(5) TFEU). The Commission also issues an annual activity report (Article 249(2) TFEU), the draft of which is discussed together with the draft annual work programme of the Commission, facilitating Parliament's say on political programming instead of mere ex-post control, as the annual activity report is adopted only in February of the subsequent year.

State of the Union speech and institutional challenges

The formal requirement for State of the Union speeches came in in 2010 at a time, just after the entry into force of the Lisbon Treaty, when the roles of the Commission and of Parliament in the EU institutional set-up were undergoing important changes. The extension of the ordinary legislative procedure to the vast majority of EU policy fields led to a more direct relationship between Parliament and Council, relegating the Commission, in the opinion of many, to mere 'honest broker' in the institutional triangle.⁸

Furthermore, the executive power of the Commission, whilst being strengthened vis-à-vis the Council of Ministers, which lost executive tasks except in the field of CFSP

(Articles 24 and 26 TEU),⁹ was diluted during the economic and financial crisis through major initiatives authored by the European Council.¹⁰

The Commission's monopoly of legislative initiative has thus also been weakened, with political initiatives during the crisis often coming from the European Council, which in its conclusions has increasingly 'invited' the Commission to propose specific measures.¹¹ The creation of the semi-permanent presidency of the European Council with the Lisbon Treaty also emerged as a further challenge to the role of the Commission and its President in the EU institutional framework.

The CWP sets annual priorities and outlines legislative initiatives to be submitted in relevant policy areas by the Commission. The timetable for its adoption is not applied in Parliamentary **election years**, which is why 2014 did not see a State of the Union address by either President Barroso or Juncker.

It is notable that the State of the Union speech is not delivered, for instance, by the President of the European Council. Thus it has sought to re-affirm the central role of the European Commission in political and legislative agenda-setting, though in the context of inter-institutional bargaining as prescribed by Article 17 TEU, as well as its role as the main EU executive body despite the executive functions assigned to, or de facto performed by, other institutions.

Presidentialisation vs collegiality in the European Commission

The State of the Union speech is delivered by the President of the Commission as a consequence of the President's representative function. But it is also a further sign of the increasing '**presidentialisation**' of the European Commission that was begun with the Treaty of Nice, by giving preference to coherence and efficiency over collegiality in Commission decision-making processes.

The Commission President is no longer *primus inter pares* but rather lays down guidelines within which the Commission is to work (Article 17(6) TEU), assigns portfolios to each Commissioner and can reallocate responsibilities among members of the Commission (Article 248 TFEU). Furthermore, Commissioners 'shall carry out the duties devolved upon them by the President under his authority' (Article 248 TFEU) in order to ensure the efficient and coherent functioning of the Commission. In this sense, the presidentialisation of the Commission is said to have contributed significantly to its effectiveness and political accountability, but is criticised by some commentators as detrimental to the defence of the 'general interest', for which the collegiality principle is said to be a guarantee.¹²

The speech on the State of the Union to the European Parliament is, therefore, together with his political guidelines, a further instrument, and at the same time a reflection, of the political leadership of the President of the Commission, also strengthening his 'inner executive powers' in terms of enhanced presidential authority.¹³

Role in annual legislative programming

The State of the Union debate is fixed in the timetable for the adoption of the annual Commission Work Programme (CWP), which is set out in [Annex 4 to the EP-EC Framework Agreement](#) (Annex XIII to the EP Rules of Procedure). It envisages a structured dialogue between the Commission and the corresponding parliamentary committees during the first semester of a given year on the implementation of the CWP for that year and on the preparation of the future CWP. On the basis of that dialogue, the parliamentary committees report on the outcome thereof to the Conference of Committee Chairs. In

parallel, the Conference of Committee Chairs holds a regular exchange of views with the Vice-President of the Commission responsible for interinstitutional relations.

On the basis of this summary report by the Conference of Presidents on the implementation of the previous CWP, Parliament adopts a resolution (Rule 37 EP Rules of Procedure) at the July part-session, outlining its position and including in it particular requests based on legislative initiative reports. Each year in the September part-session, the President of the Commission then delivers the State of the Union speech to Parliament, taking stock of the current year and looking ahead to priorities for the next year – which should become part of the CWP for that period. The State of the Union debate is kicked off by an address by Parliament's President, with the Council President also outlining the Council priorities. The political groups in Parliament then present their positions.

After the State of the Union debate, the European Parliament continues dialogue with Commissioners responsible for relevant policy areas, in order to ensure that Parliament's priorities are duly considered before the Work Programme is adopted by the European Commission. The Commission President then presents it either to the Conference of Presidents or in plenary in October.

The new [Interinstitutional Agreement on Better Law-Making](#) that was adopted in April 2016 contains further commitments on dialogue between Commission, Parliament and Council both before and after the adoption of the annual work programme. This dialogue includes the early exchanges of views described above and the 'letter of intent' from the President of the Commission and its First Vice-President on issues of major political importance for the following year and on intended withdrawals of Commission proposals. Furthermore, following the debate on the State of the Union, and before the adoption of the CWP, Parliament and Council are to have an exchange of views with the Commission on the basis of the letter of intent. The Commission has committed to take due account of the views expressed by the Parliament and the Council at each stage of the dialogue, including their requests for initiatives.

Based on the CWP, Parliament, the Commission and Council will exchange views on initiatives for the coming year and agree on a joint declaration on annual interinstitutional programming, including items of major political importance that should receive priority treatment in the legislative process.

Previous State of the Union speeches to Parliament

President Juncker's first speech

In 2015, President Jean-Claude Juncker delivered his first speech on the State of the Union, with the title '[Time for honesty, unity and solidarity](#)'. It was the first such speech delivered by a Commission President elected by the European Parliament after having campaigned as a lead candidate in the run up to the 2014 European Parliament elections.

President Juncker kicked off his speech by stating that it was going to be a 'political speech' and referred for the technicalities to the structured dialogue with Parliament and the Council on the multiannual and annual legislative programming. This was, on one hand a response to calls for the State of the Union addresses to provide real political momentum rather than focus on details that do not engage citizens. On the other hand, he used the State of the Union speech to stress the political, rather than technocratic approach of his Commission, thus invoking stronger legitimacy for setting the Union's

legislative agenda, stemming from the lead candidates process and from his election by the European Parliament.

The Greek debt crisis, the asylum and immigration crisis and the situation in Ukraine marked Juncker's speech in 2015, with him calling for finding common, EU solutions and for more solidarity between Member States: 'There is not enough Europe in this Union. And there is not enough Union in this Union.' Despite the more strategic, political tone of his speech, Juncker referred to several concrete legislative proposals. On the refugee crisis, he announced the Commission proposal for the relocation of a further 120 000 asylum-seekers from Member States on the external EU borders particularly hit by the refugee crisis, after the Commission had previously tabled a proposal for 40 000 relocations. Both proposals were adopted subsequently. He called for strengthening Frontex developing it into a fully operational European border and coast guard. An agreement on the Regulation on the European Border and Coast Guard has been reached by the three institutions and is [close to formal adoption](#). President Juncker also announced a legal migration package for 2016. In this context, in July 2016, the Commission presented a [proposal](#) for an overhaul of the EU Blue Card Directive, together with an [Action Plan](#) on the integration of third-country nationals.

On the euro area and economic governance he pleaded for investment in the Single Market to create more jobs and economic growth and to complete the Economic and Monetary Union. On the first point, he took stock of the projects financed by the European Fund for Strategic Investments (EFSI) as part of the €315 billion Investment Plan for Europe, and stressed the importance of Commission projects on the Digital Single Market, the Capital Markets Union and the Energy Union. On the Economic and Monetary Union, President Juncker referred to the '[Five Presidents Report](#)' from June 2015. He called for a common deposit guarantee system (the Commission tabled a [proposal](#) in November 2015), stronger EU representation on the global stage, a more effective and more democratic system of economic and fiscal surveillance, fairness of taxation policies, a truly pan-European labour market, a European pillar of social rights and, in the long run, a euro area treasury accountable at EU level.

The 2015 State of the Union speech came in the run-up to the British referendum on leaving the EU, so that President Juncker called for a 'fair deal for the UK' in the upcoming negotiations on the 'New settlement for the UK in the EU'; although such a deal was reached, it has lapsed following the result of the referendum.

On the Ukraine crisis, President Juncker defended the sanctions against Russia and a strong role for the EU on the global stage. He closed his speech referring to the EU's commitments regarding climate change.

The [written version](#) of his State of the Union speech was accompanied by a letter of intent to Parliament and Council, leaning on the 10 priorities of the Commission's Political Guidelines, as well as a progress report on the 10 priorities.

President Barroso's speeches, 2010-2013

Four State of the Union speeches were delivered by President José Manuel Barroso between 2010 and 2013 during his second term as Commission President. In a period marked by the economic and financial crisis in the EU, his speeches focused to a great extent on economic issues.

His most ambitious State of the Union speech was that of [2012](#). He started by acknowledging that the euro area's institutional architecture had not been fit for purpose

to face the sovereign debt crisis. He argued for a Treaty change to create a 'federation of states', not as a superstate but to 'tackle our common problems, through the sharing of sovereignty in a way that each country and each citizen are better equipped to control their own destiny'.

He refused the creation of a 'eurozone parliament'¹⁴ even if euro-area countries could not avoid deeper integration, while the currency remained open to the remaining EU members. With reference to the challenges to the rule of law in some Member States, President Barroso argued for a middle way to be created between the 'nuclear option' of Article 7 TEU and mere political persuasion. He pleaded in view of the 2014 European elections for the European political parties to nominate their *Spitzenkandidaten* for the position of President of the European Commission.

His last State of the Union speech, in [2013](#), took place going into the final year of the mandate of the Barroso II Commission and in the run-up to the European elections. It was thus a retrospective one, taking stock of the main achievements made during the mandate.

Reactions to State of the Union addresses

The reactions to the State of the Union speeches vary depending on the point on the political spectrum from which they come. In general they have been seen as ambitious, both in rhetoric and substance. Some have criticised however that many of the big ambitions set out in the speeches did not materialise in practice¹⁵ – a criticism that joins the general reproach of passivity of the former Commission, which [others](#) attribute however to the difficult political and economic environment of that time. In this context, several [commentators](#) have demanded less technical State of the Union speeches, which can engage European citizens and contribute to re-establishing trust in the EU and its institutions.

The political context of the 2016 State of the Union debate

The 2016 State of the Union debate comes at a time of severe challenges for the European Union, ranging from the refugee and migration crisis and the situation in Turkey and Ukraine, to the uncertainties following the vote in the UK referendum on leaving the EU, the economic difficulties persisting in many Member States and the more general questions on the future path of the European Union.

The first year of the Juncker Commission is generally seen to have proven the ability of the Commission to react swiftly to crisis situations (for instance the refugee crisis), which is largely attributed to its more hierarchical structure with seven Vice-Presidents, but also to its more political approach in organising its work around ten priority policy areas.¹⁶ However, the Commission's prompt reactions aimed at crisis resolution are criticised by some for not being embedded in a broader political vision.¹⁷ Conversely, calls to present and implement a long-term vision for the future of the EU and to focus on big, strategic decisions (common defence, closer cooperation of intelligence services, economic governance) instead of tabling proposals on technicalities often meet with a fear of centralisation at EU level and loss of national sovereignty.¹⁸

In its [resolution](#) of 6 July on the strategic priorities for the Commission Work Programme, Parliament identified several issues as being of major political importance to be addressed in the annual political and legislative programming. These include: improving the working and living conditions of European citizens; strengthening the economic recovery and long-term competitiveness in order to create jobs and generate prosperity;

responding to climate change and ensuring energy security; ensuring a consistent response to the increased inflow of refugees; addressing the security concerns of citizens; deploying an ambitious external action agenda; fair taxation policies; strengthening the EU budget and financial instruments; completing the Economic and Monetary Union, and strengthening fundamental rights and democracy.

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