

The 2017 State of the Union debate in the European Parliament

SUMMARY

European Commission President Jean-Claude Juncker's State of the Union address to the European Parliament, and the subsequent debate, on 13 September come in the context of the ongoing broader reflection on the future path of the European Union. This has been intensified by the first-ever withdrawal of a Member State from the Union; although lamented by most, this is often cited as an opportunity to rebuild the Union on stronger grounds.

The debate will therefore feed into a larger reflection process, to which Parliament contributed three landmark resolutions, launched by EU-27 leaders in the Rome declaration of 25 March 2017. As announced in President Juncker's 2016 State of the Union speech, the Commission published a white paper on the future of Europe, identifying five scenarios for the further course of the Union. The Commission President has recently pointed to a sixth scenario to be revealed in his State of the Union speech.

The State of the Union debate forms part of the process for the adoption of the annual Commission Work Programme and thus plays an important role in identifying major political priorities to be agreed in interinstitutional dialogue.

This briefing is an update of an [earlier one](#) of September 2016.



In this briefing:

- Political context of the 2017 State of the Union debate
- The origins of the EU State of the Union debate
- Role in annual legislative programming
- Constitutional significance
- Main references

Political context of the 2017 State of the Union debate

Reflection on the future of the European Union

European Commission President Jean-Claude Juncker's State of the Union address to the European Parliament on 13 September comes at a time of profound reflection on the future path of the European Union. This is more the case than in previous years, when general considerations on the EU's course were equally matched by high-profile legislative proposals. This time around, long-standing reflection on the path on which the EU should embark has been intensified by the impending first-ever withdrawal of a Member State (the United Kingdom) from the Union; although most lament this event, it is regularly identified as an opportunity to rebuild the Union on stronger grounds.

In the Rome Declaration of 25 March 2017, marking the 60th anniversary of the Rome Treaties, the EU-27 leaders confirmed their commitment to 'even greater unity and solidarity' amongst Member States, but also addressed the possibility that the integration process may take different speeds and intensities while 'moving in the same direction'. The Rome Declaration was also signed by the Presidents of the European Parliament and the European Commission.

The European Parliament had itself opened a debate on the future course to be taken by the EU in order to respond to current and future challenges. That culminated in three resolutions, adopted in February 2017, offering concrete suggestions for further action:

- The resolution on '[Improving the functioning of the European Union building on the potential of the Lisbon Treaty](#)' focuses on exploiting the unused potential of the Lisbon Treaty, without requiring treaty changes.
- The resolution on '[Possible evolutions of and adjustments to the current institutional set-up of the European Union](#)' addressing possible Treaty changes.
- The resolution on '[Budgetary capacity for the euro area](#)' calling for a qualitative leap in integration.

Commission White Paper

To further stimulate the debate on the future of the EU, and as announced in President Juncker's 2016 State of the Union speech, the European Commission adopted a [White Paper](#) on the future of Europe on 1 March 2017. The white paper highlights the challenges that the EU will face at global level in the next decade, ranging from the impact of new technologies and automation, to the place of Europe in worldwide demographic development; and from youth unemployment to the security of external borders and the need to restore trust in the European project. The white paper identified five possible scenarios of how Europe could evolve by 2025. The five options, which are neither mutually exclusive nor exhaustive are:

- 'carrying on': the EU-27 would keep on implementing the agenda as set in Juncker's 'New start for Europe' guidelines from 2014 and the September 2016 Bratislava declaration. Priorities would be regularly updated and adapted to current circumstances;
- ii) 'nothing but the single market': the EU re-focuses on deepening certain aspects of the internal market to the exclusion of, for instance, migration or other policies that do not belong to the internal market. Cooperation on new issues would be on a bilateral basis;
- 'those who want more do more': a 'coalition of the willing' may proceed at increased speed in fields of their choice, such as defence, internal security, taxation or social

matters. This 'coalition' would, however, always remain open to other Member States who wish to join later;

- 'doing less more efficiently': the EU decides to focus on a reduced number of areas with stronger tools, reprioritise its action and leave aside those areas that do not fall under the new priorities;
- 'doing much more together': pool forces together and advance in all areas, through sharing more powers and taking decisions faster.

The white paper has been complemented by a number of [reflection papers](#) on the social dimension of Europe, harnessing globalisation, deepening the economic and monetary union, the future of European defence and the future of EU finances.

Whilst commentators argue that realistically there are only two possible scenarios: the status quo and that envisaging a multi-speed integration, President Juncker has recently pointed to a sixth scenario to be revealed in his State of the Union speech. The debate is to continue up to the European Council in December 2017, which may draw some first conclusions on action to be taken in time for the European elections in 2019.

The origins of the EU State of the Union debate

How it all started?

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 framework agreement).

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.

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](#). It envisages a structured dialogue between the Commission and the corresponding parliamentary committees during the first half 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 (Vice-President Frans Timmermans).

The CWP sets annual priorities and outlines legislative initiatives to be submitted in relevant policy areas by the Commission.

On the basis of the 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 [Interinstitutional Agreement on Better Law-Making](#) 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.

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.¹ 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.² 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 interinstitutional 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-Commission Framework Agreement made important changes in the way the Commission adopts its work programme, providing that it be preceded by discussions between the institutions on the Union's political priorities. This intense interinstitutional dialogue has been further deepened under the 2016 [Interinstitutional Agreement of Better Law-Making](#) (see above).

The State of the Union address as a presidential speech

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 *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.³

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.⁴ This gives the European Commission President the opportunity to emphasise in the State of the Union address his personal vision over that of the College.

Main references

E.-M. Poptcheva, [The State of the Union debate in the European Parliament, 2016](#), European Parliamentary Research Service, September 2016.

S. Kotanidis, [Mapping the 'Future of the EU' debate](#), European Parliamentary Research Service, June 2017.

Endnotes

¹ For more on this, see M Del Monte, ['The US President's State of the Union Address'](#), EPRS, September 2015.

² P. F. Nemitz, Commentary to Article 249 TFEU, para. 16, EU-Kommentar, J. Schwarze (edit.), Nomos, 2012.

³ H. Kassim et. al, The European Commission of the twenty-first century, 2013, pp. 176,177.

⁴ A. Wille, The normalization of the European Commission. Politics and bureaucracy in the EU executive, Oxford, 2013, pp. 61-62.

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