

# The 2018 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 12 September 2018 is to be the last one during the current mandate. It comes in the context of the ongoing reflection on the future path of the European Union, especially in view of the European elections next May. The debate will therefore be an occasion to reflect on the legacy and achievements of this Commission, to present the priorities until the end of the mandate and to follow up on the ongoing debate on the future path of the European Union of 27.

President Juncker's speech is expected to be accompanied by a set of concrete initiatives and proposals with the aim to deliver positive results for citizens by the time of the Sibiu summit in May 2019. This year's speech comes as the campaigns for the European elections start to take shape, but also in the period of intensive debate on the Commission's proposals for the 2021-2027 Multiannual Financial Framework (MFF), which set out the Commission's vision of the EU financing of policies during that period.

The State of the Union debate now 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 2017, by Eva-Maria Poptcheva.*



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## Political context of the 2018 State of the Union debate

The European Commission President's State of the Union address to the European Parliament on 12 September will be the last one in the current parliamentary term. It is expected to be an occasion to reflect on the legacy and achievements of this Commission, to present the priorities until the end of the mandate, as well as to follow up on the ongoing debate on the future path of the European Union of 27.

Taking office in 2014, the Juncker Commission declared itself to be a 'political Commission' with its set of [10 priorities](#). Many consider that 2018 will be judged as 'the year of delivery', the time to demonstrate how the commitments have been met

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

and the Commission has 'delivered'.<sup>1</sup> Evidence suggests that, overall, the European institutions are collectively enacting the 'Juncker plan'. In some priority areas, such as the digital single market, almost all of the initiatives originally announced have been presented and many adopted, although in others, such as energy, progress in adoption is somewhat slower.

The progress on the 'Juncker plan' has been achieved against the background of a European Union facing several major challenges, such as the first instance of a Member State initiating its departure from the Union (Brexit), the migration crisis and an increasingly complex security context. According to Eurobarometer surveys, when European citizens think about tackling such common European challenges, they put their preference on European level responses, rather than national ones. The [Joint Declaration on the EU's legislative priorities for 2018-19](#) also puts emphasis on policy initiatives for which the European Union is the best instrument to achieve objectives. President Juncker's speech is expected to be accompanied by a set of concrete initiatives and proposals with the aim to deliver positive results for citizens by the time of the Sibiu summit in May 2019, including in the fields of democracy, trade, investment screening, industry and data protection. The ongoing concern of migration is expected to be addressed in the context of European border security, returns of rejected asylum-seekers and stronger partnerships with third countries, especially in Africa. Security issues are also expected to be addressed, in the context of countering online terrorist content, and, more generally, strengthening the EU's cybersecurity.

The State of the Union speech will take place in the period of intensive debate on the Commission's proposal for the [2021-2027 Multiannual Financial Framework](#) (MFF). The 2021-2027 MFF presents the Commission's vision of the EU's financial involvement across all its policies during that period. Beyond the much-debated changes in allocations to different policy areas and a different structure of programmes, the proposal also presents an MFF with increased flexibility, phasing out of most of the correction mechanisms that discount certain Member States' contributions to the EU budget, reforming the EU's system of own resources by introducing new own resources explicitly linked to EU policies, and setting up a budgetary mechanism to uphold the rule of law.<sup>2</sup>

Although most lament the withdrawal of the UK from the Union, Brexit is also identified as an opportunity to rebuild the Union on stronger grounds. Currently, the EU and the UK have begun discussions on the framework for their future relations, following Brexit, in parallel to finalising the negotiations on the terms of the withdrawal agreement covering the main issues regarding the UK's separation from the EU. Both the EU and the UK have stated their desire for a close partnership in the future, especially in the areas of trade and security. While objectives might be similar, positions differ in many areas on the means to achieve those objectives in the context of the future partnership. A particularly contentious issue remains the border between Northern Ireland and Ireland.

This 2018 State of the Union speech takes place not only in the context of the ongoing debate about the future of the European Union of 27, but also less than a year before the 2019 European elections. Therefore, even if Jean-Claude Juncker personally will not be running in the European elections in

2019, the audience for his State of the Union speech is not, and should not be, only the Members of the European Parliament, but also next year's voters across all Member States.

The intensive consideration of Member States' points of view in the broader debate on the future of the Union can be seen in the series of meetings between the Commission President and EU leaders prior to the State of the Union, as well as a two-day seminar held by the College of Commissioners discussing the main concerns and positions of the Member States. In addition, the European Parliament itself has intensified its initiative of hosting Member State leaders this year, and Jean-Claude Juncker will address the European Parliament from the same lectern as that from which a number of EU leaders have recently presented their views on the future of Europe (and from which more are scheduled to do so in the coming months).<sup>3</sup> Although the European political parties have not yet selected their lead candidates (*Spitzenkandidaten*), the political context is already dominated by the upcoming European elections. Juncker's address will take place at the mid-point between the declaration adopted in Rome on 25 March 2017 and the special summit on the Future of Europe, due to take place in the Romanian city of Sibiu on 9 May 2019. As such it has the potential to set the tone and to frame the debates of the next European elections.

## 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).

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.<sup>4</sup> 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.<sup>5</sup> 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 on 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.<sup>6</sup>

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.<sup>7</sup> 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**

Poptcheva E.-M., [The State of the Union debate in the European Parliament](#), 2017, European Parliamentary Research Service, September 2017.

[The Future of Europe: Contours of the current debate](#), European Parliamentary Research Service, April 2018.

Drachenberg R, and Kotanidis S., [Future of Europe debates: Parliament hosts Heads of State or Government](#), European Parliamentary Research Service, June 2018.

## ENDNOTES

- <sup>1</sup> For more on the current stage of delivery of 'Juncker plan', see E Bassot and W Hiller, [The Juncker Commission's ten priorities: State of play in autumn 2018](#), EPRS, September 2018.
- <sup>2</sup> For more information, see M Parry and M. Sapała [2021-2027 multiannual financial framework and new own resources – Analysis of the Commission's proposal](#), EPRS, July 2018.
- <sup>3</sup> For more information, see Drachenberg R, and Kotanidis S., [Future of Europe debates: Parliament hosts Heads of State or Government](#), EPRS, June 2018, and [The Future of Europe: Contours of the current debate](#), EPRS, April 2018.
- <sup>4</sup> For more on this, see M Del Monte, [The US President's State of the Union Address](#), EPRS, September 2015.
- <sup>5</sup> P. F. Nemitz, Commentary to Article 249 TFEU, para. 16, EU-Kommentar, J. Schwarze (edit.), Nomos, 2012.
- <sup>6</sup> H. Kassim et. al, The European Commission of the twenty-first century, 2013, pp. 176,177.
- <sup>7</sup> A. Wille, The normalization of the European Commission. Politics and bureaucracy in the EU executive, Oxford, 2013, pp. 61-62.

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