

# Election of the President of the European Commission

## Understanding the *Spitzenkandidaten* process

### SUMMARY

Originally, the nomination of the President of the European Commission was firmly in the hands of national governments, with the influence of the European Parliament (EP) initially non-existent and later only limited. However, inspired by the changes introduced by the Lisbon Treaty, in the run-up to the 2014 European elections, the Parliament announced that 'this time, it's different': by voting in European elections, European citizens would not only elect the Parliament itself, but also have a say over who would head the EU executive – the European Commission. What became known as the '*Spitzenkandidaten* process' is a procedure whereby European political parties, ahead of European elections, appoint lead candidates for the role of Commission President, with the presidency of the Commission then going to the candidate of the political party capable of marshalling sufficient parliamentary support.

Establishing a direct link between EP elections and the Commission President is intended to increase the legitimacy of the Commission and the EU as a whole, foster transparency in the nomination process and encourage increased turnout in EP elections. However, the procedure has not been without its critics, who have raised concerns about both its legal and political implications. The Parliament remains firmly committed to repeating the process in 2019 and, with EP elections now only weeks away, attention has shifted to the European political parties. A number of parties have nominated lead candidates, and this briefing gives an overview of their nominees.

*This is an update of an earlier briefing on the topic, published in November 2018.*



*Debate among Spitzenkandidaten, 2014 elections.*

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## Development of the appointment mechanism

The mechanisms for appointing the President of the European Commission, as well as the European Parliament's role in them, have evolved significantly over time. Under the 1957 Rome Treaty, Commissioners were put forward and the President appointed from among them by 'common accord' of the Member States. Initially, the **European Parliament** had no role in the process. The Maastricht Treaty (1992), for the first time, required that the Parliament be *consulted* by Member States before they nominated the person to be appointed as Commission President. With the Maastricht Treaty, the Parliament also acquired the power to approve (and, therefore, also to reject) the Commission *as a body* before it took office. According to the Amsterdam Treaty (1997), Member States' nominee for Commission President had to be *approved* by Parliament.<sup>1</sup>

At the same time, the power to nominate the President of the Commission remained firmly in the hands of **national governments**. Initially, presidents of the Commission were to be appointed by 'common accord' of Member States' governments, but since the Treaty of Nice (2001) only a qualified majority has been required. While this removed the possibility of a national veto of a candidacy, in practice, consensus-seeking remained the norm. As a result, the appointment process remained opaque and was likened many times to 'horse-trading' between governments behind the scenes, often resulting in what were termed 'lowest common denominator' appointments.<sup>2</sup>

It is well documented that its initially rather modest powers did not prevent the Parliament from always being 'one step ahead' of the Treaties, and from seeking further powers early on in the appointment of the (head of the) EU executive. For example, emboldened by its own first direct elections (1979), the Parliament held a symbolic vote on the nominee for Commission President as early as 1981.<sup>3</sup> It developed a practice of having incoming presidents present their programme to the Parliament, and later introduced parliamentary hearings for Commissioners-designate (1994). With the **Lisbon Treaty** (2007), the relevant provisions have undergone further changes, strengthening further the link between the Parliament and the head of the EU executive and requiring, inter alia, the Commission President to be *elected* by the Parliament (see below).

This evolution in the formal procedures for the appointment of the Commission President needs to be seen in the broader context of relevant developments which have crucially shaped the EU institutional landscape. Besides the continuous strengthening of the European Parliament as the directly elected EU institution, one should in this regard mention increased 'presidentialisation' of the Commission, the emergence of the European Council as fully fledged impetus-giving institution to define the EU's 'general political directions', the development of European political parties, and, not least, the ever-lasting quest for increased legitimacy of the Commission and the EU as a whole.

### The Lisbon Treaty changes

Pre-Lisbon (Nice Treaty)	Post-Lisbon
<p><i>The Council, meeting in the composition of Heads of State or Government and acting by a qualified majority, shall <b>nominate</b> the person it intends to appoint as President of the Commission; the nomination shall be <b>approved</b> by the European Parliament.</i></p> <p>Article 214(2) Treaty on the European Community (TEC). (author's emphasis)</p>	<p><i><b>Taking into account the elections</b> to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall <b>propose</b> to the European Parliament a candidate for President of the Commission. This candidate shall be <b>elected</b> by the European Parliament by a majority of its component members. If he does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure.</i></p> <p>Article 17(7) Treaty on European Union (TEU) (author's emphasis)</p>

The Lisbon Treaty (2007) was the last in the chain of events strengthening the (initially non-existent and later weak) link between the European Parliament and the nomination of the head of the EU executive, this time by establishing an explicit link between the *European elections* and the latter's appointment. The Treaties now require the European Council to propose a candidate for Commission President, 'taking into account the elections to the European Parliament' and 'after having held the appropriate consultations'. Article 17(7) TEU further provides that the proposed candidate is then to be 'elected' by the European Parliament, by a majority of its component members (376 of 751 votes, or 353 of 705 post-Brexit). Declaration 11, on Article 17(6) and (7), annexed to the Treaties further specifies that the European Parliament and the European Council are '**jointly responsible**' for the smooth running of the process leading to the election of the Commission President, and the relevant consultations 'will focus on the backgrounds of the candidates'. Declaration 6, on Articles 15(5) and (6), 17(6) and (7) and 18 TEU, requires due account to be taken of the need to respect the 'geographical and demographic diversity' of the EU and its Member States in this process.

## 2014 European Parliament elections: 'this time it's different'

The Lisbon Treaty does not explicitly mention the process whereby European political parties appoint their 'lead candidates' (*Spitzenkandidaten* in German) and the presidency subsequently goes to the political party winning the most seats, or at least capable of marshalling sufficient parliamentary support – the process which became known as the **Spitzenkandidaten process**. However, the now explicit link between European elections and the election of the Commission President opened the doors for what many have called 'creative' or 'expansive' Treaty interpretation by the EP. In fact, Parliament's leading figures and political parties had aired the idea of having lead candidates as early as the late 1990s.<sup>4</sup> Ahead of the 2014 elections, in a 2012 [resolution](#), the EP urged the **European political parties** to 'nominate candidates for the Presidency of the Commission' and expressed its expectation that those candidates would play a 'leading role' in the parliamentary electoral campaign. Among other things, the EP suggested that the change from 'approve' to 'elect' implies a choice and thus plurality of candidates, instead of merely 'rubber stamping' a decision of the European Council. The EP further expressed the expectation that 'in this process, the candidate for Commission President put forward by the European political party that wins the most seats in the Parliament will be the first to be considered'. Thus, this procedure did not 'promise' the Commission presidency to the winning party but implied that its candidate was expected to be '[best positioned](#)' to marshal sufficient parliamentary support.

In late 2013 and early 2014, after first establishing internal procedures for an unprecedented selection, five European political parties appointed their **lead candidates** for Commission presidency: Jean-Claude Juncker (European People's Party), Martin Schulz (Party of European Socialists), Guy Verhofstadt (Alliance of Liberals and Democrats), Ska Keller and José Bové (European Green Party) and Alexis Tsipras (European Left). Other parties did not appoint candidates, mainly due to their [opposition](#) to the process (or to the EU) as such.

Party	Candidate	How they were chosen
EPP	Jean-Claude Juncker	Chosen at EPP party congress in Dublin by 382 votes to 245 for Michel Barnier (March 2014)
PES	Martin Schulz	The procedure provided for a primary election of party members in affiliated PES parties, but in the event only one candidate was nominated
ALDE	Guy Verhofstadt	Rival candidate Olli Rehn stood down ahead of the decision by the ALDE Congress in Brussels, which approved Verhofstadt by 79.3 %
Greens	Ska Keller & José Bové	Chosen in an online open primary, beating Monica Frassoni and Rebecca Harms
European Left	Alexis Tsipras	Approved by European Left Congress in Madrid, as sole (unanimous) proposal of the Council of Chairs (of the national member parties)

Source: R. Corbett, F. Jacobs and D. Neville, *The European Parliament*, 2016, 9th ed., p. 346.

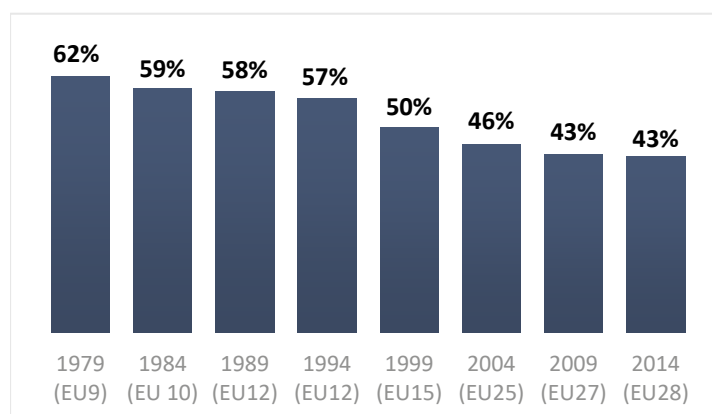
The Parliament ran the 2014 election campaign under the slogan **'this time it's different'**, arguing that, by voting in the European elections, European citizens would not only elect the Parliament but also have a say over who would head the EU executive – the Commission. During the campaign, which mainly took place in April and May 2014, the lead candidates took part in a number of televised debates, interviews, rallies, etc. – albeit their prominence varied significantly across Member States. In the elections, the EPP obtained a total of 221 seats in the Parliament (29.43 % of the vote), making it the largest group in the Parliament, followed by the PES with 191 seats (25.43 % of the vote). The **European Council** of 26-27 June 2014 nominated Jean-Claude Juncker as the candidate for Commission President by qualified majority – with the United Kingdom and Hungary voting against. Following the nomination by the European Council, on 15 July 2014, the Parliament elected Jean-Claude Juncker as Commission President by 422 votes in favour, 250 against and 47 abstentions. On 1 November 2014, the new Commission took office.

## Views, assessments and remaining questions

A number of important arguments in favour of the lead candidates procedure were put forward by its advocates, among them political actors and academics. Most of them boil down to the desire to reinvigorate EU democracy, including tackling the perceived growing 'disconnect' between the EU and its citizens, arresting the trend of ever-declining turnouts in EP elections, and fostering the legitimacy of the Commission and the EU as a whole.

European elections have long been referred to as 'second-order' national elections – elections perceived as less important by voters than national elections, with no government/prime-ministerial candidate at stake. Moreover, EP elections were mostly dominated by national issues and domestic politics. The turnout in EP elections has been low and constantly declining, reaching a record low of 43 % in 2009 (a similar [downward trend](#) can be observed in national elections). Establishing a genuine link between the European elections and the president of the EU executive was expected to help arrest this trend, as EU voters could now have a say over who would head the European Commission (and, were the incumbent Commission president to stand for re-election, remove them based on performance). Moreover, linking the head of the executive to EP elections would make the European elections somewhat more akin to what most voters know in the national context. Voter mobilisation was further to be achieved by personalisation of the campaign through these leading figures, and injecting a dose of partisan politics in EU elections. All in all, the European Parliament aimed to create a 'genuine contest for the top executive job', and thereby transform the very nature of the EP elections.<sup>5</sup> Not least, it also sought to reassert its influence vis-à-vis the European Council, largely seen as strengthened against the backdrop of the economic and financial crises.

Turnout in European Parliament elections, 1979-2014



Source: [EPRS](#).

The lead candidates process did not remain without its **critics**. Besides the declared aims of transparency, accountability and legitimacy, they saw in the process a sheer 'power grab' by the European Parliament at the expense of the European Council, altering the institutional balance in ways not envisaged by the Treaties. They pointed to the risks of depriving the Heads of State or Government of their prerogative to propose the head of the Commission, as well as to the dangers of further politicisation of the Commission, which might compromise the Commission's role as an 'honest broker', the source of independent expertise and impartial 'guardian of the Treaties'.<sup>6</sup> Given

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these contrasting views, the labels attached to the process varied from 'electoral experiment', 'constitutional innovation', 'coup d'état' or, as some phrased it, a 'putsch' – but one which was 'organised in full daylight'.<sup>7</sup> Some have questioned whether – in the face of the opposition of the European Council – the procedure will be sustained in future elections, whereas many others predicted that the process had become, most likely, irreversible.

It is too early to comment on the 'success' of the lead candidates process and its longer-term implications for EU democracy, which are still to emerge. To the disappointment of many, the **turnout** in the 2014 elections did not increase but declined further – if only slightly – from 43 % in 2009 to 42.6 %. The argument can be, and has been, made that, in the absence of the lead candidates, the decline might have been even greater: the Commission [suggests](#) that the lead candidates 'helped in stemming' a further fall in turnout, as it declined by only 0.36 percentage points in 2014, compared to 2.5 percentage points in 2009 and 4.04 points in 2004. Observers also noted that the average turnout was brought down by very low levels of participation in only a handful of countries (above all Slovakia with 13 % and the Czech Republic with 18.2 %), whereas in some countries, the turnout was as high as 86.9 % (in Belgium, where voting is compulsory) or 74.8 % (in Malta, without compulsory voting). Here, again, numbers tell only part of the story as in several countries turnout was helped by the [simultaneous holding](#) of other elections at national, regional or local level (Belgium, Lithuania, Greece, Germany, Ireland, Italy, Malta and the United Kingdom).

The degree to which the public was informed about the process and aware of the lead candidates varied greatly, and the sheer **novelty** of the process operated as a further impediment to sufficient voter mobilisation, especially in combination with a certain 'disbelief' whether – in the face of opposition from the European Council – one of the candidates would indeed 'get the job'. Among further problems, observers identified the relatively short duration of the election campaign, as well as European political parties' lack of experience, staff and resources in facing the unprecedented 'mammoth task' of organising a continent-wide campaign. National parties were said to have insufficient incentives to 'Europeanise' their campaigns, and the European affiliation of the national parties was, in most cases, not visible in their campaign materials. Experts suggested that European issues were indeed more prominent in the 2014 elections than before, but the campaigns still remained dominated by national politicians and domestic issues – the effect was not as transformative as some had hoped. Nonetheless, commentators suggest that the 2014 lead candidate process was a 'first step' in improving the EU's democratic credentials, which leaves room for improvement in future.<sup>8</sup> Some have at the same time explicitly cautioned against 'overselling' the process as a [silver bullet](#) as it is only one of the building blocks of EU democracy.

At the same time, [commentators](#) suggested that the real change brought about by the 2014 process was in moving away from the 'secrecy' of horse-trading among national leaders behind closed doors when appointing candidates for Commission president in favour of more **transparency** – the candidates for the 'EU top job' as well as their political programmes were known in advance to voters. Recent studies have shown that campaign personalisation/individual candidate recognition did increase the likelihood of citizens' turning out – albeit only slightly.<sup>9</sup> The spotlight has now returned to whom European political parties have nominated as their lead candidates – one of the questions on which the future of the *Spitzenkandidaten* process will hinge<sup>10</sup> (see below).

## The future of *Spitzenkandidaten*: Mapping positions

The *Spitzenkandidaten* process remains contested among EU institutions. The European Parliament and the Commission have repeatedly expressed their support for the procedure. In his [speech](#) to the European Council meeting on 19 October 2017, the President of the Parliament, Antonio Tajani, expressed his wish to consolidate the *Spitzenkandidaten* process and to make it the 'norm'. The **Parliament**, in its resolution of [7 February 2018](#), affirmed its support for the procedure, and stressed that, by not adhering to the lead candidates process, the European Council would 'risk submitting for Parliament's approval a candidate for President of the Commission who will not have a sufficient

parliamentary majority.' The Parliament also made clear that it stands 'ready to reject any candidate ... who was not appointed as a *Spitzenkandidat*'.

Strong support for the continuation of the procedure was also expressed by President Jean-Claude Juncker in his 2017 [State of the Union address](#), suggesting that: 'if you want to strengthen European democracy, then you cannot reverse the democratic progress seen with the creation of lead candidates. I would like the experience to be repeated.' He reinforced his support in his [2018 State of the Union speech](#), expressing his hope that, by 2024, the process could be combined with transnational lists. President Juncker also made [clear](#) that he does not seek a second term as Commission President. In a [communication](#) of 13 February 2018, the **Commission** suggests that the lead candidate system had, 'overall ... a positive impact' on the work of the EU institutions, and 'should continue and be improved.'

Some Member States, on the other hand, were quick to express – at least initially – their reluctance, scepticism or outright [opposition](#) to the process. In March 2016, the Council's legal service raised legal [concerns](#) about the procedure, stating that institutionalising the process would encroach upon the European Council's prerogatives and alter the institutional balance established by the Treaties.

According to the Treaties, the candidate for Commission President is to be proposed by the European Council by a qualified majority. The **European Council** discussed the issue of high-level appointments at its informal meeting on 23 February 2018. In advance of the meeting, European Council President, Donald Tusk, [noted](#) that the European Council 'cannot deprive itself' of its prerogatives without a change in the Treaty, and posed to national leaders the question of whether the European Council should 'automatically accept the outcome of a *Spitzenkandidaten* process' or whether it should 'autonomously decide how to take account of the elections, having held appropriate consultations'. After the meeting, President Tusk [announced](#) that the European Council could not guarantee in advance that it would propose one of the lead candidates, stating that:

*There is no automaticity in this process. The Treaty is very clear that it is the autonomous competence of the European Council to nominate the candidate, while taking into account the European elections, and having held appropriate consultations.*

In the series of 'Future of Europe' debates in the Parliament, some leaders have expressed their support for the process ([Leo Varadkar](#), Ireland, January 2018, and [Andrej Plenković](#), Croatia, February 2018). French President Emmanuel Macron, long reluctant to align his party with any of the European political families, remained [critical](#) of the procedure in the absence of transnational lists – which were rejected by Parliament in February 2018. Similar support for the idea of *Spitzenkandidaten* as heads of transnational lists was expressed by [Xavier Bettel](#), Luxembourg.

Parliament	Commission	European Council
The Parliament stands 'ready to reject any candidate ... who was not appointed as a <i>Spitzenkandidat</i> '.	The lead candidate system had, overall, a 'positive impact' on the work of the EU institutions, and 'should continue and be improved.'	'There is no automaticity in this process.' It is an 'autonomous competence of the European Council to nominate the candidate, while taking into account the European elections, and having held appropriate consultations.'

## Run-up to the 2019 elections: European political parties

It is widely acknowledged that the European political parties will play a crucial role for the future of the *Spitzenkandidaten* procedure. In this respect, commentators consistently point to the daunting and, before 2014, unprecedented challenge of a multilingual, **continent-wide campaign** in 27 (post-Brexit) countries, each with their own political culture and sensitivities.<sup>11</sup> The Commission has made [recommendations](#) (February 2018) in this regard, suggesting, for example, earlier

selection of the lead candidates (ideally by the end of 2018), leaving more time for the campaign. It also called for more **visibility** of the lead candidates as well as of the links between European and national political parties – acknowledging that changes in electoral law may be necessary for this in some Member States. In its [7 February 2018](#) resolution, Parliament encouraged European parties to nominate their lead candidates through 'an **open, transparent and democratic competition**'. The above-mentioned Commission communication emphasised the role 'primary elections' could play in galvanising interest in the campaign – an idea embraced by several commentators. In addition, some observers suggest that the participation of 'critical and Eurosceptic camps' in addition to 'mainstream parties' would genuinely benefit the debates and make them more relevant.<sup>12</sup>

To date, five parties have selected their nominees, but others may still join the race. A TV debate between the lead candidates, co-organised by the Parliament, is scheduled to take place in the Brussels hemicycle on **15 May 2019**. Another debate is due to be held in Maastricht on 29 April.

## Parties' nominees

The **European People's Party** (EPP) [elected](#) **Manfred Weber** (CSU, Germany), chair of the EPP group in the European Parliament, as its lead candidate. At the EPP's Helsinki Congress on 8 November 2018, he received 79% of the delegates' votes, defeating Alexander Stubb (National Coalition Party, Finland) – former Finnish prime minister and current Vice-President of the European Investment Bank.

In its Lisbon Congress on 8 December 2018, the **Party of European Socialists** (PES) [endorsed](#) the Commission's First Vice-President **Frans Timmermans** (PvdA, Netherlands) as its lead candidate. Frans Timmermans was the only candidate in the race, after the current Commission Vice-President for Energy Union, Maroš Ševčovič (SMER-SD, Slovakia), withdrew his nomination and endorsed his rival.

The **Alliance of European Conservatives and Reformists** (AECR) did not put forward a candidate in 2014 but has joined the race for the 2019 elections, by nominating Czech MEP **Jan Zahradil** (Civic Democratic Party, Czech Republic) as its lead candidate, in November.

During its Madrid party congress on 9 November 2018, the **Alliance of Liberals and Democrats for Europe** (ALDE) announced that, instead of nominating one lead candidate, it will designate a '[team of liberal leaders](#)' for the campaign. The ALDE campaign kick-off, [initially scheduled](#) for late February, is now to take place on 21 March 2019 in Brussels, where its 'team Europe' is [to be endorsed](#). ALDE leader Guy Verhofstadt, who had been a lead candidate in the 2014 elections, in an [interview](#) with *Ouest France*, expressed a [change of stance](#) and scepticism towards the lead candidate system in the absence of transnational lists.

The **European Green Party**, in its 23-25 November 2018 Berlin Congress, [elected](#) the duo of Ska Keller (Bündnis 90/Die Grünen, Germany) and Bas Eickhout (GroenLinks, the Netherlands) as its lead candidates. This is the second such nomination for Ska Keller, who fought the 2014 campaign as lead candidate.

In January 2019, the **European Left Party** [elected](#) **Violeta Tomič** (Levica, Slovenia) and **Nico Cue**, (former Secretary-General of the Belgian metalworkers union) as its lead candidates.

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## ENDNOTES

- <sup>1</sup> Articles 158 and 161 Treaty Establishing the European Economic Community (Rome), Article 158(2) Treaty Establishing the European Community (Maastricht), Article 214(2) Treaty Establishing the European Community (Amsterdam). See also E.-M. Poptcheva, [Role and election of the President of the European Commission](#), EPRS Briefing, July 2014, p. 3; M. Westlake, [Chronicle of an election foretold: the longer-term trends leading to the 'Spitzenkandidaten' procedure and the election of Jean-Claude Juncker as European Commission President](#), LEQS paper No. 102/2016, p. 24 et seq.
- <sup>2</sup> N. Penalver García and J. Priestley, *The Making of a European President* (Palgrave Macmillan, 2015), p. 12 et seq.; M. Westlake, *ibid.*, p. 24 et seq.; R. Baldoli, S. Gänzle and M. Shackleton, [Overthrowing Secrecy. The Spitzenkandidaten experiment and a new chance for a European party system](#), CEPS Commentary, 4 August 2014.
- <sup>3</sup> M. Westlake, *ibid.*, p. 36; N. Penalver García and J. Priestley, *ibid.*, p. 44 et seq.
- <sup>4</sup> This process is well documented in N. Penalver García and J. Priestley, p. 54 et seq. See also European Political Strategy Centre (EPSC), European Commission, [Building on the Spitzenkandidaten Model. Bolstering Europe's Democratic Dimension](#), 16 February 2018, p. 3.
- <sup>5</sup> S.B. Hobolt, Does personalisation increase turnout? *Spitzenkandidaten* in the 2014 European Parliament elections, in: *European Union Politics* 2015, Vol. 16(3), p. 350.
- <sup>6</sup> H. Grabbe and S. Lehne, The 2014 European elections. [Why a partisan Commission president would be bad for the EU](#), Centre for European Reform, October 2013; see also D. Cameron, [Presidency of the Commission](#), 13 June 2014. On the merits and risks of politicisation, see also S. Hix and S. Bartolini, Politics: the right of the wrong sort of medicine for the EU? *Notre Europe*, Policy paper No 19, March 2006.
- <sup>7</sup> N. Penalver García and J. Priestley, p. 67.
- <sup>8</sup> Inter alia, N. Penalver García and J. Priestley, Chapters 6 and 7; S.B. Hobolt, A Vote for the president? The role of Spitzenkandidaten in the 2014 European Parliament elections, in: *Journal of European Public Policy*, 2014, Vol. 21(10), p. 1534; J. Müller Gómez and W. Wessels, Reflecting on the Future of an electoral experiment, IAI Working Papers 16, 9 March 2016; T. Christiansen, After the Spitzenkandidaten: fundamental change in the EU's political system?, in: *West European Politics*, Vol. 39 (5), pp. 992-1010.
- <sup>9</sup> S.B. Hobolt, 2015.
- <sup>10</sup> D. Dinan, [Relations between the European Council and the European Parliament. Institutional and political dynamics](#), EPRS study, November 2018, p. 53.
- <sup>11</sup> S.B. Hobolt, 2015.
- <sup>12</sup> T. Christiansen, N. Penalver García and J. Priestley, p. 104.

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