

European Parliament Committee on Constitutional Affairs

PUBLIC HEARING

"Transnational lists and the
Spitzenkandidaten principle"

24 September 2020

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The election of the European Commission

Historical basis

Art. 234 TFEU **motion of censure** on the activities of the Commission

+

Art. 319 TFEU **discharge to the Commission** in respect of the implementation of the budget

+ Rapport Faure (1960): „L'Exécutif est également appelé à collaborer étroitement avec l'Assemblée qui, en la notion de censure, possède le moyen de manifester son désaccord avec lui. **Il serait de lors opportun que, faisant pendant à la nomination par les Gouvernements, l'Assemblée ait le pouvoir de donner à cet Exécutif une investiture lors de sa nomination.** Ce vote constituerait un acte d'approbation du choix fait par les gouvernements et une confiance à l'équipe qui viendrait d'être nommée; **il représenterait également l'aspect positif de ce pouvoir dont la notion de censure est l'aspect négatif.**”

→

Stuttgart declaration 1983, Maastricht treaty, Amsterdam treaty, Lisbon treaty

- **Maastricht:**

Step 1: European Council nominates COM president after consulting the EP

Step 2: EP votes on (RoP: „elects“) the Commission

→ Creation of Parliament's hearing procedure and framework agreement

- **Amsterdam:**

Step 1: European Council nominates COM president. Parliament confirms or rejects (consent procedure)

Step 2: EP votes the European Commission into office

→ 1st step generated the idea of the lead candidate for the European elections (1999)

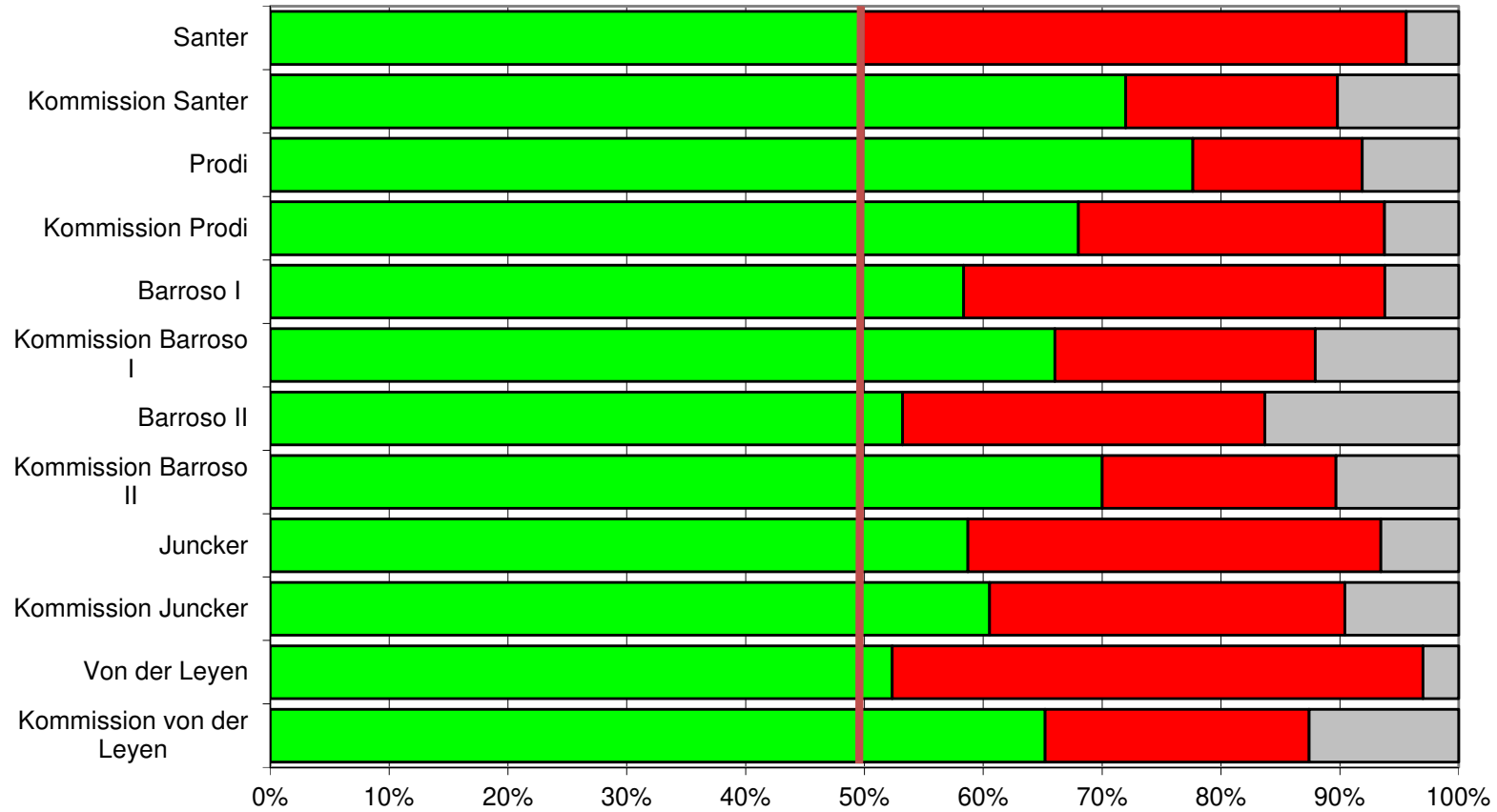
- **Lisbon**

Step 1: **Taking into account the elections to the European Parliament and after having held the appropriate consultations**, the European Council proposes to the European Parliament a candidate for President of the Commission. This candidate is elected by the European Parliament.

Step 2: EP votes the European Commission into office

→ 1st step generates conflict between Parliament and the European Council on the implementation of the lead candidate principle.

The Commission's investiture 1994-2019



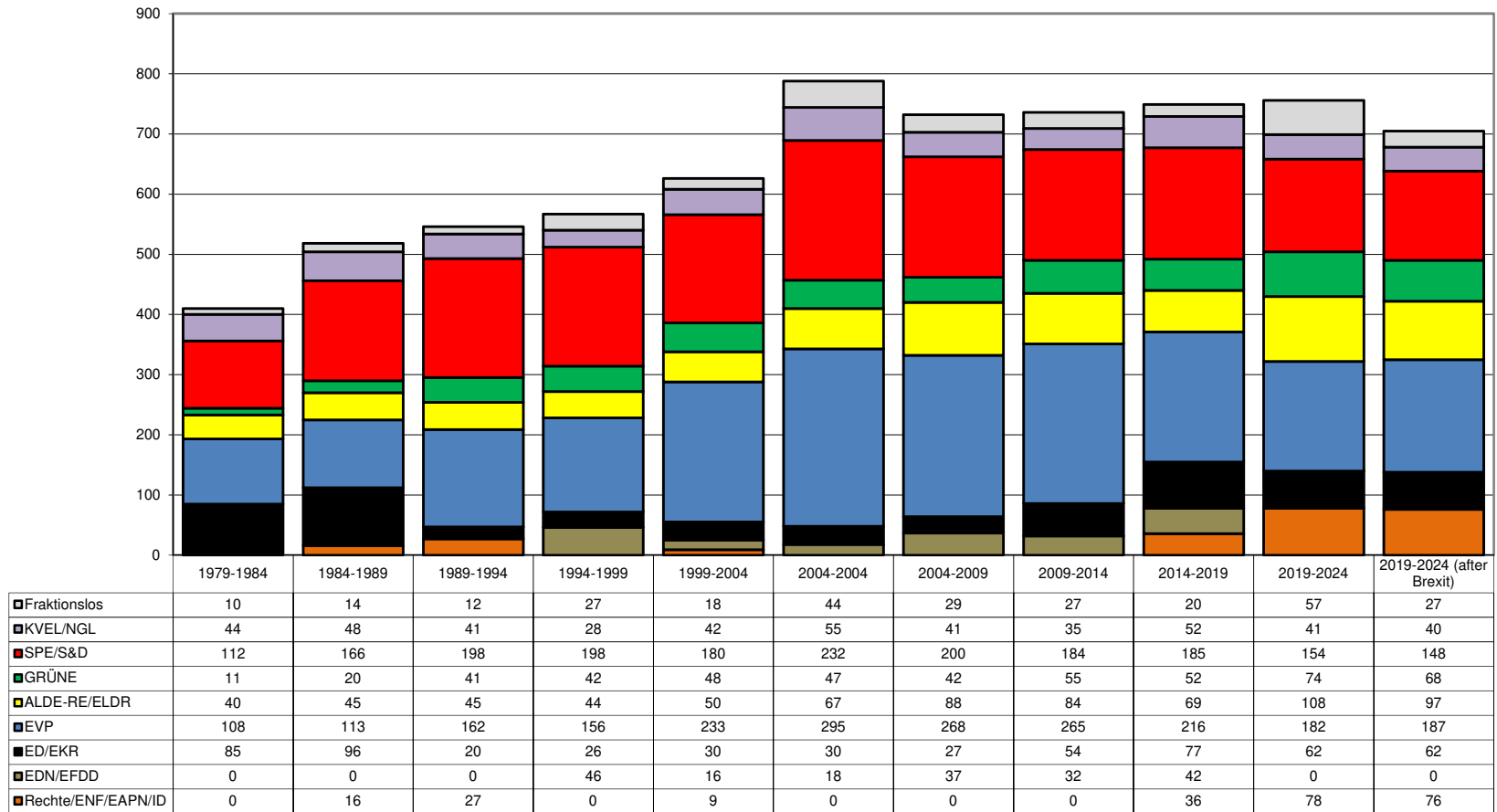
	Kommission von der Leyen	Von der Leyen	Kommission Juncker	Juncker	Kommission Barroso II	Barroso II	Kommission Barroso I	Barroso I	Kommission Prodi	Prodi	Kommission Santer	Santer
■ Ja	461	383	423	422	488	382	449	413	404	392	416	260
■ Nein	157	327	209	250	137	219	149	251	153	72	103	238
■ Enthaltung	89	22	67	47	72	117	82	44	37	41	59	23

Arguments for and against the lead candidate principle

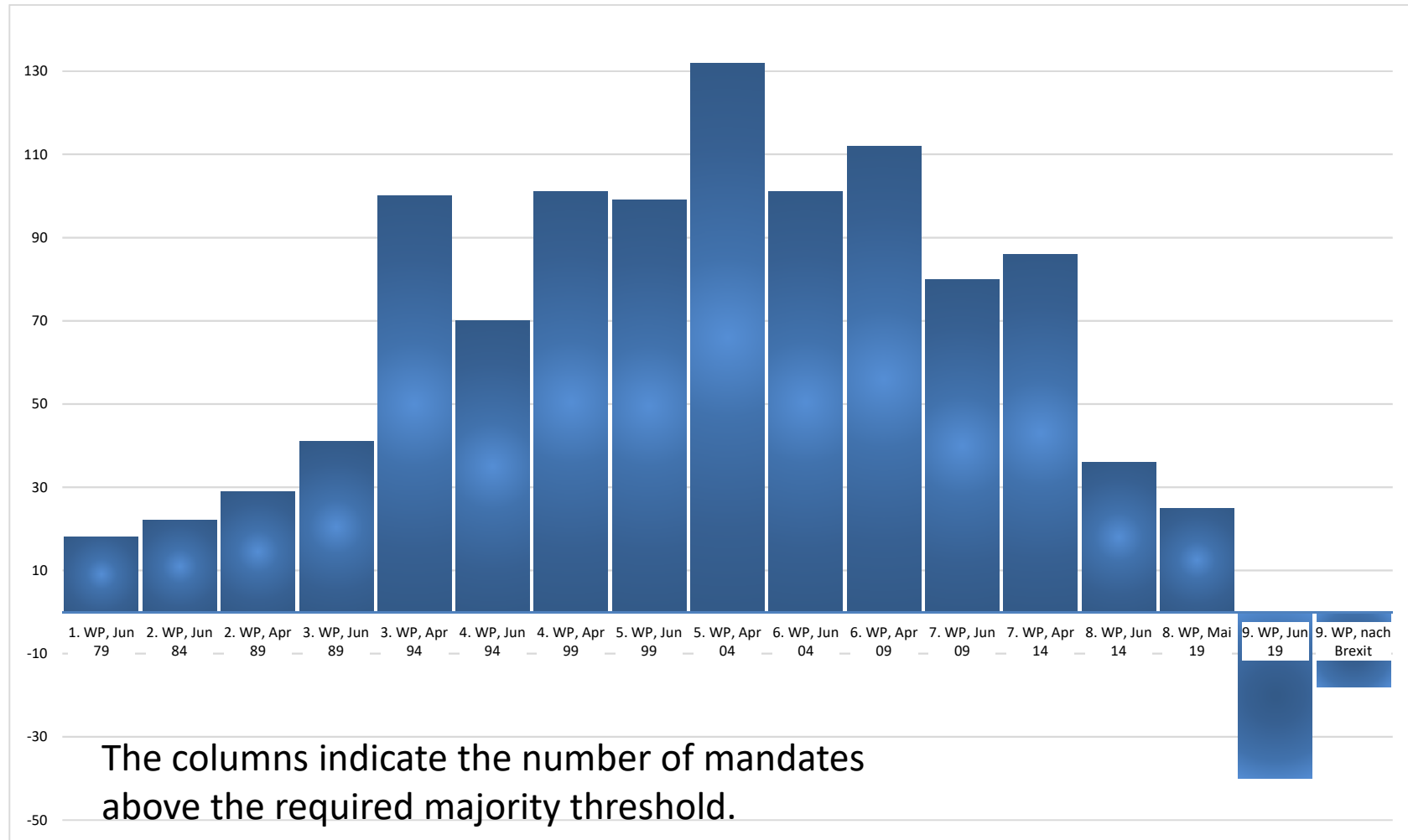
- Personalisation helps to increase voter turnout
- LCP facilitates Europeanisation of European Parties
- Quasi-automatism of the LCP increases the democratic legitimacy of the Commission
- Voter turnout increases in those countries where lead candidates are on the ballot paper
- Commission investiture is a joint exercise of the European Council and Parliament
- In today's Parliament (post-Lisbon) it is hard to identify the „winner“ of the elections during the first months after the elections

Wahlbeteiligung in %	1979	1984	1989	1994	1999	2004	2009	2014	2019
Belgien	91,36	92,09	90,73	90,66	91,05	90,81	90,39	89,64	88,47
Italien	85,65	82,47	81,07	73,6	69,76	71,72	65,05	57,22	54,5
Frankreich	60,71	56,72	48,8	52,71	46,76	42,76	40,63	42,43	50,12
Deutschland	65,73	56,76	62,28	60,02	45,19	43	43,27	48,1	61,38
Luxemburg	88,91	88,79	87,39	88,55	87,27	91,35	90,76	85,55	84,24
Niederlande	58,12	50,88	47,48	35,69	30,02	39,26	36,75	37,32	41,93
Dänemark	47,82	52,38	46,17	52,92	50,46	47,89	59,54	56,3	66
Irland	63,61	47,56	68,28	43,98	50,21	58,58	58,64	52,44	49,7
Vereinigtes Königreich	32,35	32,57	36,37	36,43	24	38,52	34,7	35,4	36,9
Griechenland		80,59	80,03	73,18	70,25	63,22	52,61	59,97	58,69
Spanien			54,71	59,14	63,05	45,14	44,87	43,81	60,73
Portugal			51,1	35,54	39,93	38,6	36,77	33,67	30,75
Schweden					38,84	37,85	45,53	51,07	55,27
Österreich					49,4	42,43	45,97	45,39	59,8
Finnland					30,14	39,43	38,6	41	40,7
Bulgarien							38,99	35,84	32,64
Tschechien						28,3	28,22	18,2	28,72
Estland						26,83	43,9	36,52	37,6
Zypern						72,5	59,4	43,97	44,99
Lettland						41,34	53,7	30,24	33,53
Litauen						48,38	20,98	47,35	53,48
Ungarn						38,5	36,31	28,97	43,36
Malta						82,39	78,79	74,8	72,7
Polen						20,87	24,53	23,83	45,68
Rumänien							27,67	32,44	51,07
Slowenien						28,35	28,37	24,55	28,89
Slowakei						16,97	19,64	13,05	22,74
Kroatien								25,24	29,86
EU-28-Durchschnitt	61,99	58,98	58,41	56,67	49,51	45,47	42,97	42,61	50,62
EU-15-Durchschnitt	61,99	58,98	58,41	56,67	49,51	52,42	52,70	52,27	51,95

Composition of Parliament 1979 – 2019/24

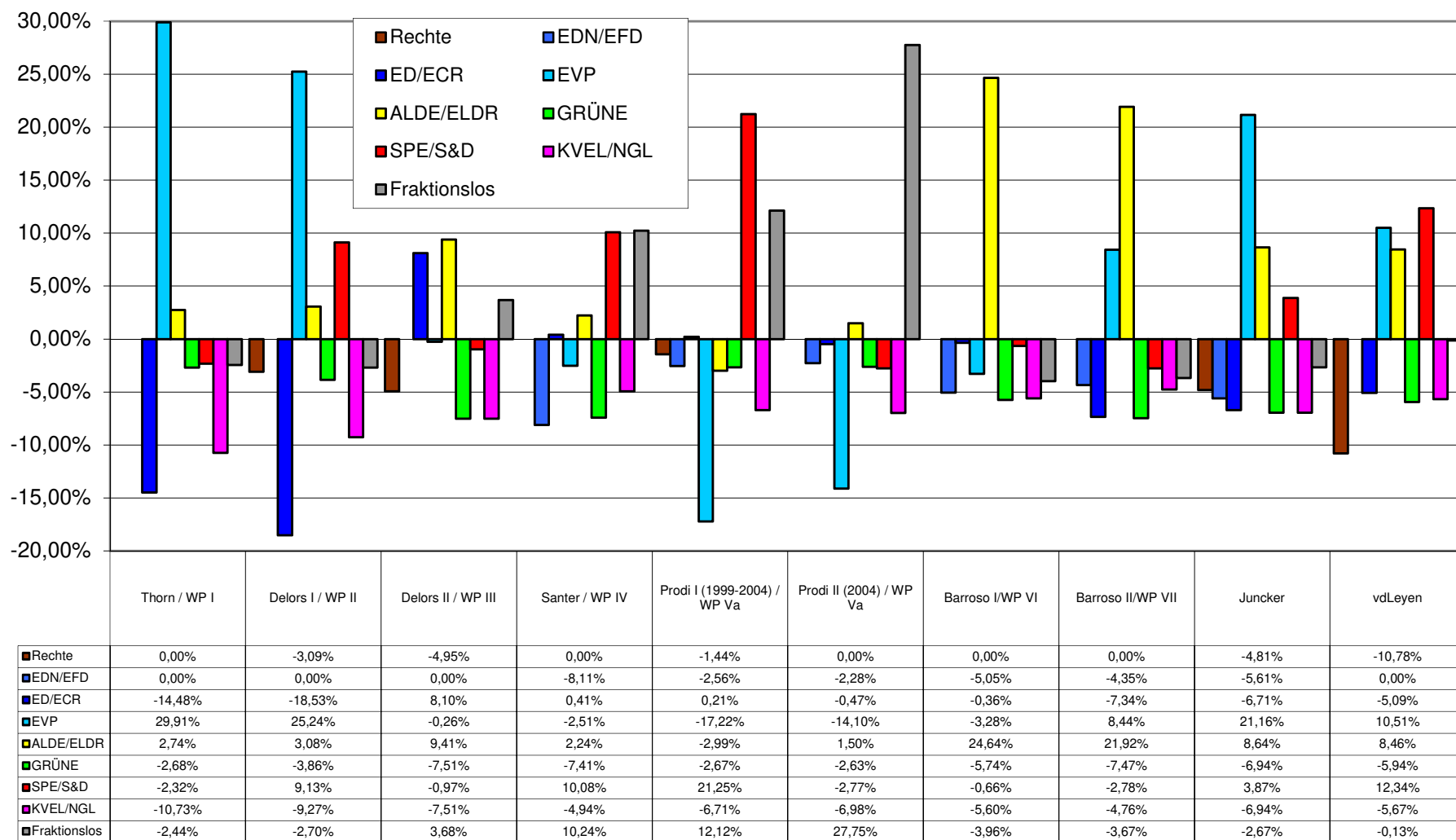


The decline of the grand coalition EPP/S&D





Representation of EP groups / parties in the European Commission



Requirements for a revised LCP

Before the elections

- European Parties need to stabilize and stay behind their candidate(s)
- → Voters should vote for European Parties (two votes; one for the EU party/transnational list of the EU party; one for the local/regional candidates?)
- Candidates should believe in and campaign for their mandate and lead (priorities)
- Problem of nationality, language difficult to solve
- → A team with „shadow commissioners“ fits multilingualism and the EU's reality better than a single candidate
- Consider the consequences of presidentialism induced by LCP for Parliament's autonomy, visibility, actorness, and power

Requirements for a revised LCP II

After the elections

- Political Groups should stabilise → group membership should be decided quickly (better option: before the election day; voters should be aware of the political group of „their“ candidates)
- Speakers/Presidents/Chairs of political groups should be elected directly after the elections (to avoid another 2019 deadlock: EP negotiations on a future „coalition agreement“ could not get into detail since S&D was „represented“ by PM Sanchez and Renew by President Macron)
- Ultimate goal; a majority of Parliament should confront the European Council with their COM President. **No majority inside Parliament equals a European Council taking the decision on its own.**

Ultimate Requirement for a revised LCP

Implementation of Declaration 11 – possibly through an IIA

Prior to the decision of the European Council on the nomination of the Commission's President, Parliament and the European Council should conduct the necessary consultations towards concluding an IIA on the investiture of the Commission.

“These consultations will focus on the backgrounds of the candidates for President of the Commission, taking account of the elections to the European Parliament, in accordance with the first subparagraph of Article 17(7). The arrangements for such consultations may be determined, in due course, by common accord between the European Parliament and the European Council”