



2020/2088(INI)

12.6.2020

DRAFT REPORT

on stocktaking of European elections
(2020/2088(INI))

Committee on Constitutional Affairs

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on stocktaking of European elections (2020/2088(INI))

The European Parliament,

- having regard to the Treaty on European Union (TEU), and in particular Articles 10, 14 and 17(7) thereof,
- having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Articles 20 and 22 thereof,
- having regard to the Declaration on Article 17(6) and (7) of the Treaty on European Union annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon,
- having regard to Council Decision (EU, Euratom) 2018/994 of 13 July 2018 amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976¹,
- having regard to European Council Decision (EU) 2018/937 of 28 June 2018 establishing the composition of the European Parliament²,
- having regard to Council Decision (EU, Euratom) 2018/767 of 22 May 2018 fixing the period for the ninth election of representatives to the European Parliament by direct universal suffrage³,
- having regard to Regulation (EU, Euratom) 2018/673 of the European Parliament and of the Council of 3 May 2018 amending Regulation (EU, Euratom) No 1141/2014 on the statute and funding of European political parties and European political foundations⁴,
- having regard to Regulation (EU, Euratom) 2019/493 of the European Parliament and of the Council of 25 March 2019 amending Regulation (EU, Euratom) No 1141/2014 as regards a verification procedure related to infringements of rules on the protection of personal data in the context of elections to the European Parliament⁵,
- having regard to the Framework Agreement on relations between the European Parliament and the European Commission, as amended⁶,
- having regard to its resolution of 11 November 2015 on the reform of the electoral law

¹ OJ L 178, 16.7.2018, p. 1.

² OJ L 165I, 2.7.2018, p. 1.

³ OJ L 129, 25.5.2018, p. 76.

⁴ OJ L 114I, 4.5.2018, p. 1.

⁵ OJ L 85I, 27.3.2019, p. 7.

⁶ OJ L 304, 20.11.2010, p. 47.

- of the European Union⁷,
- having regard to its resolution of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty⁸,
 - having regard to its resolution of 16 February 2017 on possible evolutions of and adjustments to the current institutional set-up of the European Union⁹,
 - having regard to its resolution of 18 April 2018 on the draft Council decision fixing the period for the ninth election of representatives to the European Parliament by direct universal suffrage¹⁰,
 - having regard to its resolution of 7 February 2018 on the composition of the European Parliament¹¹,
 - having regard to its decision of 16 July on the election of the President of the Commission¹²,
 - having regard to its resolution of 10 October 2019 on foreign electoral interference and disinformation in national and European democratic processes¹³,
 - having regard to Rule 54 of its Rules of Procedure,
 - having regard to the report of the Committee on Constitutional Affairs (A9-0000/2020),
- A. whereas the 2019 European elections registered the highest turnout of the any elections to the European Parliament in the last 20 years, with 50.2 %, (an increase of eight percentage points compared to 2014), sending a positive signal that European citizens believe that many of their concerns can be addressed at EU level;
- B. whereas the higher turnout was in part due to the increased participation of young people;
- C. whereas the higher turnout was ultimately linked to gains by Eurosceptics, which should be considered as a warning for European integration, especially in several founding Member States where far-right extremists and anti-European forces won the elections;
- D. whereas the higher turnout is also a sign that EU citizens want the EU to act swiftly and effectively on important matters such as climate change, migration, protection of fundamental rights and democratisation;
- E. whereas gender equality among Members of the European Parliament has improved (41 % women in 2019, up from 37 % in 2014);
- F. whereas 15 Member States still restrict voting rights for people with disabilities, thus

⁷ OJ C 366, 27.10.2017, p. 7.

⁸ OJ C 252, 18.7.2018, p. 215.

⁹ OJ C 252, 18.7.2018, p. 201.

¹⁰ OJ C 390, 18.11.2019, p. 170.

¹¹ OJ C 463, 21.12.2018, p. 83.

¹² Texts adopted, P9_TA(2019)0002.

¹³ Texts adopted, P9_TA(2019)0031.

preventing the meaningful participation and representation of these citizens in democratic processes;

- G. whereas the reform of the Electoral Act of 1976, as adopted by the European Parliament in its legislative resolution of 4 July 2018 on the draft Council decision amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976¹⁴, is still not fully ratified owing to the unwillingness of Germany, Spain and Cyprus to take the last necessary steps in their national legislation, and thereby blocking the evolution of the regulatory framework for European elections;
- H. whereas the amended Electoral Act, still pending ratification by some Member States, already requires further improvements (i.e. regarding parental leave for MEPs);
- I. whereas the outcome of the 2019 European elections fragmented political representation in Parliament, leading to increased complexity in the decision-making process;
- J. whereas the 2019 elections failed to culminate in the choice of a Commission President from among the various Spitzenkandidaten, resulting in a backward step from the process which was established in 2014;
- K. whereas the Spitzenkandidaten process has yet to be fully developed; whereas it lacks, among other things, the possibility for Spitzenkandidaten to stand as official candidates in all Member States on transnational lists, allowing all European voters to choose and vote for their preferred Spitzenkandidat; whereas Parliament raised this issue in its decision of 7 February 2018 on the revision of the Framework Agreement on relations between the European Parliament and the European Commission¹⁵;
- L. whereas the Spitzenkandidaten system needs to be improved and formalised in the EU's primary law after an in-depth institutional reflection; whereas this reflection should also include the de facto political role of the Commission and its President and any related changes to the decision-making process of the Union;
- M. whereas institutional improvements such as transnational lists, as acknowledged by Parliament in its resolution of 7 February 2018 on the composition of the European Parliament, or the transformation of the Council into a second legislative chamber of the Union, as proposed in its resolution of 16 February 2017 on possible evolutions of and adjustments to the current institutional set-up of the European Union, would radically transform the European elections into one true European election, as opposed to the collection of 27 separate national elections that it is today;
- N. whereas the intensified political exchanges in Parliament have also highlighted the shortcomings of several standing procedures such as the hearings of Commissioners-designate, with particular regard to the conditions for the legal assessment of their applications (e.g. declarations of financial interests);
- O. whereas democratic processes at both Member State and EU levels have been targeted by foreign powers in order to influence the outcome of elections and weaken the Union;

¹⁴ J C 118, 8.4.2020, p. 246.

¹⁵ Texts adopted, P8_TA(2018)0030.

whereas the mechanisms put in place by the European institutions, such as the Code of Practice against Disinformation and the Rapid Alert System for elections contributed to the mitigation of foreign interference during the election campaign;

- P. whereas the Commission's requests to social media platforms ahead of the elections created confusion and had unintended consequences such as the ban on Europe-wide political advertisements, which is the only way for European political parties to advertise during European election campaigns; whereas especially on that matter, the institutions should develop an interinstitutional approach in order to have a positive impact on the security and stability of the electoral process;
- Q. whereas European political parties and foundations are the primary facilitators of a successful European political debate, both during and beyond European elections;
- R. whereas European political parties face various restrictions to campaigning during European elections and are prohibited from campaigning in national referendums on European matters;
1. Takes note of the higher turnout in the 2019 European elections; considers that this shows that an increasing proportion of citizens consider the EU to be the appropriate level at which to address the challenges of our time such as climate change and environmental concerns, social and gender inequalities, sustainable growth, and geopolitical concerns such as migration and foreign policy; urges all the European institutions, therefore, to take responsibility and to act upon the mandate they have been given, directly or indirectly, by the citizens; regrets both the lack of decisiveness by the Council and the lack of clear intent to achieve solutions based on a common approach;
 2. Welcomes the substantial increase of youth participation in the elections; reiterates its call on the Council and the Commission to take into account their concerns, which are critical for the lives of the next generations;
 3. Deplores the fact that the outcome of the elections did not lead to genuine gender balance in Parliament; calls on the Commission, in cooperation with Parliament and other bodies such as the Venice Commission, to formulate recommendations to Member States with a view to increasing the representation of women in the European Parliament;
 4. Notes that similar recommendations could be made concerning the exercise of passive and active voting rights of citizens with disabilities; recalls with great concern that in several Member States citizens with disabilities were not able to vote in 2019 because of unsuitable electoral material or infrastructure at polling stations;
 5. Is of the opinion that the reason why the Spitzenkandidaten process failed to produce a President of the European Commission after the 2019 elections is because no improvements were made to it following the experience of 2014; intends to strengthen the democratic process for choosing the Commission President before the next European elections of 2024;
 6. Welcomes the up-coming joint declaration of the three European institutions on the Conference on the Future of Europe, recalls the commitment by the Commission President to address the issue of transnational lists and the Spitzenkandidaten process as

the priority institutional issues during the Conference;

7. Stresses that the election of the Commission President depends on a majority of Parliament's members, which de facto requires the formation of a coalition; recommends that the election procedure be reversed so that Parliament proposes and elects the President of the Commission, after obtaining the consent of the European Council;
8. Considers that the outcome of the European elections has reinforced the political dimension of the election of the European Commission, and therefore the need for more accurate and objective scrutiny of the declarations of interests of the Commissioners-designate; calls for the creation of an independent body, endowed with the appropriate means, to have this scrutiny included in its responsibilities;
9. Regrets that the attribution of portfolios in the Commission follows solely a logic where national interests take priority over the European common interest;
10. Insists that all European voters should be allowed to vote for their preferred candidate for the President of the Commission; reiterates, therefore, that the Spitzenkandidaten should be able to stand as official candidates at the next elections in a joint European constituency across all Member States;
11. Believes that granting European voters a second vote for transnational lists in a joint European constituency, drawn up by European political parties and movements, would elevate the European elections above purely national campaigns based on national interests, particularly if such lists were headed by the respective Spitzenkandidaten;
12. Points out that the proposed changes to the EU's primary law within this report, which reflect the increased political role of the Commission within the EU framework, should also include the individual and collective responsibility of the Commission towards Parliament and the Council, as well as the transformation of the Council into a second legislative chamber of the Union;
13. Acknowledges that despite the fact that the agreed reform of the Electoral Law has not yet been ratified by some Member States, further improvements are required, such as provisions for remote voting operations in defined or exceptional circumstances, as well as on the elections in the joint European constituency;
14. Takes note of the efforts by the Commission and other institutions to tackle foreign interference during the electoral campaign; points out, nevertheless, that the financial and human resources needed to counter these attacks on European democracy, including at national level, are many times superior to the combined designated European resources; urges the Commission and the Member States to raise significantly the financing they make available for the fight against foreign interference;
15. Urges the Commission and the Council to consider, in accordance with the work of Parliament's Special Committee on Foreign interference and Disinformation, the urgent creation of a European organisation dedicated to the fight against foreign interference; encourages the Commission and the Council to work much more closely with Parliament on these matters, as the protection of our democratic institutions is a core competence of the European Parliament;

16. Recognises the important role of European political parties and foundations in fostering a European political debate; points out, however, that owing to restrictive measures at European and national levels, European political parties cannot fully participate in European election campaigns; stresses, moreover, that they are not allowed to campaign in referendums that concern European matters, including international trade agreements or the UK's 2016 referendum on EU membership;
17. Proposes to amend Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council on the statute and funding of European political parties and European political foundations¹⁶ to allow European political parties and foundations to fully participate in the European political space while at the same time increasing the transparency of their funding, especially when funding comes from member parties outside the EU;
18. Considers that the outcome of the European elections is a clear signal for an in-depth institutional reflection that will allow citizens, civil society and their representatives to shape the future of the Union; calls, therefore, on all institutional partners to assume their responsibility and deliver an ambitious Conference on the Future of Europe;
19. Instructs its President to forward this resolution to the European Council, the Council, the Commission and the parliaments and governments of the Member States.

¹⁶ OJ L 317, 4.11.2014, p. 1.