

The 2014 elections to the European Parliament (EP) introduced a new procedure to elect the President of the European Commission: the so-called *Spitzenkandidaten*, i.e. pan-European lead candidates nominated by the European political parties. Demands for such a practice at the European level—for the sake of strengthening the democratic nature of the EU—were well known before 2014. However, after the Lisbon Treaty set the legal fundament, the European Parliament and the European Commission encouraged the European political parties to nominate presidential candidates in the run-up to the last elections to the EP. Against the backdrop of the economic crisis, which was dominated by intergovernmental decisions and the furthering of technocratic structures, the advocacy for such a further development of the European elections became even stronger.

Both politically and academically, the introduction of *Spitzenkandidaten* was highly disputed. Although several heads of state and government sympathised with the precedent, there was a coalition, led by the British Prime Minister David Cameron, which was opposed or at least reluctant to the nomination of the victorious lead candidate as Commission President.

2014: successes, shortcomings and limitations

The *Spitzenkandidaten* experiment can be considered as a first step to surmount the insufficient democratic control of the EU level by strengthening the EU's parliamentary dimension. The EP succeeded securing for itself a strong position in the investiture procedure of the Commission President. It established a new *modus operandi* at the expense of the European Council, which now has to appoint the lead candidate whose party won most seats in the European elections.

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On the other hand, the second-order nature of the elections to the European Parliament could not be overcome. The 2014 innovation was supposed to contribute to the mobilisation of voters and to strengthen the input legitimacy of the EU polity. In spite of the attempt to demonstrate a clear link between the ballot and the investiture of the Commission President, the downtrend of the voter turnout continued in 2014. Instead of mobilising the electorate by politicizing the electoral campaign in partisan terms, the new electoral procedure contributed to the polarisation of the citizens' attitude towards EU integration, which became manifest in the increased share of votes for EU-sceptic parties. The remarkably good results of EU-sceptic parties, in particular in France and the UK, went hand in hand with bad performances on the part of governing parties.

In most member states, the dominant topics and politicians in the electoral campaign were again national in nature. The "distant" EU issues and staff played only a marginal role. The European elections conveniently serve as a sort of midterm elections that provide national parties with the opportunity to, for instance, question the national government and prepare the next national elections. As a result, national parties still did not have sufficiently strong incentives to Europeanize their electoral campaigns.

Lastly, the aims of providing the electorate with a real choice between different alternatives and fostering the accountability mechanisms in a long-term perspective could not be achieved. Although the Commission President is now selected on the basis of the electoral outcome, citizens are hardly able to scrutinize EU actors—due to the enduring need to compromise in the persistently consensual EU decision-making process.

How to improve the electoral procedure

Based on the shortcomings in 2014 and the persisting limitations, future reforms should focus on three overall objectives: first, the electoral campaigns should be more honest, i.e. the elections should be fought on the topics that actually are at stake. Second, responsiveness should be strengthened: European citizens should not only be represented at the EU level but also feel represented. Third, as a major lesson learned from 2014, debates on potential reforms have to take into account the risks of further politicization and polarization.

A recurrent idea in the academic and political debates is the introduction of transnational party lists. Such a concept is also promoted by the European Parliament. Transnational lists would, at first sight, be more democratic than the current system of degressive proportionality by introducing the "one person-one vote" principle. However, this most

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certainly would not be perceived as more legitimate. In order to secure an appropriate representation of citizens of smaller member states, the introduction of national quotas within the transnational party lists would be necessary as a compensation.

An electoral system only consisting of transnational lists would decisively impact on the European party system and foster the parliamentary nature of the EU concerning the inner working of the parliament. With the parliamentary groups and the European political parties matching, the parliamentary groups' cohesion would increase, a real division between a parliamentary coalition and opposition might emerge, and the chain of delegation between citizens and decision-makers would be improved. A coalition in the European Parliament would elect the Commission, which would be closely linked to the parliamentary majority, whereas the parliamentary minority would be excluded from EU decision-making and be responsible for scrutinizing the Commission. Furthermore, the European lead candidates would appear on the top of the ballot papers making the link between a vote and the choice for a future Commission President obvious.

On the one hand, with the European parties being in charge of the organisation of the electoral campaign, topics and politicians being part of the electoral debates would most likely be more European than today. On the other hand, however national parties would disappear to a large extent making the procedure incomprehensible and distant to the electorate who then would have to get used to the European party system—which would most likely result in an even lower turnout. It is unlikely whether such a reform would actually improve the responsiveness of the EU. Supporters of this model oppose the argument that the EU should seek a system that shortens the link between voters and the political decision-makers.

Alternatively, the Commission President could be directly elected by and, as a consequence, directly accountable to the citizens. This is one of the most far-reaching proposals on the table. It would establish a direct chain of delegation and provide the citizens with clear voting options, for instance the choice of rejecting or confirming a sitting Commission President. This would in general terms enhance the EU's responsiveness. Again, in order to counteract a marginalisation of small countries, a sort of degressive proportionality would be necessary.

With the electoral campaign being carried out by the pan-European candidates (jointly with the respective European parties), the debates in the run-up to the presidential elections would be informed by European instead of national issues. The electoral campaigns in the framework of the elections to the European Parliament would, however, remain unchanged.

On the other hand, a direct election might enhance polarization, the consequences of which are hardly foreseeable.

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As a third idea, intra-party procedures could follow the model of the United States of America, where the nominations of candidates for the US President are not based on opaque votes in the party conferences. European parties could hold primaries in all member states in order to broaden the awareness of the existence and benefits of *Spitzenkandidaten*. Each member state would be allocated a weighted vote based on its population. Contenders for the *Spitzenkandidaten* posts would be encouraged to present themselves in each member state trying to gain support for their applications. Such nomination procedures would enhance transparency and could increase media attention and further the citizens' awareness. The participation of the electorate at an early stage of the electoral process could also contribute to an increase of the turnout at the actual elections to the European Parliament. Since the potential *Spitzenkandidaten* would have to convince citizens all over the EU, their campaigns would be of rather European nature. In addition, it would force the candidates to be more responsive to public concerns.

Such a procedure may promote politicization. Since we are only talking about primary elections and not the election of the Commission President as such, polarising effects would be limited and not increased compared to 2014. Although the primaries would be Europeanized, the nature of the actual electoral campaign, which would still be carried out by the national parties, would most likely remain national. In a nutshell, party primaries would represent a small but fruitful complement of direct civil involvement to the consensus-oriented EU, which can contribute to the democratic legitimation of EU politics.

Against the backdrop of the risks of polarization, it may be reasonable to take small safe steps. European primaries would not challenge the compromise-based decision-making at the EU level and not necessarily require Treaty amendments or the adoption of secondary law. If

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the holding of primaries proves itself, and further polarizing effects can be ruled out, the direct election of the Commission President could be taken into consideration as the final step of refinement of the *Spitzenkandidaten* procedure.

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