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EU Elections & Democracy: Choosing Leaders Over Dinner

By Frederick Kliem

SYNOPSIS

EU elections are taking place this week, but contrary to popular belief, voters have no lawful say in who will occupy the most powerful EU office. The selection process for the President of the EU Commission reveals the EU's inter-governmentalist character at the very top.

COMMENTARY

UNLIKE ASEAN, essentially an inter-governmental organisation of integrative regionalism, the European Union is supposedly ASEAN's democratic and supranational European counterpart. As with most clichés, the existing element of truth is vastly exaggerated. Even though EU citizens elect the new EU Parliament this week in the world's second largest democratic exercise after India, the selection for the really powerful jobs after the elections are over reveal the substantial inter-governmental remnants of European integration.

According to the most recent polling of 15 May 2019 by Politico, the two largest parliamentary groups (factions of mostly likeminded national parties) will once again be the European People's Party (EPP) and the Socialists&Democrats (S&D). Since EU elections are in reality several different kinds of elections on the national level, there are no transnational party lists for pan-European candidates. Instead, EU voters vote for their local party lists on national or even regional level.

The EU Legislature and the *Spitzenkandidat*

In their national elections, most European states follow a parliamentary system in which the executive emerges from, and derives its legitimacy from, the confidence of

the legislature. The head of government will be from, or supported by, the winning party.

And if proponents of a stronger EU parliament had their wish, a similar principle of a *Spitzenkandidat* (lead candidate) would also be applied to select the next president of the EU Commission, leader of the EU's executive and most powerful individual on the EU circuit – but there is no guarantee for this to happen.

At the very top, where it really counts, the EU remains essentially inter-governmental; leaders making deals over dinner.

The *Spitzenkandidat* principle, first practised in 2014, links parliamentary and presidential elections by encouraging each parliamentary group to nominate a candidate for Commission president prior to the elections. The *Spitzenkandidat* of the “winning” group would enjoy a democratic mandate and should be the person nominated by the European Council – the collective of EU national leaders – who have the prerogative of proposing a presidential candidate.

The *Spitzenkandidat* should campaign throughout Europe and “personalise” EU elections, thereby increasing public interest and transparency. In other words, EU elections were to become more akin to national elections.

Electing the Commission's President – a Democratic Process?

However, when the three most promising *Spitzenkandidaten*, Manfred Weber (EPP), Frans Timmermans (S&D) and Margrethe Vestager (ALDE), recently toured Europe in an attempt to galvanise EU citizens, they not only went ahead of themselves, but they were also imposters by suggesting that voters may decide who becomes Commission president.

The vast majority of voters will be surprised to find out that neither of the *Spitzenkandidaten* appears on their ballot papers. In fact, the parliamentary *Spitzenkandidaten* logic is highly contested by some of those who really matter, the national leaders.

The Lisbon Treaty asks the Council only to take the election outcome ‘into account’ when proposing the president to Parliament, which then votes on the one proposed candidate of the Council's liking. In an inter-governmental decision process over dinner in Brussels after the elections, one of the *Spitzenkandidaten* could well become Commission president — but only at the leaders' discretion.

Even then, the Council may yet decide to nominate someone else entirely.

Strengthening of Parliament?

The EU has significant legislative authority; formally democratising its executive authority would go a long way to enhancing its claim to democratic legitimacy. The *Spitzenkandidat* process empowers elected European parliamentary members and strengthens parliamentary democracy vis-à-vis Europe's inter-governmentalism at the top.

Secondly, if the Council disregards the winning candidate, it makes a mockery of the parliamentary election process. Voters may question the value of voting in the first place and recoil at the futility of listening to the debates of the competing *Spitzenkandidaten*.

On the other hand, existing treaties do prescribe an inter-governmental prerogative and as the letter of the law has it, EU elections do not determine who will occupy the most powerful EU job. That the candidates toured Europe, implicitly pretending this was any different, and implying that people could somehow vote for them, was dishonest.

Secondly, the EU parliament is not a “real” parliament, commanding significantly less authority than its national counterparts – and rightly so. It remains mostly under the radar of EU citizens with voter turnout measuring only around 42%, raising doubts about its democratic legitimacy in the first place.

Lastly, it is undeniable that it is a parliament in which a substantial proportion of members consider it a priority to dismantle the very structure they are part of, the EU that is. A national analogy would suggest that many of those, often euphemistically called “EU sceptics”, but in reality far-right European parliamentary members, would be banned from sitting in their national parliaments as overt opponents of the constitution. In the EU, polity acceptance is not a prerequisite to becoming an MP.

Should the EU Council Follow Elections?

Arguably, the answer one favours depends on one’s opinion on the importance of supranational parliaments versus inter-governmental regionalism, and there are good arguments in favour of either. Ideally, at this critical juncture for the EU, parliamentary election results should be the benchmark for the selection of the Commission president.

For better or worse, the EU has decided to have a parliament and some of the *Spitzenkandidaten* have already toured Europe, unwittingly. If European leaders want a cohesive and publicly respected EU in an ever more divided continent, they should for this one time follow the parliamentary democracy logic they created. If the Council disregards it, negative stereotypes of the EU will endure – with some truth to them.

The sometimes exaggerated but not entirely false notion that EU policymaking equals bureaucrats making decisions in obscure fashion would be further reinforced. This will deal a further blow to the popularity of a regionalist project that is so much more than its uninspiring bureaucracy and so much greater than its unfortunate Brussels-centred politics.

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