

Overthrowing Secrecy

The *Spitzenkandidaten* experiment and a new chance for a European party system

Roberto Baldoli, Stefan Gänzle and Michael Shackleton

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The *Spitzenkandidaten* experiment has been at the centre of a heated debate for several months. For some, its success – the election of Jean-Claude Juncker as the next President of the European Commission – represented the victory of voters and the European Parliament against a reluctant European Council; for others, the *Spitzenkandidaten* procedure itself has been little short of a *coup d'état* against nation-state democracies.¹ However, the reshaping of the legitimacy of the President represents neither the defeat of the member states nor the instalment of a European prime minister. The real *coup d'état* has been directed against the old process of appointing the European Commission President behind closed doors. Although the new procedure entails “a number of political, institutional and ‘thus’ constitutional ambiguities”,² it has rendered that process more transparent, if not more democratic – and will almost certainly endure to the next European elections in 2019 and beyond. As a result, the new procedure is likely to trigger important changes in Europe’s political parties and elections.

The new President can now be seen to enjoy a form of popular mandate. It is true that the lack of resources, along with the reticence of national media and national political parties, made it extremely difficult for citizens to acquaint themselves with the main candidates. Nevertheless, the candidates were all chosen by open procedures. The nomination of the

¹ See e.g. P. De Matteis, “EU faces prospect of ‘coup d’état by European Council”, *The Parliament Magazine*, 5 June 2014 (www.theparliamentmagazine.eu/articles/news/eu-faces-prospect-coup-d%C3%A9tat-european-council) and G. Steinhauser, “Broad Majority of Pro-EU Lawmakers Elect Juncker to Head Commission”, *The Wall Street Journal*, 15 July 2014 (<http://online.wsj.com/articles/broad-majority-of-pro-eu-lawmakers-elect-juncker-to-head-commission-1405427499>).

² Y. Bertoncini, “New President, ‘New’ Constitution?”, *Tribune: Viewpoint*, Notre Europe, Paris, 23 July 2014.

Roberto Baldoli is a Ph.D. student at the University of Exeter (United Kingdom). Stefan Gänzle is Associate Professor at the University of Agder, Kristiansand (Norway). Michael Shackleton is Special Professor in European Institutions, University of Maastricht (The Netherlands) and a former official of the European Parliament.

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European Peoples Party's top candidate at the March 2014 Election Congress in Dublin, for example, was the product of a transparent, competitive and democratic method in which Juncker defeated his French rival, Michel Barnier. Besides, the European Peoples Party gained the most seats in the elections and this effectively gave its top candidate "priority in trying to gain the backing of a majority of the members of the European Parliament".³ It is hard to argue that the new Commission President does not enjoy a clearer democratic mandate than any of his predecessors. More importantly, the new democratic clothes of the President are likely to alter the balance within the Commission in his favour: the process of presidentialisation within the executive branch of the EU, initiated by the Treaty of Nice, will receive a further boost. The approval by the Parliament of a Commission programme bearing the mark of the President at the start of the legislature will reinforce his credentials considerably.

However, the new President will not be able to act without the member states: all of his colleagues in the college are nominated by them and he is obliged to take account of their wishes in the allocation of portfolios. One can observe that many of the nominees to the new Commission are political heavyweights who are likely to serve as a counterweight to the new President. At the same time, there is something of a paradox in having a more transparent method of election of the President going hand-in-hand with the traditional system of backroom deals and horse-trading about the names of Commissioners and their portfolios. The tension between the two methods will be more thoroughly tested in five years, when the *Spitzenkandidat* may be tempted or even encouraged to present a small cabinet of Commissioners in waiting.

The relationship between the Commission President and the political families in the European Parliament has also changed. Having emerged from the interplay between European political parties, he is under stronger pressure to promote the kind of policies that the main political parties called for during the electoral campaign. However, this change should not be considered a revolution either. Even if the President may now be considered more than an 'honest broker' between different and competing interests in a consensual system, we are still far from the parliamentary democracy found in the member states. The new President is far less than a 'European prime minister'. The "competitive cooperation"⁴ between Council and Commission concerning the setting of the political agenda will remain as before. Moreover, the new President will continue to depend on the broad support of the European Council, and will still occasionally need an absolute majority of at least 376 votes in Parliament.

If both the internal balance of the Commission has not radically changed, and the President has not become a new prime minister, where is the real coup d'état? The real change was in the process, not in the outcome. Indeed, we can reasonably expect that process to evolve further: the European Parliament may take the initiative and choose the candidates from its own ranks – or beyond – or the heads of state and government may seek to interfere directly in the selection process and promote certain candidates. Whatever the precise evolution, the procedure will necessarily be more transparent than the previous horse-trading behind closed doors in the European Council. In a nutshell, greater transparency will definitely be a legacy of the 2014 election; secrecy has been dealt a mortal blow.

³ M. Incerti, "Never mind the *Spitzenkandidaten*: It's all about politics", CEPS Commentary, 6 June 2014, p. 1.

⁴ P. Bocquillon and M. Dobbels (2013), "An Elephant on the 13th Floor of the Berlaymont? European Council and Commission Relations in Legislative Agenda Setting", *Journal of European Public Policy* 21(1), p. 22.

The transparency of the *Spitzenkandidaten* procedure is likely to trigger further changes in the organisation and functioning of European political parties and elections. Internal competition and political tensions will increase, as the parties are brought increasingly into the spotlight from the recesses of Article 10(4) of the Treaty on European Union. In the 2014 elections, the lead candidates were largely unknown but in future we can expect to see more high-calibre politicians seeking to advance their careers in the European political party system.

Consequently, we could anticipate that national political parties will engage in more transnational fora for discussion with parties from other countries. Transnational party congresses and summits are likely to play an increasingly important role, not least those that precede European Council meetings. Besides, we should watch for a process of simplification and uniformity of the systems for the internal selection of candidates. We could also see European manifestoes become transnational platforms adopted by each member state's party. It is not too far-fetched perhaps to imagine such European manifestoes becoming the pillars of national parties' manifestoes, rather than the other way round.

Such internal changes, along with the convergence towards more transnational fora for discussion, will not be neutral in their effects. They will represent a major challenge to the present structure where European parties are little more than federations of national parties. Nevertheless, the logic of this year's change in the process is that the President of the Commission would emerge from the choices made by real 'pan-European parties', thereby serving in turn to "reshape the nature of European elections".⁵ The precise shape of what emerges remains uncertain but the *Spitzenkandidaten* experiment has undoubtedly let the genie out of the bottle: there is no way to put it back. The process of electing the Commission President will never be the same again.

⁵ S. Hobolt, "A vote for the President? The role of *Spitzenkandidaten* in the 2014 European Parliament elections", *Journal of European Public Policy*, 17 July 2014, p. 2 (<http://dx.doi.org/10.1080/13501763.2014.941148>).