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# A Pan-European District for the European Elections? The Rise and Fall of the Duff Proposal for the Electoral Reform of the European Parliament

Lorenzo Donatelli



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By Lorenzo Donatelli

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European Political and Administrative Studies/  
Études Politiques et Administratives  
Dijver 11, B-8000 Brugge, Belgium  
[www.coleurope.eu/pol](http://www.coleurope.eu/pol)



## About the author

Lorenzo Donatelli holds a M.A. degree in Parliament and public policies from the LUISS University of Rome and a M.A. degree in European Political and Administrative Studies from the College of Europe (Falcone and Borsellino promotion). Lorenzo previously worked as academic tutor in LUISS University and as trainee in the Ministry of the Interior of the Italian Republic (Office for Legislative Affairs). He currently works as a trainee in the European Parliament, Economic Governance Support Unit.

## Address for correspondence:

[lorenzo.donatelli@coleurope.eu](mailto:lorenzo.donatelli@coleurope.eu)

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Dijver 11, B-8000 Bruges, Belgium | Tel. +32 (0) 50 477 281 | Fax +32 (0) 50 477 280

email [michele.chang@coleurope.eu](mailto:michele.chang@coleurope.eu) | website [www.coleurope.eu/pol](http://www.coleurope.eu/pol)

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## **Abstract**

The aim of the present article is to understand the dynamics underlying the birth, the development and the eventual failure of the Duff proposal of 2009-2012, an ambitious attempt to change the provisions governing the elections for the European Parliament. In particular, the way agenda-setting on electoral reform is shaped in the European Union will be analysed, trying to understand if the current stalemate on the issue can be explained in light of factors specific to the EU. The report presented by liberal MEP Andrew Duff at the beginning of the seventh legislature called on Member States to gather a Convention, in order to introduce fundamental improvements in the way Members of the European Parliament are elected. Among the envisaged changes, the creation of a pan-European constituency to elect twenty-five Members on transnational lists represented the most controversial issue. After having analysed its main elements, the path of the Duff report from the committee of Constitutional Affairs (AFCO) to the plenary will be analysed. It will be concluded that a sharp contrast exists between the way electoral issues are raised in the AFCO committee and the way the Parliament as a whole deals with them. Moreover, diverging interests between national delegations inside groups seem to play a decisive role in hampering electoral reform. While further research is needed to corroborate the present findings, the analysis of the Duff proposal appears to shed light on the different barriers that ensure electoral reform is taken off the agenda of the Union, and on the relative weight each of them carries.

The paper is based on the Master's thesis *A Pan-European District for the European Elections? The Rise and Fall of the Duff Proposal for the Electoral Reform of the European Parliament*, College of Europe, Department of European Political and Administrative Studies, 2015.



## Introduction

The history of the European Parliament has been marked by the gradual, but constant increase in its powers *vis-à-vis* the other institutions of the European Union. The increasing involvement of the Parliament in the EU's decision-making came also because of its nature as the only institution representing European citizens, directly elected since 1979. Today, however, the situation is quite different. The expansion of the role of the Parliament in the institutional system of the Union coexists with enduring problems in its democratic representativeness. The latter derive, among other things, from the peculiar composition of the assembly, the persisting separate elections, and the absence of true electoral campaigns. The presentation, at the beginning of the seventh legislature (2009-2014), of a report for the reform of the elections for the European Parliament by Member of Parliament (MEP) Andrew Duff was aimed at tackling precisely these issues. The Parliament had the opportunity, through the approval of this report, to put the need for electoral reform again on the agenda of the Union, calling on Member States to start the procedure for a Treaty revision. Nonetheless, the Parliament proved to be much more reluctant than expected and did not manage to agree on a common position. One issue revealed to be much too sensitive: the introduction of a pan-European constituency, which would have allowed European voters to cast a second vote to choose among authentically transnational party lists.

Therefore, the aim of this research is to understand the dynamics underlying the rise and fall of the Duff proposal of 2009-2012, analysing the process it went through since its birth in the Constitutional Affairs (AFCO) committee until its blockage once arrived in the plenary. The interest of such a study is twofold. First, it has the potential to contribute further to the comprehension of the dynamics of agenda-setting in the European Union, given that both the way the report was drafted and then put aside by the Parliament can enrich the existing knowledge on

how the agenda of the Union is shaped. Second, electoral reform is not an issue like others: it concerns more the nature of representation of citizens than “policy outcomes” narrowly defined. It is, therefore, particularly interesting to investigate the peculiarities that characterize agenda-setting in the field of electoral reform, especially from the perspective of the Parliament. It will be concluded that, to a certain extent, the birth and failure of the Duff proposal are representative of the structural difficulty for the Parliament to address electoral reform, especially when it comes to addressing the way elections are made and the assembly composed. Even if further evidence is needed to consolidate the results of the research, it is important to shed light on the different hurdles electoral reform must overcome at the level of the EU, and on their relative weight in comparison with the national level. In fact, new proposals to increase the democratic legitimacy of the EU’s institutional system through the modification of electoral rules are currently being examined in the new Parliament.<sup>1</sup> Learning from experience in previous legislatures can prove to be essential when assessing more recent attempts to modify electoral provisions.

## **1. Electoral reform in the European Union: a history of success?**

The issue of the electoral reform was perhaps one of the first to be debated in the European Parliament, going up and down in the Parliament’s agenda for many years. Today, electoral reform is characterised by a series of changes both in the Treaties and in secondary legislation that appear, at the same time, to consolidate the equilibrium gradually built over the past twenty years and to call for new revisions, in order to give the reformed Treaties full implementation. The Lisbon Treaty – drawing on the previous Constitutional Treaty – introduced two fundamental modifications that represent a major step forwards in the direction of a quasi-

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<sup>1</sup> With the approval of the Gualtieri-Trzaskowski report of 2013 Parliament committed to submit, by the end of 2015, new proposals to the European Council in the view of setting up a new mechanism for the seat reapportionment, to be activated before each European election (European Parliament, *Resolution of 13 March 2013 on the composition of the European Parliament with a view to the 2014 elections*, Strasbourg, P7\_TA(2013)0082, 13 March 2013).

federal parliamentary democracy. The first of them is the qualification of the European Parliament as “composed of representatives of the Union’s citizens” (article 14.2 TEU), instead of “representatives of the peoples of the States brought together in the Community” (article 189 ECT, as amended by the Nice Treaty). The relevance of the change has to be assessed in the broader view of the “parliamentarization” undertaken by the EU institutional system since the very beginning of the integration process. The representative function being exercised in relation to the individuals as European citizens, and no more as citizens of Member States, the European Parliament becomes more similar to the low Chambers of Federal States, laying the foundations to develop itself into the centre of the democratic legitimacy of the institutional system. However, it still conserves distinctive features of an assembly of its own kind, and in particular the lack of common, uniform procedure for the election, or the apportionment of its seats according to the degressive proportionality. The latter represents the second great issue of the post-Lisbon era, that is to say the seat apportionment of the European Parliament. The new article 14.2 TEU set the framework of primary law that every modification in the seat apportionment has to respect, while giving the right of initiative to the Parliament. If one considers the reform process in its entirety (starting from the first debates in the Parliamentary Assembly of the 1950s and culminating in the Lisbon Treaty), it can be argued that the approach of the European Parliament was to promote, at each stage, ambitious proposals to implement the provisions of the Treaties, trying to influence in a relevant manner the nature of the EU institutional system. It is quite clear that, behind the majority of the draft projects concerning the election and composition of the assembly, there is a strong federalist approach, even if not always strongly shared by the assembly as a whole. All the main reports approved by the Parliament in the electoral domain, in fact, reflect the debate taking place in the committee for Constitutional Affairs, which has always been significantly biased towards the need to deepen integration and encourage Treaty

revisions.<sup>2</sup> At the same time, the Parliament found insurmountable problems in coping with Member States, which were, ultimately, the key actors in making the issue to advance.

## **2. The Duff report (2009-2012): the Parliament back on electoral reform after thirteen years**

From many respects, the story of the Duff proposal is no different from previous attempts to reform the elections for the European Parliament. Significantly, however, this time the Parliament was not even able to agree on a proposal to be negotiated with the Member States. The measures to improve the elections and the composition of the assembly were, like in the past, put forward in the perspective of a new progress in the “federalization” of Europe. Again, its proposers and main supporters can be clearly characterized as convinced federalists, whose main goal was bridging the gap between the broadening of the Parliament’s powers and its democratic accountability. In addition, it has to be noted that the debate on many of the essential elements of the Duff proposal dates back to years ago, especially for what concerns the pan-European constituency.<sup>3</sup> The purpose of the present section is to briefly analyse the Duff proposal, highlighting its main distinctive features while taking into account the several modifications it underwent during the debate in the Parliament.

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<sup>2</sup> Since its establishment in 1982, following the Crocodile initiative launched by Altiero Spinelli, the committee constituted the framework in which leading figures of the Parliament dealt with institutional matters, like the creation of common electoral rules. The committee (named committee for Institutional Affairs until 1999) has always taken an ambitious approach regarding European integration, promoting own-initiative Treaty revisions when considered necessary (for the 1984 Draft Treaty inspired by Spinelli, see R. Corbett, *The European Parliament’s role in closer EU integration*, Houndmills, Basingstoke, Macmillan press, 1998, pp. 142-160).

<sup>3</sup> In fact, it was already included in the proposal of the European Movement for the 1999 elections, which proposed an additional quota of 5% of MEPs elected on a transnational basis (Duff, *Electoral Reform of the European Parliament*, *op. cit.*, p. 17).

To begin with, the proposal made by liberal MEP Andrew Duff, first published in the form of a working document of May 2010 in the AFCO committee<sup>4</sup> and later tabled as a draft report the following November,<sup>5</sup> underwent several revisions, but maintained its fundamental characters through all the procedure in the Parliament. The AFCO committee adopted the report two times: the first, in April 2011;<sup>6</sup> the second, after the referral back of the plenary, in February 2012.<sup>7</sup> The core element was the introduction of a pan-European constituency to elect twenty-five Members of Parliament, based on transnational lists set up by European parties. In all the different versions, the envisaged introduction of a single “federal” district across the Union remained the central part of the proposal, but also its main controversial point. For the first time since the introduction of direct elections, European citizens would have a second vote to cast, allowing them to vote directly for a European list with “federal” candidates beyond the current national electoral campaign. The specific modalities to put in place the constituency, though, were changed many times. For example, the rapporteur modified both the formula adopted for the transposition of the votes in seats (from the more proportional Sainte-Laguë to the D’Hondt method) and the way candidates are elected inside the transnational list (from semi-open<sup>8</sup> to closed lists). In contrast, the requirement for the lists to be composed by candidates coming from at least one third of Member States was maintained, along with the reference to gender and minority representation (but without any compulsory requirements). Furthermore, the report

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<sup>4</sup> European Parliament, Committee on Constitutional Affairs, *Working document on a proposal for a modification of the Act concerning the election of the members of the European Parliament by direct universal suffrage of 20 September 1976*, 19 May 2010.

<sup>5</sup> European Parliament, Committee on Constitutional Affairs, *Draft Report on a proposal for a modification of the Act concerning the election of the members of the European Parliament by direct universal suffrage of 20 September 1976*, 5 November 2010.

<sup>6</sup> European Parliament, Committee on Constitutional Affairs, *Report on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976*, A7-0176/2011, 28 April 2011, p. 32.

<sup>7</sup> European Parliament, Committee on Constitutional Affairs, *Second Report on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976*, A7-0027/2012, 1 February 2012.

<sup>8</sup> With semi-preferential lists, the voter can vote express its preference for an individual candidate, changing the order of the party-list.

foresaw the establishment of an electoral authority at the EU level to validate the results for the pan-European district. Overall, the declared purpose of the rapporteur was that of enhancing the European dimension of the elections for the Parliament, in order to make the decisions taken at the EU level more legitimate. In that way, the pan-European constituency would be consistent with the implementation of article 14.2 TEU as reformed by the Lisbon Treaty, while offering a unique opportunity for the European parties to exercise the typical party functions of selecting candidatures and managing an electoral campaign. Thus, the report aimed at allowing the European electorate to express its preferences on the policy actions to be taken by the EU, and at encouraging the European parties to frame properly a European debate.

Table 1 – THE PAN-EUROPEAN CONSTITUENCY IN THE DUFF PROPOSAL

	1 <sup>st</sup> Working document	1 <sup>st</sup> Draft report	1 <sup>st</sup> Report	2 <sup>nd</sup> report
<b>25 MEPs elected in transnational lists</b>	Additional to the 751 MEPs	Additional to the 751 MEPs	Additional to the 751 MEPs	Drawn from the 751 MEPs
<b>Electoral formula</b>	Sainte-Laguë	Sainte-Laguë	Sainte-Laguë	D'Hondt
<b>Type of list</b>	Semi-preferential	Semi-preferential	Closed	Closed
<b>Eligibility criteria for transnational lists</b>	Lists composed by candidates coming from at least 1/3 of MS	Lists composed by candidates coming from at least 1/3 of MS	Lists composed by candidates coming from at least 1/3 of MS	Lists composed by candidates coming from at least 1/3 of MS
<b>Gender and minority representation</b>	To be promoted (not compulsory)			
<b>Central EU electoral authority</b>	To be set up in order to check elections in pan-EU constituency	To be set up in order to check elections in pan-EU constituency	To be set up in order to check elections in pan-EU constituency	To be set up in order to check elections in pan-EU constituency

The second distinctive element of the proposal concerns the establishment of a mathematical formula for the reapportionment of the Parliament's seats among Member States,

in application of article 14.2, second subparagraph TEU. Here, the purpose of the rapporteur was twofold: first, fulfilling the duty of producing a new allocation of seats in the perspective of expiring derogations<sup>9</sup> and upcoming enlargements; second, taking the reapportionment of seats away from inter-state negotiations. Instead, the ultimate aim was to come up with a formula for a review of the allocation of seats on a regular basis, in order to take account not only for new accessions, but also for demographic changes.

Table 2 – A NEW MECHANISM FOR SEAT ALLOCATION

	1 <sup>st</sup> Working document	1 <sup>st</sup> Draft report	1 <sup>st</sup> Report	2 <sup>nd</sup> report
Seat reapportionment	Need for a durable and transparent mathematical formula mentioned in the explanatory statement	Amendment to article 14.2 TEU, distribution of seats among Member States reviewed regularly “in accordance with a formula based on the total resident population of the States”, no later than 12 months before the end of the mandate (new par. 2a)	Proposal to “enter into a dialogue with the European Council to explore the possibility of reaching agreement on a durable and transparent mathematical formula for the apportionment of seats”. Amendment to article 14.2 TEU with no mention to the mathematical formula, but only to the regular review of the allocation of seats	Proposal to “entre into a dialogue with the European Council to explore the possibility of reaching agreement on a durable and transparent apportionment of seats in Parliament”. No amendment to article 14.2 TEU

<sup>9</sup> The Lisbon provisions found full application only from 2014.

Other parts of the proposal concerned issues that only apparently were minor. Some of these issues, like the reform of the existing Council directive 93/109/EC on the right to vote and stand for European elections in other Member States, were already in the Parliament's agenda.<sup>10</sup> Others, like the establishment of a common age of voting, were added to it in a "federalist" perspective, to be included in a wide-encompassing reform of the Treaties, sometimes drawing on older proposals.<sup>11</sup> Concerning the period for holding the elections, the different versions of the Duff report foresaw the shifting of the elections from June to May, in order to increase participation and anticipate the investiture of the new Commission. In addition, the first versions of the proposal envisaged concentrating the polling days into a single weekend, in order to avoid information leaking about electoral results from Member States voting before. Concerning the proposal to modify Protocol n. 7 on Privileges and Immunities, the purpose of the rapporteur was to put in place a common and updated supranational regime for the privileges and immunities of MEPs, in order to make the Parliament fully sovereign in verifying the credentials of its members and in allowing for replacement of vacant seats. To conclude, the first version of the Duff report included also the possibility of strengthening electronic voting, in order to make easier the vote in European elections.

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<sup>10</sup> With reference to the right to vote and stand at European elections (indeed regulated by article 22.2 TFEU following a special legislative procedure, in which the Parliament is only consulted), it was aimed at broadening the scope of the proposal then advanced by the Barroso Commission. Going beyond the Commission's initiative, the Duff proposal committed the Parliament to urge not only for some improvements of the current procedures to register in other Member States, but also for the abolition of the prohibition of multiple candidatures across Europe. The possibility of a Member State not to recognize the exclusion from the right to vote or stand for a citizen in another Member State was also envisaged. All of these elements were maintained until the end in the report.

<sup>11</sup> Concerning the establishment of regional constituencies, for example, the rapporteur drew on the Anastassopoulos report of 1998 in proposing that constituencies at regional level must be set up in most populous Member States. Here, the idea was to avoid creating an excessive distance between voters and candidates, through the combination of territorial constituencies and semi-open preferential lists. This combination, however, does not figure in later versions of the report. Similarly, later versions of the proposal abandoned the initial purpose to create a uniform minimum age for voting and standing as candidate, particularly introducing a minimum age for voting at European elections at 16.

Table 3 – OTHER ELEMENTS OF THE DUFF PROPOSAL

	1 <sup>st</sup> Working document	1 <sup>st</sup> Draft report	1 <sup>st</sup> Report	2 <sup>nd</sup> report
<b>Regional constituencies</b>	To be introduced in more populous MS	National law	National law	National law
<b>Age of voting</b>	16 years established at EU level	National law	National law	National law
<b>Right to vote and stand in EP elections</b>	Make easier to exercise the right to vote and stand in other MS	Make easier to exercise the right to vote and stand in other MS	Make easier to exercise the right to vote and stand in other MS	Make easier to exercise the right to vote and stand in other MS
<b>Election period</b>	From June to May, during the same weekend	From June to May	From June to May	From June to May
<b>Modification of Protocol 7</b>	Establish a common regime for privileges and immunities of MEPs	Establish a common regime for privileges and immunities of MEPs	Establish a common regime for privileges and immunities of MEPs	Establish a common regime for privileges and immunities of MEPs
<b>Electronic vote</b>	Promote e-voting	No mention	No mention	No mention

To sum up, the Duff proposal of 2009-2012 can be sub-divided in several proposals, each covering a specific field of the elections for the European Parliament, but all consistent in the way they aim at making elections more supranational and less dependent on merely national provisions. Moreover, even if the proposal underwent many modifications in its path back and forth from the AFCO committee and the plenary, its more distinctive elements – in particular, the establishment of a pan-European constituency to elect twenty-five new MEPs – were left unchanged. It comes from the previous considerations that the Duff proposal, first put forward in 2009, was conceived by its author as a major step in the development of parliamentary democracy at EU level, an essential instrument to accelerate the process of “parliamentarization” undertaken by the institutional system of the Union through the different Treaty changes.

Notwithstanding the expectations of the rapporteur and of the main supporters in the Parliament, however, all the different versions of the report were not able to overcome the resistance to electoral change. As anticipated, the exam in the plenary of the first version of the proposal was first postponed, and then referred back to the committee. A second report was later approved by the AFCO committee, but never put on the agenda of the plenary by the Conference of Presidents. Could we have expected this failure?

### **3. Which theoretical framework to analyse electoral reform?**

The choice of the proper theoretical framework is crucial for any analysis concerning electoral reform, and all the more so for an analysis that focuses on the production of electoral reform at the EU level. In the broader picture of the EU's policy-cycle, the early stage of agenda-setting is the most relevant for the purpose of this analysis. As mentioned before, the Duff proposal was put on the agenda of the AFCO committee in 2010, but it struggled to be put on the agenda of the plenary, being postponed and then referred back to the committee. The issue of a wide-encompassing electoral reform was eventually removed from the Parliament's agenda before the end of the 2009-2014 term, mirroring the incapability of MEPs to reach an agreement in order to start negotiations with Member States.

Accordingly, it is at this stage that one has to investigate the feasibility of the proposal, how it was perceived, and if its fate was inevitable. In this respect, the existence of several models for the study of the agenda-setting, and specifically of the agenda-setting in the EU, offers a variety of instruments to carry out this research. European studies deals extensively with the policy cycle of the institutions of the European Union, that is to say with the different stages

leading to the adoption and implementation of a policy in a certain area.<sup>12</sup> More specifically, there is a general agreement on the definition of the agenda-setting as the stage in the policy cycle in which, broadly speaking, specific policy issues come to be considered by policy-makers. To quote Princen, “agenda-setting is not concerned with the actual decisions that are taken, but with the issues that decision-makers devote attention to: the issues they talk about, think about, write about and take into consideration”.<sup>13</sup>

In pursuance of an explanation of the ultimate failure of the Duff proposal to achieve its goal of setting the agenda of the EU decision-makers, Princen’s model represents a good starting point<sup>14</sup>. The model is based on the definition of the agenda on three steps, each highlighting a different stage in the process aimed at shaping the agenda of the EU institutions:

1. The development of a *transnational policy network*, whose precise goal is the setup of a transnational European policy debate in order to exert influence over policy-makers;<sup>15</sup>
2. The transition from the policy network’s agenda to the agenda of the EU decision-makers.

According to Princen, it is possible to pinpoint three different pathways the issues can follow in

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<sup>12</sup> For a definition of policy cycle: L. Buonanno & N. Nugent, *Policies and Policy Processes of the European Union*, Basingstoke, Palgrave Macmillan, 2013, p. 101.

<sup>13</sup> S. Princen, *Agenda-setting in the European Union*, Basingstoke, Palgrave Macmillan, 2009, p. 1. However, applying these analytical frameworks to the issue of the electoral reform poses a number of problems. In fact, the definition of “what is” electoral reform is an issue of primordial importance for the present study, given that, as explained in the previous section, the Duff proposal was a patchwork of several proposals combined together. Usually, the literature in the electoral field has focused on the reforms that change the key elements of a system, affecting its proportionality directly (the electoral formula) or indirectly (district magnitude, legal threshold, assembly size: see A. Lijphart, *Electoral Systems and Party Systems, A Study of Twenty-Seven Democracies 1945-1990*, Oxford, Oxford University Press, 1994, p. 79). Nevertheless, it has been pointed out that this narrow definition fails in taking into account changes that are only apparently minor (for example, in the right to vote or in voter registration), but actually affect the behaviour of parties and candidates. The construction of a definition able to take into consideration these aspects clearly goes beyond the aim of this essay, but the conceptualisation recently proposed by Jacobs and Leyenaar (K. Jacobs & M. Leyenaar, “A Conceptual Framework for Major, Minor, and Technical Electoral Reform”, *West European Politics*, vol. 34, n. 3, pp. 495-513, May 2011) can serve as a theoretical benchmark to analyse the Duff proposal. So, even though the importance of the pan-European constituency is obviously at the heart of this study, references will be made to other aspects of the proposal.

<sup>14</sup> Princen, *op. cit.*, pp. 151-156.

<sup>15</sup> According to Princen, the creation of such a transnational network requires the existence of a number of conditions, and in particular: a convergence among the perspectives of policy experts across Member States; their connection through a transnational network. In this way, a policy issue comes into consideration at a wider European level, even if it is not yet on the agenda of policy-makers (*ibid.*, pp. 151-152).

shifting from transnational debate to the EU's agenda: when a domestic actor takes the issue to the Union level; when an EU actor takes up an issue; or when an international organization brings an issue to the attention of the EU institutions;

3. Finally, the success of or failure to overcome the *filters* that normally block the entrance of an issue in the EU's agenda for actual decision-making.

Concerning the first stage, it will be hypothesised that, in the case of the electoral reform, a more top-down dynamic was put in place, not unlike previous cases of electoral reform at the EU level. As in previous attempts to electoral reform, one can expect the main promoters of the issue to have been essentially members of the European Parliament, group administrators and, to a lesser extent, academics, all gravitating around the AFCO committee. This stems from the fact that, unlike in other policy areas, the electoral issue implies mainly the right of initiative of the Parliament. In addition, it will be analysed to what extent the need to implement existing Treaty provisions played a role. From this point of view, it is important to bear in mind that, as observed by Buonanno and Nugent,<sup>16</sup> the most part of the issues on the agenda of the EU decision-makers derives from the implementation or the update of existing policies.<sup>17</sup> Accordingly, one can expect that electoral reform does not represent an exception. Indeed, the issue of electoral reform was, in a certain way, already in the broad agenda of the EU institutions after the entry into force of the Lisbon Treaty (new provisions included in the Treaties). Hence, it is matter of verifying empirically which was the role played by them.

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<sup>16</sup> Buonanno & Nugent, *op. cit.*, p. 103.

<sup>17</sup> The predominance of ongoing issues in the EU's agenda is a result of several factors. According to Nugent, *ibid.*, policy intervention at EU level tends to be partial and prudent, so further improvement/streamlining is often needed (all the more so in the electoral field, given the partial and difficult implementation of the relevant Treaty provisions). In addition, implementation and *ex post* assessment of policy interventions lead generally to the review of existing provisions.

With regards to the second and third stage, Princen adopts Kingdon's model<sup>18</sup> distinguishing between "governmental agenda" and "decision agenda". The difference lays, essentially, in the existence of concrete decisions to take: in the first case, the adoption of acts like common programmes, papers (for the Commission) or own-initiative reports (for the Parliament) is not decisive for the formal start of the decision-making process. It is not surprising, consequently, that the main literature on the agenda-setting has underlined the different dynamics that characterise the two types of agendas. In the first case, in fact, it appears easier to influence the broader governmental agenda. One can only consider the fact that, sometimes, the same actors who participate in the European debate on the issue are important actors of the decision-making process, like the members of the European Parliament for the debate on the pan-European constituency. It is also possible that, at this stage, those who try to influence the agenda of the Union are not still unanimous in the form of the policy intervention envisaged, being united only in calling for the Union to act in a certain field. Again, the argument put forward by Buonanno and Nugent on the automaticity of the agenda-setting in the EU must be taken into account. In the case of the decision agenda, on the other hand, it is much more difficult to succeed in setting the priorities of the decision-makers. The supporters of a policy initiative must overcome several hurdles, if they want to modify in a substantial way the agenda of the EU. These hurdles can be of various type, but, in the case of electoral reform, they assume a peculiar form.

In his work, Princen limits his theoretical toolkit for the third stage of agenda-setting to two, general categories of "hurdles" that an issue has to face to move from the governmental to the decision agenda.<sup>19</sup> Nevertheless, in order to take fully into account the nature of electoral

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<sup>18</sup> J. W. Kingdon, *Agendas, Alternatives and Public Policies*, updated 2nd ed., New York, Longman, 2011.

<sup>19</sup> Princen, *op. cit.*, p. 154 (where he distinguishes between opposition from other EU institutions – "horizontal blockage" - and from Member States – "vertical blockage").

reform, a more specific approach is needed. Electoral reform, in fact, must face exceptional hurdles to access the decision agenda. These are, in some way, typical of the electoral field. In order to cope with these aspects, it is necessary to supplement Princen's model, in order to enlarge our comprehension of the third stage of the agenda-setting with regards to the dynamics of electoral reform. According to Rahat and Hazan,<sup>20</sup> the aim of a proper approach to electoral reform is to identify a "menu of barriers that those who aspire to reform the electoral system will need to overcome in order to achieve their goal".<sup>21</sup> Consequently, they list "seven possible hurdles that reformers face when trying to promote electoral system reform"<sup>22</sup> at the national level. The assumption is simple: while it is quite easy to make electoral reform part of the governmental agenda, it is more difficult to understand why it does not succeed in going further. Far from being smooth, the pathway towards the inclusion of an electoral reform into the decision agenda is marked by hurdles that tend to ensure the perpetuation of the status quo. They can be listed as follows, according to the relative focus:

- Procedural superiority of the status quo (legal)
- Political tradition (cultural focus)
- Social structure (sociological focus)
- System level rationale (systemic focus)
- Vested interests (seat maximizing rationale)
- Coalition politics (veto players)
- Disagreement over content (game theory)<sup>23</sup>

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<sup>20</sup> G. Rahat & R. Hazan, "The Barriers to Electoral System Reform: A Synthesis of Alternative Approaches", *West European Politics*, vol. 34, n. 3, May 2011, pp. 478-494.

<sup>21</sup> *Ibid.*, p. 478.

<sup>22</sup> *Ibid.*, p. 479.

<sup>23</sup> *Ibid.*

Starting from the first barrier, the *procedural superiority of the status quo*, Rahat and Hazan observe how easier it is for the opponents of an electoral reform to block it at an earlier stage. From an institutionalist perspective, the two authors focus on the rules governing change in electoral provisions. They argue that a change in the status quo is difficult in itself, because of the need to modify the present legislation. In addition, they underline the fact that, being the electoral field a sensitive domain, it is often required more than a simple majority in the legislative assembly to pass a reform. This is particularly true in the case of the European Union, where the electoral domain is still mainly covered by primary law (in the form of the electoral Act of 1976).

Concerning the cultural factor, Rahat and Hazan include the *political tradition* of a certain country as a relevant barrier to overcome in order to succeed in electoral reform. They build on the broader argument of Lijphart, affirming that “the institutional setting – especially that of stable, established democracies – is linked to a country’s culture and to its political tradition. It is culture and political tradition that explain the tendency of the Anglo-American democracies toward majoritarianism, and the tendency of Continental democracies toward consensualism – including their proportional electoral systems”.<sup>24</sup> In addition, every political tradition tends to mirror a specific structure of the society, reflecting the basic arrangements that govern the “rules of the game”. Consequently, a structural link exists between the political tradition and the *social structure* of a country, the third kind of barriers listed by Rahat and Hazan. Again, the two authors borrow from Lijphart the observation of a correlation between the degree of heterogeneity of a society and the electoral system adopted, with proportional representation being a privileged instrument for consensus-building and power-sharing. It comes from this approach that electoral reform can be conceptualized as “an attempt either to adapt to societal changes [...] or to counter

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<sup>24</sup> *Ibid.*, p. 481.

their influence”.<sup>25</sup> Apparently, it is more difficult to apply this type of barrier to the European Union, given the difficulty to establish a link between the rise of the electoral issue in the EU’s agenda and modifications in the societal structure of the Member States. Nevertheless, the EU as a whole has been conceived as a consociational system.<sup>26</sup> From this point of view, the current arrangements on the Parliament’s elections can be interpreted as a guarantee to conserve national peculiarities.<sup>27</sup> Following this logic, we can expect electoral reform to be much more difficult to put on the EU’s agenda if it implies renegotiating the representation of “territorial” minorities.

The fourth hurdle included in the barriers approach deals with the *system-level rationale*, or the degree of functioning of the existing system. Following Rahat and Hazan, “a country will preserve its electoral system as long as the system produces certain “expected” outputs”.<sup>28</sup> As reported by Rahat and Hazan, Shugart defined the latter as the distortions arising from the application of an electoral system: distortions that can, like in the British case, lead to the proposal of reforms to correct its failure.<sup>29</sup> This argument is particularly appropriate for the European Parliament between 1979 and 2002, when the election of the British Members through a plurality system led systematically to a disproportionate weight of the British delegation in the main groups. Today, however, distortions derive mainly from the maintenance of separate national elections, with different ratios between seats and votes persisting in each Member State. Hence, in the 2014 elections, the parties affiliated to the S&D group won the majority of the

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<sup>25</sup> *Ibid.*, p. 482.

<sup>26</sup> Applying categories originally used for the study of divided societies at national level, several scholars have interpreted the EU as a political system characterised by the existence of multiple lines of division (sometimes, but not always, following the geographical borders), the over-representation of minorities (in this case, smaller Member States) and, finally, the existence of an integrated élite taking common decisions by compromise and consensus (generally the common lowest denominator): N. Nugent, *The Government and Politics of the European Union*, 7<sup>th</sup> ed., Basingstoke, Palgrave Macmillan, 2010, pp. 425-426.

<sup>27</sup> D. Schleicher, “What if Europe Held an Election and No One Cared?”, *Harvard International Law Journal*, vol. 52, n. 1, winter 2011, p. 148.

<sup>28</sup> Rahat & Hazan, *op. cit.*, p. 482.

<sup>29</sup> M. S. Shugart, “Inherent and Contingent Factors in Reform Initiation in Plurality Systems”, in A. Blais (ed.), *To Keep or To Change First Past the Post?*, Oxford, Oxford University Press, pp. 7-60, cited in Rahat & Hazan, *ibid.*, p. 483.

EU citizens' vote (40 million, compared to the 39.9 of the EPP), but the EPP group won more seats in the Parliament, gaining more votes in the biggest Member States and thus obtaining the Presidency of the Commission. Consequently, what is now deemed problematic in the functioning of the system is its inability to translate the will of the European citizens in a transparent electoral dynamic, leading to a federal-level mandate for the Members of Parliament to act on European issues. It remains to be seen if this "expected output" is shared by MEPs.

Finally, the last three criteria of the barriers approach are the *vested interest* of incumbent decision-makers, the blockage deriving from *coalition politics* and, in general, *disagreement over the content* of the proposal. In analysing these hurdles, the two authors take as a term of reference national politics, thus making use of concepts like that of "majority coalition" whose application to the EU is still controversial. Nevertheless, they introduce some considerations that are valid at the Union level as well. In particular, when dealing with electoral reform, the following elements come into play:

- Does the envisaged reform increase the seats potentially gained by a political party or, in the European case, a national delegation?
- To what extent is it possible to foresee the outcome, in terms of winners and losers of the proposed reform? Which is the complexity of the reform?
- Are there different proposals or lines of action among the supporters of the reform? What is the trade-off between the preferred option and the zero option (that is to say, no reform)?

To a varying extent, all the mentioned criteria<sup>30</sup> can be fruitfully combined together, and employed to analyse the pathway of the Duff proposal of 2009-2012 through the debate in the Parliament. It will be analysed, accordingly, if the self-interest of the incumbent Members of Parliament played a major or minor role in the failure of the attempt to set the EU's agenda, considering that, in all political systems, vested interests of legislators oppose an almost insuperable obstacle to the improvement of the existing electoral rules. For the purpose of the present analysis, the barriers to electoral reform in the EU can be classified, through an adaptation of the barriers model, as follows:

Table 4 - BARRIERS TO ELECTORAL SYSTEM REFORM IN THE EU

Focus	Barrier
Legal ( <i>several different procedures and/or Treaty revision, complicated and long process</i> )	Procedural superiority of the status quo
Cultural-sociological ( <i>the European Union as a consociational system over-representing minorities</i> )	Political tradition and social structure
Systemic ( <i>expected output, distortions or inconsistencies</i> )	System-level rationale
Seat maximizing in political and national representation; complexity of the reform and (presumed) unpredictability of its outcome; veto players between and inside political groups.	Vested interests, coalition politics and disagreement over content

Source: elaborated on the basis of Rahat & Hazan (2011)<sup>31</sup>

In the present article, the role of the mentioned barriers in the case of the Duff proposal will be examined. More specifically, the following hypotheses are made:

- On the one hand, the complex procedures to carry out revisions of the existing rules for the elections of the European Parliament constitute a deterrent in itself towards putting

<sup>30</sup> We can, though, expect a minor role for coalition politics, given that it is unlikely that a proposal for reform has a strong impact on the relationship between the main political groups supporting the election of the incumbent Commission

<sup>31</sup> *Ibid.*, p. 479.

the issue high in the EU's agenda, especially after the long and contrasted ratification process of the Lisbon Treaty, and all the more so after the outbreak of the Euro-crisis;

- Though the Parliament traditionally embraced its role as representative assembly of European citizens, and notwithstanding the fact that its internal functioning is based on transnational political groups, one could still expect those MEPs who benefit from the current arrangement for the composition and elections of the Parliament to be reluctant to discuss ambitious reforms. Consequently, it can be expected that any electoral reform aimed at making the Parliament more similar to a federal assembly in its election and composition will be opposed by MEPs coming from the Member States penalised by the proposed reform, given that the status quo is perceived as representing every component of the EU's society and territories;
- MEPs should not be particularly open when debating current distortions of the translation of votes in seats, if the correction of these distortions goes against the need to maintain the status quo;
- Finally, it can be expected that, as in every electoral reform, there is a natural resistance toward changing electoral rules, given that incumbent Members of Parliament are elected on that basis. Moreover, different interests (especially if wrongly perceived) can lead to opposition to the proposal, even if expressed on different parts of it.

Consequently, if these hypotheses are confirmed, the failure of the Duff proposal can be interpreted as a case of *non agenda-setting*, which is much more likely to take place in the "policy area" of electoral reforms than in other fields. This does not in any way detract from the importance of the analysis. On the contrary, it contributes to the study of the factors that shape the agenda-setting in the EU, because it highlights the dynamics that lead to the exclusion of an

issue from the agenda<sup>32</sup>. In the peculiar case of the Duff proposal of 2009-2012, it has to be understood if the activation of the above-mentioned barriers, and according to which relative importance, made it impossible for the proposal to enter in the interinstitutional agenda of the EU, going beyond the sphere of the internal debate in the Parliament.

#### **4. The Duff proposal on the AFCO agenda**

With the benefit of hindsight, one could be surprised at observing the contrast between the eventual fate of the Duff proposal and the dedication of the AFCO committee in treating the issue since the very beginning of the seventh Parliamentary term. Before analysing the scrutiny process it went through, it is essential to understand how the Duff proposal succeeded in being included in the agenda of the Parliament, in the framework of the AFCO committee.

In the previous paragraphs it has been hypothesised that, in the case of electoral reform, the role of the existing provisions of the Treaties can be decisive in setting the governmental agenda, while the formation of a transnational policy debate across Member States tends to play a minor role. Overall, it appears quite evident that the Duff report does not distance itself from the majority of the several proposals that have been discussed in the history of the European integration. In particular, both the direct reporting of relevant actors and the analysis of official documents seem to confirm that two “general trends” can be outlined about how electoral reforms come to the attention of the Parliament. First, as mentioned before, the Treaties tend to offer the MEPs, and particularly the most federalist-minded of them, the opportunity to promote a debate on the way to implement them in an integrationist perspective. In so doing, MEPs exploit

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<sup>32</sup> G. R. King, O. Keohane & S. Verba, *Designing Social Inquiry, Scientific Inference in Qualitative Research*, Princeton, Princeton University press, 1994, p. 129, cited in Princen, *op. cit.*, p. 53. The importance of non agenda-setting has been acknowledged since the seminal work of P. Bachrach and M. S. Baratz, “Two faces of power”, *American Political Science Review*, vol. 56, n. 4, 1962, pp. 947-952, in which the two authors focus on the power to hold issues off the agenda (so-called “non decision-making”, as opposed to “official” decision-making power).

fully the letter of the Treaties, making use of previously approved Treaty changes that, at the time of their adoption, were often underestimated by national governments. After Lisbon, this was the case of the inclusion of the above-mentioned article 14.2, first subparagraph TEU, stating that the Parliament represents the citizens of the Union and not merely the peoples of Member States; or of the right of initiative of the Parliament in the domain of seat distribution, following article 14.2, second subparagraph TEU. In general, one could say that, apart from the introduction of the pan-European constituency, most of the elements included in the Duff proposal were already on the Parliament's agenda.<sup>33</sup>

The second "trend" that appears to characterize the emergence of the issue of electoral reform in the Parliament's agenda concerns the actors who promoted it. In fact, while the need to implement the Treaties played an important role in allowing the rapporteur to put the issue on the Parliament's agenda, much less relevant was the formation of transnational networks to support the proposal. This does not mean that experts and academics were not active in examining the perspective of a new electoral reform for the European Parliament, before and in parallel to the struggle to place the matter at the top of the parliamentary agenda. In fact, beyond the "ordinary" research activity of European think tanks on the need for "authentically European" elections, *ad hoc* groups of scholars and specialists assisted the rapporteur in the preparation of the proposal,

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<sup>33</sup> The need to reopen the seat apportionment between Member States was inevitable because of the expiration of the existing derogations to article 14.2 TEU; and in perspective of the following enlargement, particularly that of Croatia and Iceland (then deemed to enter the Union in few years). With reference to the issue of the right to vote and stand at the European elections, it was already in the Union's agenda since the Barroso I Commission had approved a proposal to revise directive 93/109/EC. Again, the rapporteur built on the existing proposal to broaden it and make it more radical, including more federalist elements like the possibility of multiple candidatures in different Member States. Even the modification of Protocol n. 7 on Privileges and Immunities, which would require a revision of primary law, was already put on the Parliament's agenda at the time of the approval of the 2005 Statute of the Members of Parliament (pursuant to article 223.2 TFEU). Ultimately, every true Parliament is sovereign in the control of the credentials of its members.

particularly with regard to the “mathematical formula” for seat reapportionment.<sup>34</sup> In addition, organizations traditionally supporting the federalist cause – like the European Movement - were active as well in promoting the reform, especially in Brussels.<sup>35</sup> However, it is hardly deniable that these kind of networks can have difficulty fitting the transnational model of supporting organizations theorized by scholars in the field of agenda setting. The existing literature examines the first steps in the setting of the agenda by drawing on case studies that are very different in nature from electoral reform, such as environmental policy or agriculture policy. The emergence of an issue at European level and its entry into the generic governmental agenda (through a debate inside one or more of the institutions of the EU) is dealt with through an analysis on how interest groups manage cross-border cooperation, shift an issue at European level and use public mobilization to exercise pressure on EU policy-makers. In the case of electoral reform, however, the relevance of this dynamic appears to be much more limited for two main reasons. First, the complexity of the issue makes it difficult for the supporters to go beyond the typically Brussels environment, privileging other strategies inside the institutional venues. Second, electoral reform constitutes a perfect example of how, even in presence of weak pressure “from the outside” on decision-makers, an issue can easily reach the governmental agenda (where the perspective of active decision-making is still far from the actual discussion) “from the inside”. If we analyse the dynamics that led to the birth of the Duff proposal of 2009-2012, we can notice the activism of the same policy-makers who were entitled to decide on the issue, who were at the forefront in picking up the issue and promoting a debate on it. This is consistent with previous analyses on the policy dynamics taking place in the AFCO committee,

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<sup>34</sup> It is the case of the group of scholars who elaborated the so-called Cambridge compromise on the calculation of a mathematical formula for seat reapportionment: European Parliament, Directorate General for Internal Policies, Policy Department C, Citizens' Rights and Constitutional Affairs, *The allocation between the EU Member States of the seats in the European Parliament. Cambridge Compromise*, Note for the AFCO committee, Brussels, March 2011, retrieved 27 March 2011 at <http://www.statslab.cam.ac.uk/~grg/papers/cam-report-final2.pdf>, p. 4.

<sup>35</sup> Interview with Sietse Wijnsma, Policy advisor in the AFCO committee (ALDE group), Brussels, 24 March 2015.

emphasizing the relatively narrow circles that lead to the drafting of reports,<sup>36</sup> and the quite consensual nature of its working, marked by the existence of an “authority group” which manages the committee’s agenda.<sup>37</sup> In our case, liberal MEP Andrew Duff<sup>38</sup> was, at the same time, the main promoter and the rapporteur on the proposal. With the help of other leading figures in the political groups, he revamped the federalist intergroup in the European Parliament to play a new role in the coming legislature. In this regard, the birth of the Spinelli group in 2010<sup>39</sup> appears to have been more decisive for later stages in the debate on European elections (like the introduction of the *Spitzenkandidaten* system or the project for a Treaty reform to strengthen the Economic and Monetary Union) than in the debate over the pan-European constituency.<sup>40</sup> Nonetheless, the core of the group was already active in putting the electoral reform on the agenda of the Parliament between 2009 and 2010. We can find these kind of figures among the shadow rapporteurs and group coordinators who successfully managed to start the procedure in the AFCO committee. Among them, it is worth mentioning clearly federalist MEPs like Guy Verhofstadt (leader of the ALDE group, then in the AFCO committee), Iñigo Méndez de Vigo (shadow rapporteur for the EPP before being appointed in the Spanish government), Rafał Trzaskowski (succeeding EPP shadow rapporteur), Roberto Gualtieri (S&D shadow rapporteur), Enrique Guerrero Salom (S&D coordinator in the AFCO committee), Gerald Häfner (shadow rapporteur for the Greens). Other leading MEPs like Elmar Brok<sup>41</sup> (EPP) or Jo Leinen<sup>42</sup> (S&D) were also at the forefront. If we focus on the profile of these MEPs, they are all consistent with the average profile of the “authority group” normally leading the works of the committee, that is to

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<sup>36</sup> W. Beauvallet *et al.*, “La production de la légitimité institutionnelle au Parlement européen : le cas de la commission des affaires constitutionnelles”, *Politique européenne*, vol. 2, n. 28, 2009, pp. 95-100.

<sup>37</sup> *Ibid.*, pp. 90-94.

<sup>38</sup> Then President of the Union of European Federalists.

<sup>39</sup> The initiative was launched in September 2010 and aimed at creating a network based in the Parliament but open to civil society, in order to influence the EU’s decision-making in a federalist sense.

<sup>40</sup> Interview with Sietse Wijnsma, Policy advisor in the AFCO committee (ALDE group), Brussels, 24 March 2015.

<sup>41</sup> Then substitute member in the committee.

<sup>42</sup> Chair of the AFCO committee in 2004-2009 and President of the European Movement since 2011.

say, political entrepreneurs who are strongly Europeanised, with specialised expertise and previous political experience in national or European politics.<sup>43</sup> This makes the “policy area” of electoral reform even more suitable than other policy areas for showing the existence of a “top-down” dynamics in agenda-setting of the EU.

In the previous paragraphs, the three pathways theorised by Princen for the governmental agenda-setting have been recalled: the first going from the domestic sphere (national governments, interest groups or civil society actors) to the EU level; the second taking place directly at the EU level, with one or more institutions picking up an issue in presence of a favourable context to promote them; the third going from international organizations to the EU level. From what has been reported above, it is clear that electoral reform constitutes a perfect case study for the analysis of the second pathway. In addition, it was the Parliament, not the Commission, that was the main EU institution that took the issue of the electoral reform and started a debate on it after the 2009 elections. Normally, as argued by Princen with reference to the second pathway for governmental agenda-setting, it is the Commission that takes the initiative in picking up the policy issues, having regard to the development of an existing transnational debate and to the chances of pushing it through the decision-making process. In the case of electoral reform, instead, the role of the Commission is structurally marginal, given the reinforcement of the Parliament’s right of initiative through the different Treaty revisions. During the debate on the Duff report, the Commission declared itself on many occasions<sup>44</sup> to be out of the picture, adopting what could be defined as an attitude of positive inertia. On the contrary, it was the Parliament that was the decisive “venue” for the promotion of the issue, with

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<sup>43</sup> According to W. Beauvallet *et al.*, *op. cit.*, p. 81, the Members of the AFCO committee tend to have statistically high level of education, previous political experience in national governments or Parliaments and, finally, important roles in the European Parliament (vice-presidents of the Parliament, group presidents or vice-presidents, former committee chairs or vice-chairs).

<sup>44</sup> The lack of formal role of the Commission was recalled by the then Commissioner Maria Damanaki during the debate in the plenary on the first Duff report (European Parliament, *Debates of the European Parliament, Thursday 7 July 2011*, Strasbourg, pp. 15-16).

leading MEPs convinced of the necessity to come up with proposals to implement the Treaty provisions in an ambitious manner. Needless to say, the impact of this element on the realism of the supporters of the proposal will be object of study in the following paragraphs. For the moment, it is just worth underlining the paradox of the AFCO committee: one of the most prestigious committees of the Parliament, it compensates the lack of legislative powers with the great institutional capital deriving from the status of their members, characterised by their specialized expertise and longevity in their European political engagement. This institutional capital led the MEPs from the AFCO committee to be the true leaders of the Parliament at the time of Treaty revisions, for example under the chairmanship of Giorgio Napolitano in 1999-2004.<sup>45</sup> However, the same composition of the committee puts into question its representativeness of the broader assembly, potentially creating a gap between the interests of its members and that of the average MEP of the same groups.

## **5. From the committee to the plenary: what went wrong?**

After having been deeply discussed in the AFCO committee by leading figures of the Parliament, the Duff report was later bogged down due to the diffidence, if not open hostility, of consistent parts of the main political groups. These joined the already opposed Eurosceptic and Europhobic groups in blocking the proposal, splitting the main groups and making the existence of a majority to pass it more than uncertain. Therefore, the debate on the report was first postponed (first months of 2011), then referred back to the committee in July 2011. In spring 2012, the report was finally frozen, notwithstanding the reformulation of the AFCO committee, by the Conference of Presidents. In order to understand the reason of this blockade, in the previous paragraphs four “macro-categories” of potential hurdles to electoral reform in the European Union have been

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<sup>45</sup> W. Beauvallet *et al.*, *op. cit.*, p. 78.

listed. In the present paragraph, they will be tested against the actual debate in the Parliament, using interviews and official sources.

Following the first hurdle, it was hypothesised that the weight of procedural barriers plays, even more than at national level, an important role in hampering electoral reform. Given the difficult path that led to the ratification of the Lisbon Treaty, and in light of the deterioration of the support towards European integration after the crisis, it can be expected that a tendency now exists for the MEPs to abstain from engaging in electoral reform. Surprisingly, when one analyses the path of the Duff report from the AFCO committee to the plenary, the role of the procedural barrier appears to have played a much less relevant role than expected. Of course, in the Parliament as a whole “there was no appetite for Treaty change”.<sup>46</sup> During the debate that took place in the plenary session of July 2011, more than one critical intervention underlined the difficulty to restart a process for Treaty revision, and even MEPs openly supporting the Duff proposal showed no enthusiasm for an enterprise so complicated to achieve.<sup>47</sup> Nonetheless, the procedural hurdle is much less emphasised than expected by the interviewees. In the end, in fact, the lack of agreement on the proposal *within* the Parliament made the perspective of negotiations with other institutions a more remote factor.

In addition, other parts of the Duff report did not suffer the same destiny of the pan-European constituency. Conversely, they found a majoritarian support in the assembly, and met the favour of the governments. It is the case of those provisions that concerned the shifting of the period of the elections from June to May, in order to increase the electoral turnout and allow

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<sup>46</sup> Interview with Sietse Wijnsma, Policy advisor in the AFCO committee (ALDE group), Brussels, 24 March 2015. The interviewee recalls how in some cases Treaty reform was not even sufficient, given that – for instance – the introduction of a common age for voting at European elections would have required a constitutional revision in many Member States.

<sup>47</sup> European Parliament, *Debates of the European Parliament, Thursday 7 July 2011*, Strasbourg, pp. 17-18, intervention of MEP Alexandra Thein on behalf of the ALDE group; and p. 30, intervention of MEP Matthias Groote.

the new Commission to take office before November 2014.<sup>48</sup> Other provisions foresaw the revision of directive 93/109/EC on the right to vote and stand as a candidate in the elections for the European Parliament: they were finally, if only partially, endorsed by the Council in the following months.<sup>49</sup> At the same time, the seat reapportionment needed to adjust the Parliament's size before the end of the temporary derogation to article 14.2 TEU was eventually undertaken and successfully endorsed by the Parliament, notwithstanding the fact that, by reason of the unanimity needed in the European Council, the matter can be partially compared to a Treaty revision (from which it is still different because of the lack of national ratification). This led, first, to the adoption by the assembly of the Gualtieri-Trzaskowski report on the composition of the European Parliament for 2014-2019,<sup>50</sup> and then to the approval of the new distribution of seats by the European Council.<sup>51</sup> The adoption of the above-mentioned decisions exemplifies the fact that the problem was not, in the end, the complex nature of the procedure to follow, but the political will of decision-makers on the pan-European constituency (and on the mathematical formula for an "automatic" seat reapportionment). In fact, the anticipation of the elections, the approval of modifications to directive 93/109/EC on the right to vote and stand for the Parliament and, finally, the new allocation of seats among Member States all followed a special legislative

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<sup>48</sup> An election in May would have allowed anticipating the vote on the President in the July constituent session of the Parliament. Previously included in the Duff report, the measure was incorporated by the Casini report adopted in May 2013: European Parliament, *Legislative resolution of 21 May 2013 on the draft Council decision fixing the period for the eight election of representatives to the European Parliament by direct universal suffrage*, P7\_TA(2013)0194, Strasbourg, 21 May 2013. Accordingly, the Council brought the election date from 5-8 June to 22-25 May.

<sup>49</sup> Council of the European Union, "Council Directive 2013/1/EU of 20 December 2012 amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals", *Official Journal of the European Union*, n. L 26, 26 January 2013, pp. 27-29.

<sup>50</sup> European Parliament, *Resolution of 13 March 2013 on the composition of the European Parliament with a view to the 2014 elections*, *op. cit.*

<sup>51</sup> European Council, "European Council Decision of 28 June 2013 establishing the composition of the European Parliament", *Official Journal of the European Union*, n. L 181, 29 June 2013, pp. 57-58. The decision conserved the allocation of seats proposed by the Parliament in its resolution of 13 March 2013.

procedure, in each case requiring unanimity among Member States.<sup>52</sup> This appears to complicate further the picture of agenda-setting in the electoral domain, because different dynamics come to light when policy-makers, and specifically MEPs, deal with different aspects of electoral reform. On the one hand, electoral reform tends to be less controversial when implementing decisions already taken in the Treaties, while at the same time avoiding changing the existing equilibrium between relevant actors (political parties, Member States, institutions) in a way that is too much radical. Accordingly, a new allocation of the Parliament's seats among Member States can be achieved if it does not change in a structural manner the way seats are attributed to them (for instance, introducing a non-political mechanism). On the other hand, an ambitious reform like the introduction of a pan-European constituency is more difficult to put on the agenda, because of the controversy of *political* nature that is raised among MEPs before the issue can reach the stage of interinstitutional negotiations. Consequently, even though the procedural barrier was relevant in making agenda-setting of the Union more difficult, it was not, in the case of the Duff report, the decisive factor.

The second of the hurdles considered is linked to the nature of the EU as a consociational political system, in which territorial and political minorities are over-represented (cultural-political barrier). Following our hypotheses, agenda-setting should be more difficult for proposals aimed at breaking the existing balance between the components of the system. For instance, this would be the case of proposals which cause a decrease of representative power of territorial minorities (medium/smaller Member States) in order to reduce the gap in the ratio seat/voters inside the Parliament. From this point of view, two parts of the proposal appear to be relevant: the seat

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<sup>52</sup> In the case of the Council decision to anticipate elections, it was taken on the basis of article 11 of the 1976 electoral Act, which requires unanimity in the Council after consultation of the Parliament. Likewise, the modifications to the 1993 directive on the right to vote and stand in the elections for the European Parliament were adopted, according to article 22.2 TFEU, by unanimity in the Council after consultation of the Parliament. Finally, the adoption of a new seat allocation for the Parliament (not a proper legislative act) required unanimity in the European Council, on the initiative and with the approval of the Parliament itself (article 14.2, second subparagraph TEU).

reapportionment mechanism and the pan-European constituency. Concerning the first, it can be excluded that the allocation of seats played a decisive role. It is certainly true that the mathematical formula envisaged by the rapporteur as the objective of negotiations, which would allow for a seat-reapportionment the fourth year of each Parliament without the usual inter-state negotiations, was an element of debate among national delegations. In particular, MEPs from bigger Member States like France or Spain were eager to see a more proportional mechanism for seat allocation,<sup>53</sup> and MEPs from Germany underlined<sup>54</sup> in the plenary debate how urgent was to reform the apportionment in the light of the jurisprudence of the German Federal Constitutional Tribunal.<sup>54</sup> Nevertheless, first, the Duff report stated that the Parliament proposed “to enter in a dialogue with the European Council to explore the possibility of reaching agreement on a durable and transparent mathematical formula for the apportionment of seats”. In other words, the mathematical formula was considered as one of the possible outcomes of a negotiation with the Member States, without assuming a strong position on a defined model since the beginning. Second, the last version of the Duff report (2012) eliminated the reference to the mathematical formula, making the ultimate goal of a sustainable and less political reapportionment mechanism much more generic in its formulation.

Concerning the pan-European constituency, one could pinpoint various elements that put it at the centre on the debate, both in the plenary and in the informal discussions inside political groups. The picture of the path of the Duff report from the AFCO committee to the plenary, in fact, appears to be significantly marked by the issue of the potential consequences of the establishment of a single district on the representation of smaller Member States. Three sub-

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<sup>53</sup> Interview with Andrew Duff, MEP (ALDE) until 2014, Brussels, 17 March 2015.

<sup>54</sup> See European Parliament, *Debates of the European Parliament, Thursday 7 July 2011*, Strasbourg, p. 31, intervention of MEP Rainer Wieland - EPP.

issues can be identified that had, or were supposed to have, an important impact on the representation of MEPs coming from smaller Member States in the Parliament:

- 1) First, the election of the twenty-five “federal” MEPs on the basis of *transnational lists*, which was considered by MEPs from small Member States as strengthening the representation of bigger countries. This idea was based on the assumption that delegations coming from the biggest Member States, as the most powerful national delegations in the European political parties, would influence substantially the composition of the pan-European lists, given that the majority of voters are residents in their home countries;
- 2) Second, the *additional* nature of the twenty-five MEPs elected on the pan-European lists, which implied that candidates elected in these lists were added to, instead of drawn from, the total of 751 MEP. This offered, according to the medium-sized and smaller Member State, another evidence of the concealed reinforcement of the bigger countries’ representation;
- 3) Third, the *nature* of the transnational lists, that were originally semi-open and that ended up following a closed system just as a compromise to guarantee these countries.<sup>55</sup> The possibility, for the voter, to change the order of candidates in the list through preferential voting would have favoured the candidates coming from the bigger Member States, supposed to receive more preferences from their home countries.

If one lists Member States according to the seats allocated for the 2014 elections, three groups of countries can be identified: a group of “big” countries (from 50 to 96 seats), another of medium countries (from 20 to 49) and a last group of small countries (from 6 to 19). Following this categorisation, it is immediately evident that MEPs coming from medium and small Member

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<sup>55</sup> Interview with Sietse Wijnsma, Policy advisor in the AFCO committee (ALDE group), Brussels, 24 March 2015.

States who took the floor in the plenary of 7 July 2011 were largely opposed to the proposal. In particular, 6 out of 9 MEPs taking the floor and coming from medium-sized Member States declared their opposition, notwithstanding the political group they belonged to. Similarly, 7 out of 10 MEPs coming from small Member States and speaking during the plenary on the issue argued against the proposal. In this respect, no distinction can be made between more integrationist and more Eurosceptical groups, with MEPs coming from all the “mainstream” groups split on the issue. In all cases, the argument put forward by opposed MEPs was the (supposed) risk of reducing the role of MEPs coming from the medium and small countries, traditionally over-represented in the composition of the European Parliament. Actually, it is precisely to overcome this blockade that the compromise proposal of drawing the twenty-five MEPs from nationally-elected candidates was advanced, and openly defended by more federalist MEPs during the plenary debate.<sup>56</sup> Accordingly, in the second report, no mention was included to the additional nature of the pan-European MEPs, assuming that they were no more elected on top of the existing 751. This, combined with the system of closed lists, should have guaranteed the medium-sized and smaller countries about the balanced nature of transnational party lists, because the order of preference would have been no more determined by the electorate of biggest countries.<sup>57</sup> Nonetheless, the fact that the opposition on the pan-European constituency persisted until its freezing in the Conference of Presidents in 2012 shows how the issue of the representation of medium-sized and small Member States played a crucial role in the Parliament. It contributed decisively in preventing the assembly from approving the report and starting a dialogue with Member States with a united position. This ultimately demonstrates how, notwithstanding the letter of the Treaties, many MEPs still think and carry out their tasks as they

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<sup>56</sup> Not by chance, a MEP coming from a small Member State, Austrian Green MEP Ulrike Lunacek (European Parliament, *Debates of the European Parliament, Thursday 7 July 2011, Strasbourg*, pp. 32-33).

<sup>57</sup> Of course, the link established by smaller Member States between the creation of a transnational list and the weight of the electorates of bigger Member States is far from being evident. On the contrary, one could argue – following the rapporteur’s logic – that the choice of candidates goes well beyond their nationalities, given that the vote on the transnational lists would favour, in principle, those personalities who are well known and appreciated across the EU.

represented the citizens of their home countries and not the European citizens as a whole. This appears to be particularly true in the case of electoral reform, as we expected in our hypotheses.

The above-mentioned considerations make it possible to understand why, in the case of the Duff proposal, the need to fix system-level inconsistencies of the electoral system played a minor, if not inexistent role in the opposition to it. The systemic hurdle to electoral reform concerns, as showed above, the gap between the actual functioning of the electoral system and its expected output, and the way this plays a role in making the policy-maker receptive to reform initiative. It is widely recognized how, during all the period going from the first direct elections to the introduction of common principles by the 2002 reform, the problem of distortions in the system was at the heart of the clash between the Parliament and the Council. Conversely, today, distortions appear not to be useful for understanding the dynamics of electoral reform at EU level, even after the changes brought about by the Lisbon Treaty. In fact, it was underlined before how the distortions that affect the present system (national-based, with partial harmonization) do not concern any more huge divergence between national legislations, but the same existence of national separate systems, which can brought about inconsistencies in the accounting of the popular vote.<sup>58</sup> To cope with this issue, it would be needed even more than a pan-European district, but an authentic uniform procedure, which would remove obstacles to a translation of votes into seats on a common federal ground. In addition, distortions must be assessed against the expected output of the policy-maker. This is the most crucial factor to take into account, because, when analysing agenda-setting in the field of electoral reform, it is this relationship between expected output and actual results that matters more. From this standpoint, as argued above, it is far from evident that MEPs feel the urgent need to further the uniformization of

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<sup>58</sup> It is the case of the gap, in the 2014 elections for the European Parliament, between votes for the European parties in absolute terms and balance between the groups in the Parliament. It must be noted that, to a bigger or smaller degree, this kind of distortions are present in most electoral systems.

electoral processes at European level, given that all the main groups split on the possibility of introducing a much less ambitious supranational constituency. Both the observation of the position taken formally in the debate inside the Parliament and the interviews with relevant actors do not show any attention for this point, except for the rapporteur's declared purpose of overcoming the current national character of European elections.

Concerning the fourth and last hurdle, it was hypothesised that a natural resistance towards electoral reform exists, because the incumbent policy-makers (in this case, MEPs) are elected thanks to the present rules. In addition, it was expected that different interests among political actors can potentially lead to a barrage of opposition on different parties of a reform proposal. Both the analysis of official documents and of informal negotiations in the Parliament reveal the important role played by vested interests existing in the Parliament in blocking the proposal at an early stage. Since the beginning of the discussion in the AFCO committee, it became clear that different approaches existed not so much between political groups, as between national delegations inside them. This led to the elimination, in the first report approved by the committee, of the original proposal to set up regional constituencies for European elections.<sup>59</sup> Once the report adopted, the discussion between the shadow rapporteurs of the groups revealed quite soon that it was not clear if the respective groups would have been united on it.<sup>60</sup> When confronted with the first Duff report adopted by the AFCO committee, different national delegations put forwards divergent priorities, splitting the groups to the extent that it was not possible to understand if a majority existed in the Parliament. As observed above, a first line of division separated MEPs coming from bigger Member States, which were favoured by the

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<sup>59</sup> The aim of the supporters of this proposal was to bring the MEPs closer to the electors, while contributing to overcome the "national" character of the election. However, delegations from Member States, and among them the Spanish, Hungarian and Romanian ones, feared that this kind of "regionalization" of the European elections could have strengthened the political weight of linguistic or ethnic minorities living within their territory, boosting regional separatism (interview with Sietse Wijnsma, Policy advisor in the AFCO committee (ALDE group), Brussels, 24 March 2015).

<sup>60</sup> *Ibid.*

proposal to go towards a more proportional allocation of seats, and those who came from medium-sized and small Member States, who feared the consequences of the transnational list on their representation. Consequently, the German, French, Italian and Spanish delegation were, in principle, in favour of the report, given their potential gain in terms of new seats in the Parliament. Delegations like the Irish, Maltese or Baltic ones were, instead, resolutely against, especially with regard to the pan-European district and the possibility of a transnational party list.<sup>61</sup> All the main groups were split on the issue of the twenty-five MEPs to be elected on transnational lists. This situation allows to understand why, according to one of the interviewees, the small delegations were the actors to be blamed for the failure of the Parliament to take a position on electoral reform.<sup>62</sup> However, the cleavages inside the groups were more complicated by the ambiguous attitude assumed by some individual MEPs, attitude that cannot be justified in terms of the opposition big/small national delegations. First, the British MEPs, with the notable exception of the Liberal-Democrats of the rapporteur, were all against the report, notwithstanding the advantage for their country in terms of potential seats. The French delegation, for its part, saw its members in the S&D group backing the proposal, while more scepticism emerged in the EPP group, with many UMP<sup>63</sup> MEPs fearing the transnational list as a vehicle of Europeanization of French electoral campaigns.<sup>64</sup> In the German camp, the leading supporter of the report, Elmar Brok, found it difficult to defend the proposal after it was clear that no threshold in the pan-European list would have been included.<sup>65</sup> In fact, a huge discussion took place in the German delegation after the ruling of the *Bundesverfassungsgericht* of 26 February 2014, which declared

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<sup>61</sup> "They perceived that list as undermining their chances to reach more seats and, therefore, they rejected any possibility to move forward with the reform of the electoral law" (interview with Enrique Guerrero Salom, MEP and S&D group coordinator in the AFCO committee during 7<sup>th</sup> legislature, Brussels, 19 March 2015).

<sup>62</sup> *Ibid.*

<sup>63</sup> *Union pour un Mouvement Populaire.*

<sup>64</sup> Later, in the plenary debate on the first Duff report, it is remarkable that only French MEPs coming from the UMP took the floor, and that all of them expressed a hostile stance on the issue of the pan-European constituency: it is the case of Sophie Auconie and of Jean-Pierre Audy (European Parliament, *Debates of the European Parliament, Thursday 7 July 2011*, Strasbourg, pp. 30-31 and pp. 33-34).

<sup>65</sup> Interview with Andrew Duff, MEP (ALDE) until 2014, Brussels, 17 March 2015.

unconstitutional the threshold of 3% of votes established for European elections in their country.<sup>66</sup> According to the rapporteur, Polish MEPs were also quite sceptical; MEPs of the centre-right Civic Platform, in particular, were in majority against the report. Following former MEP Duff's opinion, they were generally scared by the euroscepticism still widespread in their home country.<sup>67</sup>

One could maintain that the plenary consolidated conflicts among national delegations, instead of solving them. When finally the report came to plenary for a first debate, on 7 July 2011, the persisting divisions inside the groups became more evident, a sign that MEPs representing political parties in the AFCO committee had not managed to find a compromise for a broad agreement. It is true that, if one analyses the position of different national delegations during the plenary debate, some "outlier" positions are taken by individual MEPs.<sup>68</sup> Nevertheless, overall, the divide between smaller and bigger Member States persisted, appearing to be one of the main dividing issues raised during the debate in the plenary (the other one being the controversy between main groups and Eurosceptic groups on the legitimacy of representation at the EU level).<sup>69</sup> In addition, following the opinion of one interviewee, the complexity of some parts of the report – in particular, the mathematical formula foreseen as the ultimate objective of a new negotiation with Member States over seat reapportionment – contributed to reinforce opposition both in bigger and smaller delegations<sup>70</sup>. Accordingly, the rapporteur asked for the referral back

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<sup>66</sup> "Germany's top court annuls 3% threshold for EU election", *EurActive Germany*, 27 February 2014, retrieved 19 April 2015 at <http://www.euractiv.com/sections/eu-elections-2014/germanys-top-court-annuls-3-threshold-eu-election-300927>.

<sup>67</sup> Interview with Andrew Duff, MEP (ALDE) until 2014, Brussels, 17 March 2015.

<sup>68</sup> For example, it is interesting to note that one MEP from a Baltic country, Lithuanian S&D MEP Zigmantas Balčytis, argued in favour of the proposal, aligning with the arguments put forward by the rapporteur (European Parliament, *Debates of the European Parliament, Thursday 7 July 2011*, Strasbourg, p. 29, intervention of Zigmantas Balčytis – S&D). To make another example, Liberal MEP from Sweden Olle Schmidt was quite active in the debate deconstructing the argument of Eurosceptic groups and even attacking small Member States for a lack of confidence in the ability of their MEPs to become influent at European level (*ibid*, p. 28, intervention of Olle Schmidt – ALDE).

<sup>69</sup> This second issue is given less relevance in the present work because of its relatively marginal role in shaping the path of the report in the Parliament.

<sup>70</sup> Interview with Sietse Wijnsma, Policy advisor in the AFCO committee (ALDE group), Brussels, 24 March 2015.

to the committee in order to engage in another round of negotiations among groups and national delegations, hoping to found a compromise on the more critical points. However, even the compromise reached in the AFCO committee on a second report was not enough to secure a majority in the Parliament. Here it is worth recalling that the second Duff proposal of 2012 eliminated any reference to the “mathematical formula” for reapportionment, and changed significant provisions related to the pan-European constituency. While the number of MEPs elected in the single district was not changed (and, in any case, it was considered by the same rapporteur as arbitrary),<sup>71</sup> the closed list system replaced the semi-preferential voting of the first report, and the additional nature of the pan-European MEPs was not mentioned any more. However, even after the “cleaning up” of the proposal, the diffidence of smaller delegations was still spread enough to make an approval quite unlikely. As stated above, the debate on the proposal was blocked after the approval of the second report by the AFCO committee, through a decision of the Conference of Presidents not to put it on the agenda of the plenary.

Comparing these findings with our hypotheses:

- We expected the typical reluctance of legislators to result in a timid approach among MEPs, especially given the complex nature of the proposal and the consequent difficulty in the calculation of net benefits actors can obtain from its approval. This appears to be confirmed by the above-mentioned data, given the gap between the broad endorsement of the report by the AFCO committee and the harsh reception it was given inside every group. The latter appear to derive from diverging interests among national delegations with reference to seat maximizing;

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<sup>71</sup> *Ibid.* According to Wijnsma, MEP Duff choose the number of twenty-five MEPs in order to fit in the average A4 ballot box. In addition, he underlined how the number of twenty-five was also conceived to avoid “one Member State – one candidate” lists (considering that EU included 27 countries at that time: “at least, it was clear that not every country would have had one seat”).

- We expected political groups to avoid confrontational behaviour between national delegations and not to invest political capital on a vote in which an evident division inside them risks to emerge. Accordingly, the main groups, whose leading figures in the Parliament had assumed a favourable stance towards the report in the committee debate, preferred to postpone indefinitely the vote on the proposal, to avoid the risk of a rejection by a cross-group majority in the plenary;
- We expected the existence of different coalitions over content to split the groups and avoid that a package deal was ultimately struck to pass the report and open negotiations with Member States. This is precisely what happened in the path of the Duff report from the committee to the plenary, with different priorities emerging both along the line bigger/smaller Member States, and along specific matters (like the introduction of a common threshold for the single European district). It is possible to argue that the cumulated effect of these different oppositions resulted in the zero-option (no reform) being finally privileged by the majority of MEPs.

It can thus be argued that a combination of the above-mentioned factors resulted in a stalemate in the debate over the proposal, with the opening of a dialogue on electoral reform with Member States not being endorsed by the Parliament. As a result, further developments in electoral rules towards a federalization of the elections of the Parliament were left off the agenda of the Union, and even of the Parliament. To quote one of the interviewees, when dealing with electoral reform “the main cause of opposition itself is self-interest. Because if you are going to change the way MEPs are elected, you are touching upon the basis of their existence, of their legitimacy. So that [*the Duff proposal*] got them really afraid”.<sup>72</sup>

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<sup>72</sup> *Ibid.*

## Conclusion

The path followed by the Duff report between 2009 and 2012 appears to be particularly illustrative of the dynamics that develop in the Parliament when MEPs are confronted with electoral reform. From this standpoint, the model built by Princen to analyse agenda-setting in the EU has been profitably used to examine the different steps of the report in the Parliament. It was observed how the absence of a true “cross-Member States” network was more than compensated by the traditional role played in the AFCO committee by a narrow “authority group” dealing with electoral reform. As in past attempts undertaken by the Parliament to put electoral reform on the Union’s agenda, it was the existence of a group of federalist-minded MEPs of the AFCO committee that was decisive in raising the issue, taking advantage of their relevant institutional capital. Moreover, it was argued that this cross-group network managed to put the issue on the agenda of the Parliament making use of the need to implement existing provisions. This explains the easiness to influence what the literature on agenda-setting defines “governmental agenda”, when no concrete decision is still at stake on the policy issue. However, when dealing with the inability of the Parliament to endorse the report and open a dialogue with Member States, a different type of mechanism comes into play. Using the barriers approach of Rahat and Hazan, the “freezing” of the Duff proposal in the path from the committee to the plenary was explained with the instruments of non-agenda setting in the field of electoral reform. Four macro-barriers were identified to understand why the proposal was finally not taken up in the “decision agenda”, which would have implied the approval of the report and the start of negotiations with Member States. Contrary to expectations, the procedural barrier played a minor role than foreseen. Even if often quoted by the relevant actors as one of the factors that determined the opposition to the proposal, the controversy on the issue was more *political*, as demonstrated by the approval of many “minor” elements of the Duff report in the months

following. The opposition by MEPs coming from medium-sized and smaller Member States, which feared that a pan-European constituency could turn to benefit the countries where the majority of electors live, represented one of the most important barriers. This allows comparing the nature of parliamentary representation at the Union level to that existing in consociational democracies, in which the over-representation of minorities is often permitted in order to integrate them in the decision-making process. In addition, the minor role played by distortions stemming from the coexistence of separate electoral systems took away one of the factors that had led the Parliament, during the 1990s, to ask for the revision of the existing rules, in order to ensure their proper functioning. This confirms that, for many MEPs, the representative function is still accomplished with reference to the citizens of their home countries, and that there is no consensus for a Europeanization of national campaigns. Finally, the fourth barrier was decisive as well: vested interests of national delegations, complexity in determining the net benefit deriving to them from the eventual introduction of the single district, disagreement over different parts of the proposal were all elements that contributed decisively in the failure of the proposal.

These results show not only the gap existing between the policy-orientation in the committee and in the plenary (which, in itself, it is not particularly surprising),<sup>73</sup> but the nature of the dynamics underlying electoral reform in the European Parliament. In fact, the relevance of the second and fourth macro-barriers seems to underline the centrality of national delegations in the process leading to the blockage of the proposal. From this point of view, the study of agenda-setting in the field of electoral reform has the potential to enrich the existing literature on MEPs' voting behaviour. Following a seminal work of Hix, Noury and Roland, "supranational party

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<sup>73</sup> The possibility of "splits in group cohesion in cases where the preferences of committee members are very different from those of the median members of the party groups" is analysed in T. Raunio, *Party Group Behaviour in the European Parliament. An Analysis of Transnational Political Groups in the 1989-94 Parliament*, Acta Universitatis Tamperensis, ser. A, vol. 521, Tampere, 1996, p. 112.

politics is a key aspect of policy-making in the emerging European polity"<sup>74</sup>. Through the examination of 15,000 roll-call votes between 1979 and 2004, the authors argued that a tendency towards an increase in group cohesion exists in the Parliament, and that "voting along supranational lines gradually replaced voting along national party lines as the dominant form of behaviour in the Parliament".<sup>75</sup> Notwithstanding the lack of resources to exert significant pressure on MEPs,<sup>76</sup> the political groups offer the opportunity to coordinate action among MEPs sharing similar ideology and to influence policy outcomes.<sup>77</sup> In addition, following their reasoning, a link is established between the cohesion of political groups and the increase in inter-group conflict along the left-right divide, so that "the political groups are able to maintain internal cohesion precisely because inter-party competition and coalition behaviour is driven by partisan policy preferences".<sup>78</sup> Conversely, the case of the Duff proposal for electoral reform appears to demonstrate that, when constitutional issues emerge, different cleavages determine the voting behaviour of MEPs, splitting the groups alongside national lines. Further research is needed to confirm this inference. However, the results do not seem surprising: the electoral domain, even more than other "constitutional" policy areas, does not concern policy competences or interinstitutional balances, but the representation of citizens and the link between candidates and voters. It follows that the splitting of the political groups alongside diverging national priorities and the preference of the incumbent for the status quo make agenda-setting in the electoral domain particularly difficult to achieve, even more than the average constitutional issue.

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<sup>74</sup> S. Hix, A. G. Noury & G. Roland, *Democratic politics in the European Parliament*, Cambridge, Cambridge University press, 2007, p. 3.

<sup>75</sup> *Ibid.* However, the representativeness of the study is questioned by D. Judge, & D. Earnshaw, *The European Parliament*, 2<sup>nd</sup> ed., Houndmills, Basingstoke, Palgrave Macmillan, 2008, pp. 143-145. The authors point at the small amount of votes in the Parliament that are held through roll-call voting, and at their strategic use by the groups.

<sup>76</sup> Due to the exclusive competence of national parties over candidatures and the lack of "executive discipline" deriving from an integrated government-majority relationship (*ibid.*, p. 5).

<sup>77</sup> See also R. Corbett, F. Jacobs & M. Shackleton, *The European Parliament*, 8<sup>th</sup> ed., London, John Harper Publishing, 2011, p. 122.

<sup>78</sup> Hix, Noury & Roland, *op. cit.*, p. 159.

The above-mentioned considerations explain why, unlike the case of previous attempts to electoral reform carried out since the 1979, the Duff proposal did not result in the Parliament approving a report, on the basis of which exerting pressure on Member States. This lets to highlight the substantial peculiarity of agenda-setting on electoral reform in the present times. While in the decades 1979-2002 the main barrier to electoral reform was the Council, with some Member States blocking any proposal to uniform electoral procedures, in the case of the Duff report the main opposition was inside the Parliament. This resulted in the blockage of the proposal at an earlier stage, questioning the ability of the Parliament itself in pushing for a stronger parliamentary representation at European level and, ultimately, for a more federal Union.

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