



What sort of changes did the *Spitzenkandidat* process bring to the quality of the EU's democracy?

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Abstract

In the 2014 and 2019 European elections, not only were parliamentary seats at stake, but more importantly, European citizens were given the opportunity to indirectly decide who would captain the ship of the European Commission for the next five years. Ahead of the elections, based on Article 17(7) of the Treaty on European Union, the European political parties nominated their lead candidates (*Spitzenkandidaten*) for the Commission presidency and ran personalised, presidential-style campaigns across the member states. Although discarded in 2019, the *Spitzenkandidat* process brought about several political and institutional changes, while aiming to cure the EU's democratic deficiencies. The process was conceived in 2014 as a way to make the selection of the Commission president more transparent and legitimate. At the same time, the level of politicisation was increased, with inter-institutional changes being implemented. The role of the European political parties was strengthened from that of being service providers to being proactive campaigners.

Keywords

Spitzenkandidat process, EU democracy, European Parliament, European Commission, European political parties, European elections

Introduction¹

Looking at the election campaigns for European Parliament (EP) seats since 1979, when Members of the EP (MEPs) were directly elected for the first time by European citizens, we see that these campaigns have concentrated on national rather than European issues (Holtz-Bacha 2004). Schmitt (2005) considers them second-order elections, as they do

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not receive the same levels of constituent interest as national ones. In this regard, instead of speaking of genuine European elections, one could consider them national elections that have a European flavour (Gagatek 2009).

Yet, the core argument of the 2014 European election campaign was that ‘this time would be different’, and there was also a consensus that these elections would be further Europeanised (YouTube 2013; Garcia and Priestley 2015; Sasmatzoglou 2013). Ahead of the elections, on the basis of Article 17(7) of the Treaty on European Union (TEU), the European political parties nominated their lead candidates (*Spitzenkandidaten*) for the Commission presidency, launching personalised, presidential-style campaigns across the member states in an effort to increase the EU’s visibility and, ultimately, the turnout for the election.

Jean-Claude Juncker ran as the *Spitzenkandidat* for the European People’s Party (EPP), while the Party of European Socialists (PES) nominated the then President of the EP Martin Schulz. Former Belgian Prime Minister Guy Verhofstadt and the then leader of Syriza, Alexis Tsipras represented the Alliance of Liberals and Democrats for Europe (ALDE) and the European Left respectively. Last but not least, Ska Keller and José Bové ran for the European Green Party. Five years after the first post-Lisbon elections, in 2019, it was the turn of Manfred Weber (EPP), Frans Timmermans (PES), Ska Keller and Bas Eickhout (European Green Party), Guy Verhofstadt and Margrethe Vestager² (ALDE), Jan Zahradil (European Conservatives and Reformists), and Nico Cué and Violeta Tomić (European Left) to campaign for the Commission presidency.

This article argues that although discarded in 2019, following the election of Ursula von der Leyen as president of the Commission, the *Spitzenkandidat* process brought about a series of political and institutional changes in the EU’s architecture. Most importantly, in the 2014 European elections, citizens were given, for the first time, the opportunity to indirectly decide who would hold the most powerful executive office in the EU. When Jean-Claude Juncker was elected president of the Commission by a strong majority of 422 votes in the EP plenary session in Strasbourg, his legitimacy was doubly confirmed (Westlake 2016). On the one hand, President Juncker enjoyed legitimacy as a result of his nomination by the European Council. On the other hand, by representing the European political party that had won the elections, he acquired an absolute majority in the EP. Thus, there was a conjunction of presidentialism and parliamentarism that was brought about through the *Spitzenkandidat* process and the implementation of Article 17(7) TEU (Dinan 2016).

The article consists of two main parts. The first focuses on the changes that the *Spitzenkandidat* process caused to the EU’s architecture. Political and institutional alterations are analysed. The second part proceeds with certain recommendations for further improving the *Spitzenkandidat* process.

Legitimacy, transparency, visibility

To start with, there is a broad consensus that the *Spitzenkandidat* process brought more transparency to the selection of the Commission president in 2014 (e.g. Christiansen

2016; Kassim 2017). In this regard, it gave President Juncker a clearer democratic and more legitimate mandate, strengthening the Commission's leadership and resulting in more democratisation (Gonzalez-Orus 2014). For the first time, the EP enjoyed actual legitimacy, and any deviation from the process would be a blow to the democracy of the EU (Habermas 2014). The criticism that the EU had not rendered the executive accountable through competitive elections (e.g. Schmitt et al. 2015) seemed less justifiable. European citizens indirectly elected the president of the European Commission on the landmark date of 15 July 2014,³ giving the executive branch democratic legitimacy derived from the legislature.

In a Eurobarometer survey conducted before the 2019 European elections, more than 60% of the respondents agreed that the *Spitzenkandidat* process would bring more transparency and increase the European Commission's legitimacy (European Parliament 2018). The *Spitzenkandidat* process was perceived as a significant development for European democracy. At the same time, the process was also perceived as an initiative that would have the potential to federalise the EU, as then Commission Secretary General Martin Selmayr, who served as President Juncker's campaign director, pointed out during an interview with the author.⁴ In 2014, for the first time, five lead candidates, with their manifestos, had the opportunity to present themselves and ask for the support of the European public in order to be elected to the most powerful executive office in the EU.

During the campaign, the salience of European issues increased, enabling European citizens to follow more closely the concrete policies and discussions related to the EU (Nickel 2016). When the curtains fell on this pan-European election campaign, it was estimated that one thousand news articles per day had mentioned Jean-Claude Juncker and Martin Schulz (Garcia et al. 2015), while several thousands of tweets had referred to the interviews and televised debates among the candidates, as well as their unprecedented EU-wide tour.

According to a 2014 post-election Eurobarometer survey, 5% of the European citizens who exercised their right to vote mentioned that they went to the polls in order to 'influence the choice of the President of the European Commission' (Eurobarometer 2014). Even if the above-mentioned result cannot be considered in absolute terms be spectacular, one might say that it was just the beginning of something else, something more dynamic and democratic.

In another post-election survey across 15 member states, 13.5% of the respondents claimed that they were aware of the lead candidates (Hobolt 2014). Moreover, 41% of the sample expressed their awareness of the *Spitzenkandidat* process, that is, that voting for a party in the European elections would in practice mean giving indirect support to a specific candidate for the presidency of the Commission.

Elsewhere, Maier et al. (2017, 14), exploring the impact of the 'Eurovision debate' held a few days before the elections, argued that exposure to the televised debate resulted in 'higher cognitive and political involvement'. More concretely, the respondents of the

survey were able to proceed with more informed judgements regarding the political and personal backgrounds of the candidates.

Politicisation and inter-institutional relations

The *Spitzenkandidat* system altered the Commission's conduct, rendering it more political (e.g. Kaeding 2015) and also altering its relationships vis-à-vis the EP and the European Council (Bassot et al. 2016). On 9 September 2015, President Juncker delivered the first State of the Union address of his term of office at a plenary session of the EP in Strasbourg. Amongst other claims, he stated:

Having campaigned as a lead candidate, as *Spitzenkandidat*, in the run up to the elections, I had the opportunity to be *a more political President* . . . to lead a political Commission. A very political Commission . . . because I believe the immense challenges Europe is currently facing—both internally and externally—leave us no choice but to address them from a very political perspective, in a very political manner and having the political consequences of our decisions very much in mind. (Juncker 2015, emphasis added)

Ahead of the elections, Juncker was thrown into an EU-wide tour, conducting interviews, holding press conferences and engaging in different debates, based on an election programme that would serve as the political mandate for the Commission that was to be elected. The pan-European campaign of the EPP provided Jean-Claude Juncker with a platform from which he could unfold his policy priorities and initiatives, which were later reflected in the 2014–19 Commission's work (Kassim et al. 2017). Indeed, after his election by the EP, President Juncker set out 10 policy priorities focusing on 'big things' in the Commission Work Programme 2015.

Beginning in 2014, close cooperation was established between the EU institutions. Regular meetings were held among President Juncker; First Vice-President Timmermans; President of the EP Martin Schulz; the chair of the EPP Group, Manfred Weber; and the former chair of the Socialists and Democrats (S&D) Group Gianni Pittella. This group has been dubbed the 'G5' (Christiansen 2016, 1003). In the context of the coalition between the EPP and the S&D, the leaders of the EU executive and legislature coordinated their work and advanced common positions.

Another important aspect is that the EP achieved a major institutional victory over the European Council, creating an important precedent for the selection of the European Commission president in the future (Hobolt 2014). With the European legislature imposing the *Spitzenkandidat* process, the European Council appeared to have been displaced (Kassim 2016). One could suggest that the *Spitzenkandidat* process resulted in a shift in the institutional balance of the EU, from a model run by and built around the European Council to a more parliamentary system.

The empowerment of the role of the Commission president, notably during the European Council summits, has also been outlined (Westlake 2016). Instead of

participating passively, as was the case with his predecessors, President Juncker appeared very proactive, frequently holding joint press conferences with European Council President Donald Tusk after each summit.

Beyond the inter-institutional relations, the *Spitzenkandidat* process also caused the (re)structuring of the College of Commissioners and the Secretariat General (Dinan 2016). As a result of this, as the Commission took up office on 1 November 2014, it ‘consist[ed] of political heavy-weights including 9 former Prime Ministers or Deputy Prime Ministers, 19 former Ministers, 7 returning Commissioners and 8 former Members of the European Parliament’ (European Commission 2014).

The *Spitzenkandidat* process attracted several ‘heavy-hitters’ for the highest posts within the EU executive, as the new structure was designed to strengthen the Commission’s political leadership (Kassim 2016). The establishment of vice-president positions was deemed successful (Bassot et al. 2015). The EU’s Secretariat General grew in size to support the heavy workload of this term of office (Kassim et al. 2017). With the curtains falling on the current term of office, one could say that the Commission returned engaged and energised, and gained steam due to Juncker’s presidency and the implementation of the *Spitzenkandidat* process (Dinan 2016).

Other interpretations of the *Spitzenkandidat* process

However not everyone shared the same views on the issue. For instance, it was stressed that in contrast to expectations, the *Spitzenkandidat* process did not alter the political practices of the EU, either in terms of inter-institutional relations or in terms of party politics (Christiansen 2016). Instead of fostering partisan political competition, the safe path of the centre–right (EPP) and centre–left (S&D) grand coalition prevailed following the election results. Others continued to insist that national discourses seemed to have prevailed over political ideologies (Tsoukalis 2016). For instance, it was said that MEPs often adopted their positions and voted for concrete policies in accordance with their nationality and not the political group to which they belonged.

Also, when it came to politically salient issues, the Commission’s trajectory was determined by the European Council (Goldoni 2016). In view of this, about a month before President Juncker’s election by the plenary session of the EP, the European Council adopted a strategic plan, titled the *Strategic Agenda of the Union in Times of Change*, which consisted of five priorities that aimed to steer the work of the EU over the next five years. Furthermore, referring to the election of the Commission president, Holzner (2015) argued that the European Council and the EP carry equal weight in the selection process, as outlined in Article 17(7) TEU.

The *Spitzenkandidat* process did not manage to fundamentally alter the system of the appointment of the other members of the Commission, despite the fact that President Juncker seems to have been more involved in their selection than previous Commission

presidents (González-Orús 2014). It was the national governments that still held the pivotal role in this process.

In the meantime, Goldoni (2016), in the context of intergovernmental theory, considered the politicisation of EU law-making through the *Spitzenkandidat* process as both ineffective and politically dangerous, as the Commission was not designed to govern the EU or to function as a legislative chamber. According to him, the Commission's role as a guardian could end, should the EU executive become politicised (Goldoni 2016). Likewise, it was also stressed that the implementation of the process would bring about several democratic and constitutional challenges (Kocharov 2014).

Another observation that has been brought to the fore is that the *Spitzenkandidat* process did not manage to reverse the downward trend in voter turnout (Müller Gómez and Wessels 2016). Nor did the process bring about the political revolution that federalists had dreamed of (Tsoukalis 2016). However, in 2014, in what was deemed a success, it halted the downward trend in participation. More concretely, there was a slight increase in citizens' propensity to vote, although overall EU turnout stood at 42.54% (Schmitt et al. 2015). The decline of the latter was limited (only 0.4% compared to 2.6% between 2004 and 2009 and 4% between 1999 and 2004), while in 10 member states there was even an increase in turnout. While one swallow does not make a summer, in 2019 more than 50% of EU citizens eligible to vote took part in the elections, achieving the highest turnout in 20 years.

The role of the European political parties

During the pre-Lisbon elections, the European political parties were perceived as service providers, adopting manifestos, facilitating political dialogue and avoiding involvement in mainstream political conduct,⁵ in contrast to the national political parties. Their role was limited to the distribution of election material, the organisation of events and the preparation of heads of state or government summits (Gagatek 2009). Hardly any European voters had any idea about the electoral programmes of the EPP or the PES when going to the ballot boxes for the EP elections (Statham 2010).

Their negligible resources, the unwillingness of national parties to confer many competences on them, and the absence of a link between the election results and the composition of the Commission are some of the reasons behind this (Bardi 2004; Hix and Høyland 2011). To make the situation worse, the structure of the EU's political system did not provide fertile soil for the development of classic party competition along the lines of that which exists in national politics (Gagatek 2009).

Yet, in 2014 professional campaigning tools were employed by the pan-European political parties for the first time, including direct mail, Internet communication systems, email subscription lists for regular news updates, computerised databases and opposition research. A similar pattern was also followed in 2019. While in 2014 everything had to be started from scratch, as there was no precedent for a Europe-wide campaign, in 2019 there was a

template to follow. According to then European Commission Secretary General Martin Selmayr, there was no time for normal life during the EPP's 2014 campaign, as everything had to be done from the beginning within the election campaign's timeframe.⁶ As far as the EPP is concerned, day-to-day activities varied from issuing press releases and ordering/printing campaign material (e.g. posters) to organising events and accompanying Mr Juncker to his 'town hall'-style campaign rallies across the member states.

Although the European political parties faced various challenges during the campaigns, namely a) restricted resources, including staffing; b) the short campaigning time; c) the absence of a precedent (in 2014); and d) the need for the successful coordination and transposition of the different interests, priorities and messages of the national political parties into one pan-European campaign, they managed to deliver on a difficult undertaking while reinforcing their political positions.

Conclusion

The *Spitzenkandidat* process had a strong impact on the political and institutional landscape of the EU, while increasing the visibility of the election of the Commission president for European citizens. Yet, in 2019 the process was discarded. This was a step backwards, in the direction of a less transparent and less inclusive decision-making process made behind closed doors, and the inter-institutional quarrel over the issue was perceived by some Eurosceptics as 'another EU weakness'. The experiences of 2014 and 2019 enable the identification of certain observations that may help to avoid the permanent abandonment of this process. In addition to the deficiencies mentioned above related to timing, resources and the structure of the campaign, which should be resolved, the European political parties should nominate political heavy-weights as *Spitzenkandidaten*, as the EPP did with President Juncker in 2014. Apart from a few Eurosceptic voices, the legitimacy of the candidacy of President Juncker, who had been prime minister of Luxembourg for 18 years, could not be called into question. At the same time, however, candidates should not all be double-hatted during the campaign. At the point at which the lead candidates are nominated, they should have resigned from any key positions they have previously held. The establishment of transnational lists also remains a possibility. On 16 July, in a debate with MEPs, Ursula von der Leyen outlined her vision as Commission president. Amongst others, she stressed the need for the *Spitzenkandidat* process to be strengthened and transnational lists to be reconsidered in the future. Only time will tell whether the political climate will enable her and other EU leaders to reach a consensus on the issue.

Notes

1. The views set out in this article are those of the author and do not necessarily reflect the official opinion of the EU. Neither the EU institutions and bodies nor any person acting on their behalf may be held responsible for the use which may be made of the information contained therein.
2. As Margrethe Vestager and Guy Verhofstadt played a key role in the ALDE's campaign, participating in the televised debates held before the elections, the analysis focuses on them, excluding the rest of the candidates of the Liberals' 'Team Europe'.

3. The date of the election of European Commission President Juncker.
4. Personal communication with the author, 24 January 2018.
5. The pan-European political parties should not be confused with the political groups in the EP, with the former coordinating partisan activities in close cooperation with their national member parties, while the latter focus on parliamentary activities.
6. Personal communication with Martin Selmayr, 24 January 2018.

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