

**The *Spitzenkandidaten* for EC President!**

**The role of the European Elections of 2014 in the  
debate about democratic legitimacy within the  
European Union**



**Femke Vermeer**

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**Supervisor: Prof. Dr. A.W.M. Gerrits**

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## **Introduction**

Much has been written about the European Union's democratic deficit, but I think the discussion about the democratic legitimacy within the European Union has entered a new phase with the European Parliament elections of 2014.

In the past, the President was chosen by a consensus of European leaders in the European Council, subsequently this proposed candidate was approved by the European Parliament. However with the Treaty of Lisbon, Article 17(7) TEU entered into force, which stipulates that the European Council shall nominate a candidate 'taking into account the elections to the European Parliament' by qualified majority voting. The Parliament must elect this nominee with an absolute majority.<sup>1</sup>

The purpose of this development was twofold. Firstly, the European Parliament elections allowed voters to choose their own Prime Minister of the European Union. The European Union would therefore have more resemblance with the political system of a Member State and would hopefully be more understandable for the voter in question. And secondly, the introduction of *Spitzenkandidaten* would strengthen the European element in the campaigns, making it more of a European election instead of an election about national interests. Both of these elements should personalize the European elections for the voters and thereby increase interest and participation in European democracy.<sup>2</sup>

The European institutions supported this move towards *Spitzenkandidaten*, especially the European Commission and the European Parliament. They emphasized that this 'would make concrete and visible the link between the individual vote of a citizen of the Union for a political party in the European elections

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<http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-european-union-and-comments/title-3-provisions-on-the-institutions/86-article-17.html> (3 November 2015).

<sup>2</sup> S.B. Hobolt, 'A vote for the President? The role of Spitzenkandidaten in the 2014 European elections', in: *Journal of European Public Policy*, vol. 10 (2014) 1528-1540, there 1529.

and the candidate for President of the Commission supported by that party'.<sup>3</sup> This development would increase the democratic legitimacy of EU policy-making.

However, the new Article imposed no legal obligation on the European Council to choose any of the *Spitzenkandidaten* as their nominee for Commission President. Also, the European Parliament cannot formally propose its own candidate. This became an important problem after the elections; the centre-right European People's Party became the largest Euro-party, which nominated the former Prime Minister of Luxembourg, Jean-Claude Juncker, as their *Spitzenkandidat*. But not all Member States were in favour of Juncker as Commission President.<sup>4</sup>

In the end, the debate within the European Union came down to two visions of democracy. The first, where European policy-makers receive a democratic mandate and can be held accountable by voters in the European Parliament election, was the European Parliament's point of view. The second view, stated that the only genuine source of democratic legitimacy in the EU are the national parliaments and governments, this was the point of view of most of the Member States.<sup>5</sup>

Considering the developments mentioned in the previous paragraphs, the main question of my thesis is: In what ways does the introduction of *Spitzenkandidaten* during the European Parliament elections of 2014 enhance the further development of democratic legitimacy within the Union?

## §1 Theoretical Framework

To answer this particular question I will use the theoretical framework of Scharpf about input-oriented and output-oriented legitimacy. This theory is set in Lincoln's famous description of the main elements of democracy input-oriented legitimation and refers to government *by* the people, whereas output-oriented legitimation refers to government *for* the people. With this theory, input-oriented legitimacy represents the '*will of the people*'. Output-oriented legitimacy political choices are legitimate if

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<sup>3</sup> Commission Recommendation of 12 March 2013 on enhancing the democratic and efficient conduct of the elections to the European Parliament. Available at:

[http://ec.europa.eu/justice/citizen/files/report\\_ep\\_elections\\_2014\\_en.pdf](http://ec.europa.eu/justice/citizen/files/report_ep_elections_2014_en.pdf)

<sup>4</sup> <http://www.europarl.europa.eu/elections2014-results/en/election-results-2014.html> (3 November 2014).

<sup>5</sup> Hobolt, 'A vote for the President?', 1538.

and because they effectively promote the common welfare of, in this case, the European Union. So the focus of legitimacy reflects the response to practical issues.<sup>6</sup>

According to Scharpf the European Union is a very problematic case when it comes to input-oriented legitimacy. As the justification for many policy choices is majority rule, the policy choices that are made within the EU do not always reflect the will of the people. To count on majority rule for input-oriented legitimacy there has to be a 'thick' collective identity, i.e. in policies based on pre-existing commonalities of history, language, culture and ethnicity. This is not the case when we look at the EU, and it also explains why institutional reforms will not greatly increase the input-oriented legitimacy of decision-making structures.<sup>7</sup> But with the Maastricht Treaty, European citizenship was created in Article 8(1): 'Every person holding the nationality of a Member State shall be a citizen of the Union'. This can be seen as a start of the development of a European identity and can therefore be seen as an 'evolving concept'.<sup>8</sup> With the Lisbon Treaty, the EU tried to further develop input-oriented legitimacy by giving a larger role to national parliaments within decision-making structures of the Union. But real input-oriented legitimacy can never exist without public support.<sup>9</sup>

The theory by Scharpf has been further developed by Jacques Thomassen and Hermann Schmitt.<sup>10</sup> They present 'some empirical requirements from the notion of output legitimacy that in their view should be met in order to give the concept any significance in the real world of European politics'.<sup>11</sup> These requirements come from a series of mass surveys of the European Election Study of 1999. Representative telephone surveys were conducted in each of the then 15 member countries of the Union shortly after the 1999 election to the European Parliament.<sup>12</sup> The conditions that are needed for output-oriented legitimacy were firstly the perception of a range of common interests. This means that across the Member States there is a general

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<sup>6</sup> F.W. Scharpf, *Governing in Europe: Effective and Democratic?* (Oxford 1999) 6.

<sup>7</sup> Scharpf, *Governing in Europe*, 9.

<sup>8</sup> J. Thomassen and H. Schmitt, 'Democracy and Legitimacy in the European Union', in: *Elections, Parties and Political Representation* by H.M. Narud and A. Krogstad (Oslo 2004) 385.

<sup>9</sup> Raad van State, *Request for information on the embedding of Democratic control in the reform of economic governance in Europe to combat the economic and financial crisis* (The Hague 2013) 11. Available at: <https://www.raadvanstate.nl/adviezen/samenvattingen/tekst-samenvatting.html?id=180>

<sup>10</sup> Thomassen and Schmitt, 'Democracy and Legitimacy in the European Union', 375-399.

<sup>11</sup> *Ibidem*, 378.

<sup>12</sup> *Ibidem*, 379.

perception of which type of problems should be solved at a European level. In other words, a common perception of problems that would justify collective action.<sup>13</sup> The second condition is to justify institutional arrangements for collective action. The justification for European Union politics has to come from the people. From their research Thomassen and Schmitt conclude that people prefer Europe to deal with problems that clearly transcend national borders. This is the case with international conflicts such as the Kosovo War, and peace and war more generally, but also protection of the environment, international crime fighting and migration. But the more important issues are to the individual citizen, the less they tend to be allocated to EU level of governance.<sup>14</sup> What responsibilities the EU should have or how they should deal with these international problems does not become clear from the survey.

To see how much influence the introduction of the *Spitzenkandidaten* has on the democratic legitimacy of the Union overall, I will use the theory of Scharpf, with the extension of Thomassen and Schmitt. The input and output legitimacy will be tested in a case study about the impact of the use of *Spitzenkandidaten* in the election campaigns in several Member States.

## §2 Methodology

The comparative approach that I choose is to look closer at particular cases taking into account the context. In the first chapter I will sketch a short history of the development of powers of the European Parliament within the institutional framework of the Union. In the second chapter I will define the concept of democratic legitimacy. This chapter will also mainly focus on enhancing the democratic legitimacy of the European Parliament. This first part of my research will prove essential to make a good analytical overview of my sources for the comparative research, and to define in what way the European Parliament elections of 2014 started a new debate on the democratic legitimacy of the Union.

The third chapter will make up the analytical part of my thesis. At the end of 2014, Hermann Schmitt, Sara B. Hobolt and Sebastian A. Popa presented a paper at

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<sup>13</sup> Idem.

<sup>14</sup> Thomassen and Schmitt, 'Democracy and Legitimacy in the European Union', 382-383.

the ECPR General Conference at Glasgow, Scotland with the title:

*“Spitzenkandidaten” in the 2014 European Parliament Election: Does Campaign Personalization Increase the Propensity to Turn Out?*<sup>15</sup> In this paper they examined if the existence of the *Spitzenkandidaten* increased the turnout levels at the elections. They have conducted a general survey over the 28 Member States using a Voter Study from the European Election Studies (EES) website. The expectation of the outcome of the survey was the following: ‘We expect that the *Spitzenkandidaten* contributed to electoral mobilization and help raise turnout’.<sup>16</sup> In order to test their hypotheses they have taken two steps; first they presented country level descriptive and illustrate the aggregate relation between turnout and the mobilization efforts of the candidates. Secondly they make use of a series of multilevel logistic regression models to present the mobilization effect of the *Spitzenkandidaten* on the propensity to vote in the 2014 elections.<sup>17</sup> They conclude that the mobilizing effect of the *Spitzenkandidaten* have had a substantial effect on the individual’s propensity to vote, and that this is not an endogenous effect. Recognition is the most important variable to measure mobilization, but given that only a small proportion of the respondents actually recognized Schulz and Juncker, it should be acknowledged that the impact of their visits on the overall turnout is bound to be rather small.<sup>18</sup>

I want to further develop this research by taking a comparative approach and look at the turnout levels and the campaign of all the *Spitzenkandidaten* in their home countries and compare those to the turn-outs of 2009, when the *Spitzenkandidaten* did not exist yet within the European elections. I will base my research on the AECR commission survey about awareness and impact of the *Spitzenkandidaten*, the European Election Study, which can be found on the link <http://eeshomepagenet.net/>, and the results of the 2009 and 2014 EP elections which can be found on the website of the European Parliament. Then I will examine possibilities to ‘Europeanize’ the *Spitzenkandidaten* in the next elections, to enhance voter turnout levels not only in countries where the *Spitzenkandidaten* are from, but

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<sup>15</sup> H. Schmitt, S.B. Hobolt and S.A. Popa, “‘Spitzenkandidaten’ in the 2014 European Parliament Election: Does Campaign Personalization Increase the Propensity to Turn Out?’, ECPR General Conference, University of Glasgow, 3-6 September 2014.

<sup>16</sup> Schmitt, Hobolt and Popa, “‘Spitzenkandidaten’ in the 2014 European Parliament Election’, 15.

<sup>17</sup> Schmitt, Hobolt and Popa, “‘Spitzenkandidaten’ in the 2014 European Parliament Election’, 20.

<sup>18</sup> Ibidem, 23-24.

over Europe as a whole. At the end of this research I will look at the outcomes of my research and examine if they enhance the democratic legitimacy of the EU according to my theoretical framework.

With this research I want to contribute to the academic debate about the democratic legitimacy of the European Union. I think the use of *Spitzenkandidaten* in the European Parliament elections can give new insights to the academic debate. It can also give a different view on the institutional balance within the Union and hopefully shed some light on the further development of democratisation within the Union.

## **Chapter 1    A short history of the evolving power of the European Parliament between 1952 until 2009**

To examine whether the research in my final chapter is indeed a new chapter in the history of the European Parliament and the democratic legitimacy of the institution it is important to know its history. When we look at the history of the European Parliament, the only directly chosen institution within the European Union, citizens are better represented than ever before in its history. However, the biggest issue of the European Union today is to find a connection to its citizens. Eurosceptic political parties are gaining more power within the Member States. In this chapter I will look at the evolution of the European Parliament and examine how the EP became a powerful institution within the European Union. In this chapter I will answer the question: How did the power of the European Parliament evolve between 1952 and 2009?

### §1.1 History of European cooperation until 1957

European cooperation started with the note of Jean Monnet on the fifth of August in 1943, he wrote down his ideas about what should happen to Europe after the Second World War. According to Monnet, Europe should do everything in its power to prevent the reoccurrence of violent wars within its territory. This should be



achieved by European cooperation in the form of an economic union led by supranational institutions. This would ensure stability.<sup>19</sup>

Just a short time after the war the relationship between East and West became more difficult; the Soviet Union refused the Marshall aid from the United States and Germany was divided in the Federal Republic of Germany (West) and the German Democratic Republic (East). Also, Churchill proposed ideas for a 'United States of Europe'. The United States promoted these initiatives. Good Western European cooperation could form a block against the Soviet Union and its allies.<sup>20</sup>

In 1950 the idea of intergovernmental European cooperation changed with the Schuman plan, designed by the French minister of Foreign Affairs Robert Schuman. This plan proposed a supranational institution which would manage the affairs around the coal and steel production of the participating states. It is not surprising that these products were chosen. Coal and steel had provided both the military capacity for invasion, as well as being a motive for German and French territorial acquisition.<sup>21</sup> With European cooperation there would be control over the raw materials of the 'war machine'. The Schuman Plan created a common market for coals steel, coke, iron ore and scrap between France, Germany, Belgium, The Netherlands, Luxembourg and Italy.<sup>22</sup> On the 18<sup>th</sup> of April 1951 the Treaty of Paris was signed which established the European Coal and Steel Community (ECSC).<sup>23</sup>

The supranational center of the ECSC government was formed by the High Authority which consisted of nine members. Monnet was the chairman of this institution. The High Authority was checked by the Assembly which consisted of 78 delegates of national parliaments. This Assembly was the predecessor of the later Parliament. The decision-making power within the ECSC lay not at the High Authority, but with the Council of Ministers, which seated ministers from governments of Member States. The judiciary powers lay with the European Court of Justice.<sup>24</sup>

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<sup>19</sup> A. van der Vleuten, *De bestuurlijke kaart van de Europese Unie. Instellingen, besluitvorming en beleid* (Bussum 2012) 13-15.

<sup>20</sup> Van der Vleuten, *De bestuurlijke kaart*, 15-16.

<sup>21</sup> M.J. Dedman, *The origins and development of the European Union, 1945-95* (London 2000) 57.

<sup>22</sup> Dedman, *The origins and development of the European Union*, 57.

<sup>23</sup> Van der Vleuten, *De bestuurlijke kaart*, 16-18.

<sup>24</sup> *Ibidem*, 18.

## §1.2 The EEC-Treaty

On the 25<sup>th</sup> of March 1957 the European Economic Community was established with the Treaty of Rome. It proposed to create a common market of goods, workers, services and capital within the EEC's Member States, the creation of common transport and agriculture policies and a European social fund. It also established the European Commission.

Numerous changes were made regarding the Assembly with the adoption of the EEC-Treaty. Firstly, in the ECSC treaty the Assembly only had supervisory powers. With the adoption of the EEC-Treaty the Assembly 'shall exercise the powers of deliberation and of control'.<sup>25</sup> Secondly, the Member States can decide how the members of the Assembly are chosen instead of a universal procedure. Also the number of representatives is expanded from 76 to 136 members, and the moment when the Assembly meets was replaced from March to October.<sup>26</sup> But the Assembly still only had one meeting per year and no decision-making powers.

The changes made in the EEC-Treaty confer more power to the Council. The term of the Presidency was expanded from three to six months.<sup>27</sup> Meetings of the Council can be called by the President acting on his own initiative or at the request of a member or of the Commission.<sup>28</sup> In the ECSC-treaty a meeting could only be called by the initiative of a Member State or the High Authority.<sup>29</sup> Voting powers in these meetings were weighted, giving greater weight to the larger Member States than the smaller to reflect differences in population. This was not in all cases: in a few instances the voting went by majority or quality majority.<sup>30</sup> Another thing that did not change but is interesting to mention is that the Council had budgetary powers to fix the salaries, allowances and pensions of the President and members of the

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<sup>25</sup> Treaty establishing the European Economic Community (Rome 1957) Art. 137, available at: [http://www.ab.gov.tr/files/ardb/evt/1\\_avrupa\\_birligi/1\\_3\\_antlasmalar/1\\_3\\_1\\_kurucu\\_antlasmalar/1957\\_tr\\_eaty\\_establishing\\_eec.pdf](http://www.ab.gov.tr/files/ardb/evt/1_avrupa_birligi/1_3_antlasmalar/1_3_1_kurucu_antlasmalar/1957_tr_eaty_establishing_eec.pdf)

<sup>26</sup> TEEC Art. 138-139.

<sup>27</sup> TEEC Art. 146.

<sup>28</sup> TEEC Art. 147.

<sup>29</sup> Treaty establishing the European Coal and Steel Community (Paris 1951), Art. 28, available at: [http://www.ab.gov.tr/files/ardb/evt/1\\_avrupa\\_birligi/1\\_3\\_antlasmalar/1\\_3\\_1\\_kurucu\\_antlasmalar/1951\\_tr\\_eaty\\_establishing\\_ceca.pdf](http://www.ab.gov.tr/files/ardb/evt/1_avrupa_birligi/1_3_antlasmalar/1_3_1_kurucu_antlasmalar/1951_tr_eaty_establishing_ceca.pdf)

<sup>30</sup> P. Craig and G. de Búrca, *EU law. Text, cases and materials* (Oxford 2011) 6.

Commission as well as the President, judges, advocates-general and registrar of the Court of Justice.<sup>31</sup> With this treaty the Council still had by far the most decision-making power.

### §1.3 The budgetary provisions of 1970 and 1975

The budgetary provisions were amendments to the ECSC-Treaty and the EEC-Treaty. These changes were made so that the 'Communities will have at their disposal their own resources in order to cover their total expenditure' and 'strengthening of the budgetary powers of the European Parliament'.<sup>32</sup>

With the budgetary provision of 1970 the determination of the budget comes much closer to the procedure which is followed today. The major changes were made, for example the European Parliament can amend, propose modifications and approve the budget together with the Council and the Commission, where before it was the sole responsibility of the Council.<sup>33</sup> Next to this a time framework was set up. Before 1 July each institution of the Community should draw up estimates of its expenditure, than the Commission shall place the preliminary draft budget before the Council not later than the first of September, etc.<sup>34</sup> This makes the process much more clear and transparent, not only for the institutions themselves but also for the outside world. The final approval of the budget was still the responsibility of the Council.

The second budgetary provision of 1975 was signed after the enlargement of the Union with Great-Britain, Ireland, Denmark and Norway. With the changes that were made in this provision the budgetary powers of the European Parliament were further enlarged. The amendments that the Parliament made in the proposed budget could still be rejected by the Council, but this was put in a time framework. When this time frame was not met, the proposed modification shall stand as accepted.<sup>35</sup>

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<sup>31</sup> TEEC Art. 154.

<sup>32</sup> Treaty amending Certain Budgetary Provisions (Luxembourg 1970) 3, available at: [http://www.cvce.eu/content/publication/1999/1/1/93a76f6b-b740-40f0-8b30-2c7c25fa625d/publishable\\_en.pdf](http://www.cvce.eu/content/publication/1999/1/1/93a76f6b-b740-40f0-8b30-2c7c25fa625d/publishable_en.pdf)

<sup>33</sup> Treaty amending CBP, 4-5.

<sup>34</sup> Treaty amending CBP, 12-13

<sup>35</sup> Treaty amending Certain Financial Provisions (Luxembourg 1975) 6, available at: [http://www.cvce.eu/en/obj/treaty\\_amending\\_certain\\_financial\\_provisions\\_22\\_july\\_1975-en-bd96621d-f5e8-4b9f-9785-c5bd0f0cfed4.html](http://www.cvce.eu/en/obj/treaty_amending_certain_financial_provisions_22_july_1975-en-bd96621d-f5e8-4b9f-9785-c5bd0f0cfed4.html)

Besides this, the European Parliament, acting by a majority of its members and two-third of the votes cast may, if there are important reasons, reject the draft administrative budget and ask for a new draft to be submitted to it.<sup>36</sup> This was especially an important change which made the European Parliament an important and more equal player to the Council within the formation of the budget.

Intergovernmental cooperation took place with foreign policy when this was recommended by the Davignon Report in 1970. In 1974 the European Council was established to provide the Community with much-needed direction. This body consisted of the heads of governments of the Member States, It also represented the weakening of the supranational powers of the Union. The European Council was not created by the treaties and not recognized as a formal instrument with decision-making powers until the Single European Act in 1986.<sup>37</sup>

Besides these intergovernmental developments there are also some supranational developments to mention. The European Court of Justice proved the principle of the supremacy of Community law over national law in several cases. The budgetary provisions are also examples of supranational developments which give more power to Community institutions. These extra budgetary powers were given to the European Parliament in line with the developments with the discussions about the direct elections of the Parliament, which was decided in 1976.<sup>38</sup> The Community could not organize elections for an institution with no real power. This development will get a sequel in the next chapters.

#### §1.4 The European Single Act, 1986

The Single Act was the first action after many reports to give the Community a more supranational character, it gave a new timeframe for the creation of the internal market and some important institutional changes were made.

The first important change was that the European Parliament got power in the legislative process, through the creation of the new legislative 'cooperation' procedure. This procedure increased the weight of the European Parliament. It was

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<sup>36</sup> Treaty amending CFP, 6.

<sup>37</sup> Craig and De Búrca, *EU Law*, 8.

<sup>38</sup> Craig and De Búrca, *EU Law*, 9-10.

laid down in article 6 and 7 of the Single Act, about institutional provisions.<sup>39</sup> In this procedure the Commission makes a proposal for legislation, the Parliament then issues an opinion about this proposal. On this opinion the Council adopts a so-called 'common position'. Then the second reading takes place, where the Parliament may amend or reject this common position. The final decision to adopt the legislation lies with the Council alone, but unanimity is required for adoption when the Parliament amend or reject the legislation.<sup>40</sup> The European Parliament was also given a veto about the accession of new Member States and the conclusion of agreements with associate states, which was laid down in article 8 of the Single Act.<sup>41</sup> The Council also underwent an important change: qualified majority voting was introduced into more policy areas which were previously decided by unanimity. This gave it a more supranational character.<sup>42</sup>

In the period since the budgetary provisions three more states joined the Community: Greece, Spain and Portugal. Multiple plans were presented for institutional change within the Community. The direct election of the European Parliament in 1979 was a major boost for further investigation on how to confer power upon this institution. From 1974 until 1984 five different plans were presented about institutional change and a more supranational position of the Union.<sup>43</sup> On the Fontainebleau European Council summit of 1984 two committees were established to consider Treaty revision and political integration. The proposed changes were processed in the Single European Act of 1986.<sup>44</sup>

Another question that was asked more regularly by countries outside the Community, especially the United States was: who to call when you want to talk to Europe? The German Chancellor Brandt spoke the magic words at a dinner in Washington: 'None of us meets you any longer solely as the representative of his own country but at the same time already, to a certain degree, as a representative of

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<sup>39</sup> Treaty Single European Act (Luxembourg 1986) 5-6, available at:

[http://www.avrupa.info.tr/fileadmin/Content/EU/bir\\_bakis/SingleEuropeanAct-TekSenet.pdf](http://www.avrupa.info.tr/fileadmin/Content/EU/bir_bakis/SingleEuropeanAct-TekSenet.pdf)

<sup>40</sup> [http://www.eu2007.de/en/About\\_the\\_EU/Decision\\_Making/Co\\_operation\\_procedure.html](http://www.eu2007.de/en/About_the_EU/Decision_Making/Co_operation_procedure.html) (21 November 2013).

<sup>41</sup> SEA, 6.

<sup>42</sup> *Idem*, 5.

<sup>43</sup> S. Meunier and K.R. McNamara, *Making History. European Integration and Institutional Change at Fifty* (Oxford 2007) 198-202.

<sup>44</sup> Craig and De Búrca, *EU Law*, 11.

the European Community as well. So, I, too, am here not as the spokesman of Europe, but definitely as a spokesman *for* Europe'.<sup>45</sup> The European Institutions would have to get more supranational power to speak as the spokesman 'of' Europe. This is still an issue today.

### §1.5 The Treaty of Maastricht, 1992

The Maastricht Treaty was signed in a changing geopolitical context of European integration, with the most obvious manifestations being the peaceful revolution in Central and Eastern Europe, German unification and the collapse of the Soviet Union.<sup>46</sup> A problem that had to be addressed was the accountability and legitimacy of the EC institutions.<sup>47</sup> With this Treaty the Economic and Monetary Union was introduced, and a time path was laid down to work towards more economic convergence and eventually a single currency.<sup>48</sup> The Treaty established the three pillar structure. The first pillar comprised the EC, including EMU, the second pillar comprised the Common Foreign and Security Policy (CFSP), which was a direct response to the external challenges of the post-Cold War period, the third pillar covered cooperation on justice and home affairs, notably immigration, asylum, and criminal matters.<sup>49</sup> Also, a new organisation was created; the European Community became the European Union.<sup>50</sup> Under the first pillar fell the main institutional reforms, which involved the extension for qualified majority voting in the Council and a major extension of the EP's legislative powers. The reasoning behind these changes was a further extension of democratic legitimacy within the Union.<sup>51</sup> The Maastricht Treaty included the EP in the legislative procedure by changing their role for consultative to co-decision maker in this process. With the inclusion of the EP in the co-decision procedure, the institution became a legislative equal to the Council. The outcome of the conference was satisfactory for the EP in other respects as well. The Maastricht Treaty extended the assent procedure to all international agreements that set up

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<sup>45</sup> L. van Middelburg, *De passage naar Europa. De geschiedenis van een begin* (Groningen 2009) 247.

<sup>46</sup> D. Dinan, *Europe Recast. A History of European Union* (Hampshire 2014) 227.

<sup>47</sup> Dinan, *Europe Recast*, 227.

<sup>48</sup> *Ibidem*, 234.

<sup>49</sup> E. Bomberg, J. Peterson and A. Stubb, *The European Union: How Does it Work?* (Oxford 2008) 37.

<sup>50</sup> C. Bakker, *Europees recht. Een inleiding* (Amsterdam 2010) 12.

<sup>51</sup> Dinan, *Europe Recast*, 236.

institutions or had major financial implications. Besides this the oversight role of the EP in this assent procedure was extended significantly by giving Parliament the right of inquiry, a more formal right of petition, and the right to appoint an ombudsman to field complaints about maladministration in the EU's institutions. Furthermore, the Treaty obliged national governments to consult the EP before nominating a new Commission president, and the new Commission had to be approved by the Parliament as well.<sup>52</sup>

Another important change was made to show that the Union takes action on popular concerns: the principle of subsidiarity, which stated that the EU should involve itself only in issues that could best be dealt with at the European rather than the national level. The Commission resisted the use of this principle, because it was regarded as a self-denying ordinance and less integration-minded Member States would use it as an opportunity to try to come back to intrusive or expensive Community policies.<sup>53</sup>

#### §1.6 The Treaties of Amsterdam (1997) and Nice (2001)

The decade following the Maastricht Treaty knew two important tasks. Firstly, the implementation of the third stage of the economic and monetary union, which was followed by the launch of the Euro, and secondly the enlargement of the Union of ten Member States, including eight former communist countries in Central and Eastern Europe.<sup>54</sup> These changes came with a number of challenges, namely completing and consolidating the single market, promoting employment, protecting the environment and reforming the common agricultural policy and the cohesion policy. Also, the EU was struggling to develop a common foreign and security policy. When it came to these decisions, Member States decided issues on an intergovernmental basis.<sup>55</sup> This is still the case today.

Further Treaty changes were necessary to address public concerns about accountability and transparency in the EU while improving efficiency to make a

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<sup>52</sup> Ibidem, 237-238.

<sup>53</sup> Ibidem, 238.

<sup>54</sup> Ibidem, 251.

<sup>55</sup> Dinan, *Europe Recast*, 252.

smooth transition for the enlargement.<sup>56</sup> To accomplish these changes, three main areas for reform were formulated for the intergovernmental conference: making the EU more relevant to its citizens; improving the EU's efficiency and accountability; and improving the EU's ability to act internationally. The impact of the EU enlargement was taken into account when shaping the goals to achieve in these areas. With the Amsterdam Treaty the European Parliament grew in size to 700 members. Also, the co-decision procedure was revised and more policy areas became subject to the co-decision procedure which greatly enhanced the EP's legislative power. With the Nice Treaty, the number of seats was redistributed between the old and new Member States. The new number of seats was set at 732. In the event of any further accession during the parliamentary term, the number of seats would provisionally be allowed to exceed this number.<sup>57</sup>

### §1.7 The Lisbon Treaty, 2007

Because the Nice Treaty was focused too narrowly and therefore inadequate to deal with issues such as the democratic deficit, the effectiveness of particular policies, and the status of the Charter of Fundamental Rights, another intergovernmental conference was organized in 2004.<sup>58</sup> The preparation of the meeting was in the hands of the former President of France, Valéry Giscard d'Estaing, who designed a new Treaty that had to replace all the existing EU Treaties. This text was signed by the Member States in 2004 and got the name 'European Constitution'. The ratification of this new Treaty would take place by national referenda. In 2005, the Treaty was rejected at the referenda in France and The Netherlands by a majority.<sup>59</sup>

The rejection of the Treaty and the citizen's complains about how the EU operated were of large concern to the Member States and the European institutions. National leaders were determined to save the treaty, because they were convinced that this was the only way to create further European integration in light of the recent enlargement. In June 2005 a 'period of reflection' was announced by the European

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<sup>56</sup> Ibidem, 252.

<sup>57</sup> Treaty of Nice: A comprehensive guide, available at: [http://europa.eu/legislation\\_summaries/institutional\\_affairs/treaties/nice\\_treaty/nice\\_treaty\\_bodies\\_en.htm](http://europa.eu/legislation_summaries/institutional_affairs/treaties/nice_treaty/nice_treaty_bodies_en.htm) (7 June 2015).

<sup>58</sup> Dinan, *Europe Recast*, 271.

<sup>59</sup> Bakker, *Europees Recht*, 16.



Council. The solution to save the Treaty was sacrificing as much of the symbolism as necessary, so the European anthem, foreign minister and other features of European symbolism were deleted from the Treaty.<sup>60</sup> This new treaty would only be ratified in the traditional way: ratification by the national parliaments. This strategy, however, almost failed because Ireland which is compelled by its institution to hold a referendum, voted against this Reform Treaty. Many Irish complained that they did not understand the highly technical text, and therefore voted 'no'. A year later, at a second referendum, they eventually voted positive, paving the way for further integration.<sup>61</sup>

The Treaty of Lisbon modernised the EU, made it a supranational organisation and the three pillar structure was abolished. The European Parliament gained the right to appoint the President of the Commission, on the basis of a proposal from the European Council that takes into account the results of European Parliamentary elections. Also, the co-decision position of the EP was extended to new areas, and became known as the 'ordinary legislative procedure'. With this Treaty, the EP became a law-maker on an equal footing as the Council in areas where this was not previously the case, for example in setting the EU budget, agricultural policy and justice and home affairs.<sup>62</sup>

But did this Reform Treaty lead to the declared objectives? Namely the achievement of a more democratic, efficient and transparent Union. Hofmeister examined this in his article: '*The EU constitution is dead - long live the Reform Treaty*'. He concluded that the Reform Treaty brought many useful improvements. It strengthened the democratic element in the EU by enhancing the role of national parliaments and of the European Parliament. Also the EU became more efficient by instating a permanent President of the European Council which provided a degree of continuity and efficiency, and lastly it gave the EU a single legal personality which will strengthen the EU's negotiating power, making it both a more effective player on

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<sup>60</sup> Dinan, *Europe Recast*, 305-307.

<sup>61</sup> H.H. Hofmeister, "The EU Constitution is dead - long live the Reform Treaty' - But will it make the EU more democratic, efficient and transparent?", *Revue québécoise de droit international*, 21(1) (2008) 150-164, there 150.

<sup>62</sup> Treaties and the European Parliament, available at: <http://www.europarl.europa.eu/aboutparliament/en/20150201PVL00022/The-EP-and-the-treaties> (7 June 2015).

the world stage and a more visible partner for third countries. But the level of transparency was not achieved according to Hofmeister, this is largely based on the fact that the new Council voting system didn't enhance transparency.<sup>63</sup>

### Conclusion

The European Parliament evolved between 1952 to 2009 from bystander to an important actor in the legislative process of the European Union, with each following Treaty the powers of the European Parliament were extended. At the start of European cooperation within the ECSC, the Assembly only had to be consulted. Nowadays, the European Parliament is an equal of the Council in the legislative process in most areas, which include budgetary powers. Also, when it comes to the appointment of the European Commission, the Parliament plays a vital role. But despite of these changes, the transparency and democratic deficit of the EU are a lasting problem. In the next chapter I will try to define the concept of democratic legitimacy.

## **Chapter 2 The concept of democratic legitimacy**

There is a lot of literature available concerning the subject of the democratic deficit or democratic legitimacy of the EU, which can generally be classified into two types.

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<sup>63</sup> Hofmeister, 'The EU Constitution is dead - long live the Reform Treaty', 164.

The first type, is that the democracy of the Union should be found within the European institutional framework, and so for the most part with the European Parliament. Scholars have mostly focussed on the EP because they consider its role in legislation and representation central to the legitimacy of the European Union. This view is therefore most common in the literature. The second type is that the democracy of the Union can be found not only within the institutional framework of the Union, but on multiple non-institutional levels, for example in the Member States. This view is also called executive federalism, which means that making laws is the domain of the federal, within the EU supranational, level but implementation of those laws is the domain of lower entities like the Member States. In this chapter I will focus on the first school of literature, because my research is concentrated on democratic legitimacy within the institutional framework of the Union. The question that will be answered in this chapter is: What scientific views exist on the democratic legitimacy of the European Union, focussed on the European Parliament, and what are their recommendations for improvement of the democratic legitimacy within the EU's institutional framework?

### §2.1 Defining legitimacy and the start of the discussion about democratic legitimacy in the EU

Legitimacy can be defined by examining what gives governing entities the right to take certain actions. This 'right' can be examined in different ways. Christopher Lord and David Beetham use Scharpf's distinction between 'input-oriented' and 'output-oriented' legitimacy to categorize the legitimacy of the state in liberal societies by three irreducible and closely interrelated dimensions. The first dimension is the performance in meeting the needs and values of citizens, secondly public control with political equality of all citizens, and thirdly a sense of identity without which the identity of the political system would be contested.<sup>64</sup> The first dimension can be classified as 'output-oriented' legitimacy or 'government for the people'. Political choices are understood to be legitimate to the extent that they effectively promote the welfare of citizens.<sup>65</sup> The other dimensions are considered to be

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<sup>64</sup> A. van Staden, *The Right to Govern: The Democratic Legitimacy of the European Union* (The Hague 2003) 10.

<sup>65</sup> Staden, *The Right to Govern*, 11.

‘input-oriented’ legitimacy, or ‘government by the people’. In the last two dimensions, political choices are considered legitimate to the extent that they reflect the ‘will of the people’, while offering citizens channels for political participation and possibilities to select their leaders.<sup>66</sup>

The democratic deficit of the European Union became a political discussion with the ratification crisis of the Maastricht Treaty at the beginning of the 1990s. The rejection of the new Treaty by the Danish voters and the very narrow victory of the French government in a national referendum made European leaders aware that the public support for further and deeper integration of the EU could not be taken for granted. Another important event in this discussion was the rejection of the Constitutional Treaty of the EU in 2005, with a no-vote in the referenda in France and the Netherlands.<sup>67</sup> The political as well as scientific discussion about how democratically legitimate the EU is and how the democratic deficit can be improved is still going on today.<sup>68</sup> In the next paragraph I will look at the scientific discussion regarding the democratic legitimacy of the European Parliament.

## §2.2 The problem of a lack of public support

First I will examine the literature on the subject that the lack of democratic legitimacy within the Union comes from the lack of public support for the EU as a whole as for the European Parliament as an entity. Hix, one of the main authors in this field, suggests in his article *The End of Democracy in Europe?* that ‘because representation in the EU in institutions is highly indirect, voters cannot make choices about what should happen at the EU level (...)’.<sup>69</sup> Hix emphasizes that because of the way the European elections are now organised, the centre parties will always have a majority, which can be seen directly in their policy outputs. As a solution he offers the possibility of a direct election of the Commission President and/or Council President.<sup>70</sup>

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<sup>66</sup> Ibidem, 11.

<sup>67</sup> Dinan, *Europe Recast*, 305-307.

<sup>68</sup> Staden, *The Right To Govern*, 13.

<sup>69</sup> S. Hix, ‘The End of Democracy in Europe? How the European Union (As Currently Designed) Restricts Political Competition’, typescript, *London School of Economics* (2013) 25.

<sup>70</sup> Hix, ‘The End of Democracy in Europe?’, 1-33.

Vesnic-Alujevic and Castro Nacarino in their Article *The EU and its democratic deficit: problems and (possible) solutions* state that the European Parliament can never be democratically legitimate as long as the lack of citizen participation within the EU elections and the indifference of this group regarding EU politics hasn't been resolved.<sup>71</sup> Linked to this low interest is the fact that there are no true European elections because there is no Europe-wide party system.<sup>72</sup>

Gabel's article looks into this public support for the EP and examines whether EU citizens vary systematically in their support for the EP. Gabel claims the public support for the EP is important to the legitimacy and functioning of the EU for three reasons. Firstly, public support for a governing institution in democracies is of fundamental importance, a parliament that is designed to represent citizens ought to enjoy public respect and support. Secondly, public support for the EP is likely to affect the behaviour of legislators. Legislators are more likely to retire early or seek alternative office when legislation is held in low public regard, and the legislative agenda may be affected by the lack of public support, as legislators are less willing to pursue unpopular policies. Thirdly, public support for the EP affects institutional change, whereas lack of public support or public opposition would be an obstacle to expand the scope or degree of legislative authority of the EP.<sup>73</sup> Gabel conducted a survey which consists of questions designed to assess whether there is a general feeling among EU citizens that there can be relied on the EP to make important decisions, if the EP protects your interests and if you would prefer for the EP to play a more or less important part in the EU.<sup>74</sup> Gabel concludes that the findings from the research indicate that public support for the EP is determined by citizens' concerns about the scope of EU authority and their values regarding representative democracy at the EU level. The most important determinant for citizen support is if they are positive or negative about EU membership.<sup>75</sup> This means that public support for the EU will depend mostly on factors outside the direct control of the EP. But

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<sup>71</sup> L. Vesnic-Alujevic and R. Castro Nacarino, 'The EU and its democratic deficit: problems and (possible) solutions', published online *Centre for European Studies* on 22 June 2012 ([http://download.springer.com/static/pdf/752/art%253A10.1007%252Fs12290-012-0213-7.pdf?auth66=1415028829\\_b8673cf12975983397c14ba44200668f&ext=.pdf](http://download.springer.com/static/pdf/752/art%253A10.1007%252Fs12290-012-0213-7.pdf?auth66=1415028829_b8673cf12975983397c14ba44200668f&ext=.pdf)), 65.

<sup>72</sup> Vesnic-Alujevic and Castro Nacarino, 'The EU and its democratic deficit', 66.

<sup>73</sup> M. Gabel, 'Public Support for the European Parliament', *JCMS*, 2 (2003) 289-308, there 289-290.

<sup>74</sup> Gabel, 'Public Support for the European Parliament', 294.

<sup>75</sup> *Ibidem*, 305.

targeted EU policies could be effective in building support for the EP by raising support for EU membership.<sup>76</sup> Gabel's conclusions therefore fit in the 'output legitimacy' definition of Scharpf.

Focusing on the other side of the spectrum, the 'input-oriented' legitimacy of the theory of Scharpf, can be seen in Bellamy's article: '*Democracy without democracy? Can the EU's democratic 'outputs' be separated from the democratic 'inputs' provided by competitive parties and majority rule?*'<sup>77</sup> He states that input legitimacy is vital to the legitimacy of decision-making in the EU's policy areas. This input legitimacy can only be provided when national electorates and parliaments have more power in deciding on the influence the EU has on different policy areas. Input legitimacy is vital when there is cooperation between Member States because costs and benefits are shared. To provide an agreement with democratic legitimacy it will be necessary that citizens of each Member State are satisfied with the interaction and co-operation on a particular policy area.<sup>78</sup>

### §2.3 The problem of a lack of power and how this should be changed

In his article '*Constructing Parliamentary Democracy in the European Union: How did it happen?*', Rittberger states that increasing the powers of the European Parliament and of national parliaments is determined by the importance of decisions taken to pool and delegate sovereignty from the domestic to European level. The bigger the pressure gets to address the problems the EU is having with the democratic deficit, the stronger the reaction is to offer democratic compensation by either strengthening the EP or national parliaments.<sup>79</sup> The increasing powers of the EP can be seen by the institutional changes made in the history of the EU, as shown in chapter one of this thesis. These changes are strongly biased towards the EP, but national parliaments have caught up since the early nineties and have since then fulfilled a growing role in legitimizing EU governance. An example of this is the

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<sup>76</sup> Gabel, 'Public support for the European Parliament', 305-306.

<sup>77</sup> R. Bellamy, 'Democracy without democracy? Can the EU's democratic 'outputs' be separated from the democratic 'inputs' provided by competitive parties and majority rule?', *Journal of European Public Policy*, 1 (2010) 2-19.

<sup>78</sup> Bellamy, 'Democracy without democracy?', 14-16.

<sup>79</sup> B. Kohler-Koch and B. Rittberger, *Debating the Democratic Legitimacy of the European Union* (Plymouth 2007) 112-116.

Yellow Card Procedure, which is a warning mechanism from the national parliaments to the EP, the Council and the Commission that proposed legislation is not in compliance with the subsidiarity principle.<sup>80</sup> Rittberger concludes that the European Parliament should have more power to solve the democratic deficit of the European Union, and that this power should resemble the powers of a national parliament of a Member State.<sup>81</sup>

Hértier goes further into this concept of evolving powers of the European Parliament and how this has shaped the democratic legitimacy of the Union. She looks specifically at the influence legislative co-decision has had on the democratic deficit. The result is twofold, on the one hand by making the EP an equal partner of the Council in the legislative process, formal steps have been taken in the direction of strengthening the democratic legitimacy of the EU. After all, the EP is the only European institution that is directly chosen by the EU citizens. But at the same time, this evolution of the EP has been counterbalanced by closing down the decision-making process in trilogues, namely the Commission, the Council and the EP. This has weakened the democratic legitimacy because the public control suffers from the absence of relevant political competition as well as the routine collusion between parliament and Council. More inter-institutional management of legislation has been at the expense of the public debate.<sup>82</sup> Hértier does not present a solution for this problem.

The output legitimacy as a main feature of EU governance is also brought forward by Bredt in his article 'Prospects and limits of Democratic Governance in the EU'.<sup>83</sup> According to Bredt Article 9 TEU defines that EU citizens should be treated with the same attention. However, the democratic equality understood as proportional representation of citizens is not mentioned. Therefore effective outcomes of EU policy can be seen as a much more important legitimizing factor than input legitimizing factors such as voter turnouts during EP elections.<sup>84</sup> The role

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<sup>80</sup> Kohler-Koch and Rittberger, *Debating the Democratic Legitimacy of the European Union*, 133.

<sup>81</sup> Kohler-Koch and Rittberger, *Debating the Democratic Legitimacy of the European Union*.

<sup>82</sup> A. Hértier, 'Twenty years of legislative codecision in the European Union: experience and implications', *Journal of European Public Policy*, 7 (2013) 1074-1082.

<sup>83</sup> S. Bredt, 'Prospects and Limits of Democratic Governance in the EU', *European Law Journal*, 1 (2011) 35-65.

<sup>84</sup> Bredt, 'Prospects and Limits of Democratic Governance in the EU', 36-37.

of the EP however is strengthened significantly by the Lisbon Treaty and therefore the EU approach here is more in accordance with a traditional representative democracy. But there remain differences between the EP and national parliaments. Firstly, the EP has no right to initiative and no decisive function in all of the legislative procedures of EU decision making. Secondly, the seats in the EP are divided by degressive proportionality which deviates the principle of proportional representation as enshrined in national democracies.<sup>85</sup> So, the Lisbon Treaty is characterised by the idea that a strengthening of the national and European Parliaments will increase the democratic legitimacy of European decision making. But the Commission and the European Central Bank know no form of democratic governance, and these institutions play a very important role in EU governance. Bredt concludes that democratic legitimacy is provided by the choice of the institutions and the incentives and influence of these institutions on the decision makers. Democracy within the EU can be further enhanced by judging for each function and policy field whether a directly elected or independent institution is best suited for the set purpose.<sup>86</sup> Bredt however does not give clear conditions which have to be met to determine whether a directly elected or independent institution is best suited to make a democratically legitimate policy decision.

Van Staden has much more radical ideas about how the EP, and the EU as a whole can be more democratically legitimate. He states that: *'the objective of wide acceptance of the EU system of governance cannot be achieved either by expanding the powers of the European Parliament or by finding non-parliamentary substitutes for representative democracy. (...) Instead, it is argued, the solution to the problem can only be found through more radical reform, namely the creation of a political union or European government with which citizens can identify and whose composition reflects the outcome of European elections'*.<sup>87</sup> Van Staden makes this radical suggestion because he believes that further development of the existing institutional arrangements will not offer a solution to the democratic deficit of the EU.

<sup>88</sup> However, this view is not realistic as it requires a Treaty change, and because

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<sup>85</sup> Bredt, 'Prospects and Limits of Democratic Governance in the EU', 38.

<sup>86</sup> Ibidem, 64-65.

<sup>87</sup> Van Staden, *The Right to Govern*, 6.

<sup>88</sup> Ibidem, 7.



there is now a lack of will to further integrate on an EU level. I will therefore not further examine this view in my thesis.

### Conclusion

There can be concluded from the existing literature that the European Parliament is struggling foremost with the 'input legitimacy', and related to this the public support for the European Parliament. All mentioned authors agree that input legitimacy of the EP cannot be increased, because there is a lack of citizens participation within the EU elections which is not likely to be resolved in the near future. The only way input legitimacy can be enhanced is by granting more power to the national parliaments, who are also directly chosen by the EU citizens. This development has been taking place since the 1990s and have since then further evolved.

To increase the powers of the EP many authors suggest enhancing the 'output legitimacy' as a way to further develop democratic legitimacy within the Union. Output legitimacy of the EU should come from effective and targeted EU policies. There are also suggestions to give the EP more powers wherefore it would be more in accordance with national parliaments, for example by granting it the right of initiative.

The introduction of the *Spitzenkandidaten* is also an example of developments to make the EP resemble to national parliaments. In the case-study in the next chapter I will investigate if the use of the *Spitzenkandidaten* in national campaigns has had an effect on this input legitimacy with the European elections of 2014 or if it has the potential to do so in the future.

### **Chapter 3: Comparative research: The use of *Spitzenkandidaten* to involve the electorates in the 2014 European Parliament elections**

Now that the general framework of this thesis has been shaped by giving an overview of the history of the European Parliament and the academic debate surrounding the concept of the democratic deficit within the EU, focused on the EP, I will conduct my comparative research regarding the use of the *Spitzenkandidaten* in the different Member States during the EP elections of 2014. First I will introduce the idea behind the use of the *Spitzenkandidaten*, shape a profile the *Spitzenkandidaten* of the different Euro Groups, look at the campaigns of the *Spitzenkandidaten* in their home Member States and compare the turnouts of the 2014 elections with those of 2009. Secondly I will assess if these *Spitzenkandidaten* can be given a 'Europe-wide' image. And lastly, I will examine if these developments create further development of the democratic legitimacy of the EU, and the Parliament in particular, using the theoretical framework of Scharpf.

#### §3.1 The introduction of the *Spitzenkandidaten* in the EP elections of 2014

As was already mentioned in the introduction of this thesis the argument to use '*Spitzenkandidaten*' in the European Parliament election is the expectation that it will strengthen executive accountability in the European Union. The EU has until recently lacked mechanisms to hold the EU executive to account through the process of competitive elections. This can also be seen in the history and development of the European Parliament as described in the first chapter. As the pooling of sovereignty within the Union became larger, the vision on the democratic deficit of the Union was directly influenced. From the 1990s onwards there was a pressure to establish a

'European' electoral dimension, where voters would be directly represented at the European level, rather than indirectly through their national governments. As we have seen in the first and second chapter, strengthening the powers of the European Parliament was the core of these reforms.<sup>89</sup> These changes however, did not do enough to mobilize citizen interest in European elections. Turnout to the EP elections continues to decline in successive elections from 62 per cent in 1979 to only 43 per cent in 2009.<sup>90</sup> Also, the elections continued to be 'second-order national elections' where campaigns are mostly focused on domestic issues, a majority of the voters stayed home, and others cast a vote in protest against their national government.<sup>91</sup>

To make the EP elections more 'European', discussions took place from the 1990s and onwards for Europarties nominating competing candidates. This idea was first presented by Hix. His core idea was to inject real political and personalized choice into the EP election campaigns by having competing Commission President candidates with alternative political agendas nominated by Europarties, the candidate nominated by the winning party group would in turn be nominated by the Council and elected by the European Parliament to become the President of the Commission. This development would lead to more 'public identification' with the EU. These ideas for strengthening the electoral accountability also played a central role in the debates leading to the Lisbon Treaty.<sup>92</sup> In the Lisbon Treaty a revised investiture procedure was adopted to emphasize that the European Council should 'take into account the elections' before nominating a candidate and that the European Parliament subsequently 'elects' the Council nominee, in Article 17(7) TEU. The article reads as follows: *Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, act by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members. If he does not obtain the required majority, the European Council, acting by qualified majority, shall within*

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<sup>89</sup> Schmitt, Hobolt and Popa, 'Spitzenkandidaten' in the 2014 European Parliament Election', 2-5.

<sup>90</sup> Ibidem, 5.

<sup>91</sup> Schmitt, Hobolt and Popa, 'Spitzenkandidaten' in the 2014 European Parliament Election', 5.

<sup>92</sup> Ibidem, 6-7.

*one month propose a new candidate who shall be elected by the European Parliament following the same procedure.*<sup>93</sup>

However, this article does not include the requirement for Euro Groups to nominate lead *Spitzenkandidaten*. This was added later in a resolution agreed on 22 November 2012, which states the following: *[The Parliament] urges the European political parties to nominate candidates for the Presidency of the Commission and expects those candidates to play a leading role in the parliamentary electoral campaign, in particular by personally presenting their programme in all Member States of the Union; stresses the importance of reinforcing the political legitimacy of both Parliament and Commission by connecting their respective elections more directly to the choice of the voters.*<sup>94</sup> The Commission reinforced this message with the same arguments, namely the direct and visible link between the individual vote and the candidates, and thus increase of legitimacy and accountability of the Commission and the EU as a whole.<sup>95</sup> The initiative to introduce *Spitzenkandidaten* was also quite popular among European citizens; according to a Eurobarometer survey conducted in the autumn of 2013, 57 per cent of EU citizens were in favour of 'European political parties to present their candidate for the post of European Commission President at the next European Parliament elections', ranging from 43 per cent in the United Kingdom to over 70 per cent in Hungary and Sweden.<sup>96</sup> However, the European Council and its President were more hesitant to praise the use of *Spitzenkandidaten* in the 2014 EP elections, and openly questioned whether one of these candidates would be nominated as next Commission President. This is not surprising, since this innovation within the EP elections can be seen as a clear attempt from the European Parliament to enhance its own influence on the selection of the Commission President.<sup>97</sup>

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<sup>93</sup> Consolidated version of the Treaty on European Union (TEU), Article 17(7).

Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:en:PDF>

<sup>94</sup> European Parliament Resolution of 22 November 2012 on the elections to the European Parliament in 2014 (2012/2829(RSP)) 1. Available at:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P7-TA-2012-0462+0+DOC+PDF+V0//EN>

<sup>95</sup> Commission Recommendation of 12 March 2013 on enhancing the democratic and efficient conduct of the elections to the European Parliament (2013/142/EU). Available at:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H0142&from=EN>

<sup>96</sup> Hobolt, 'A vote for the President?', 1532.

<sup>97</sup> Ibidem, 1533.

It can be concluded that the introduction of the *Spitzenkandidaten* had three main aims. The first aim is to transform the nature of the elections to the European Parliament by creating a contest for the position of President of the European Commission between the different political platforms. The hope was that this would mobilize citizens to take greater interest in the EP elections and that this would result in larger turnouts. The 2014 EP elections allowed voters to give a mandate to a specific political platform for the Commission.<sup>98</sup> The second objective was giving the elections a more European character, related to EU-policy making, rather than domestic issues or testing the popularity of national governments. This would strengthen the electoral accountability of the EU and provide the executive branch of the EU with a genuine democratic mandate. The last aim was to increase the electoral accountability in the EP elections, which would contribute to the legitimacy, and more specifically the input-oriented legitimacy, of the Union. In my research I will mainly focus on the turnouts of the EP elections and examine in what ways the introduction of the *Spitzenkandidaten* enhances democratic legitimacy in input as well as output-oriented legitimacy.<sup>99</sup>

The campaign for the European Parliament elections was launched in February 2014 with the title: 'This Time it is Different'. The campaign included press kits, videos, posters and infographics that were distributed by the press unit of the European Parliament.<sup>100</sup> The election was not only different because of the introduction of the *Spitzenkandidaten*, but also because the election was held in times of a lasting public debt crisis. Austerity measures were imposed by the Troika on the debtor countries within the Eurozone.<sup>101</sup> The economic consequences of these austerity measures, for example unemployment, large scale privatization of public utilities, etc., was severe.<sup>102</sup> Between the 22th and the 25th of May, the elections were held in all 28 Member States. In the next paragraph I will introduce the five *Spitzenkandidaten* and their campaigns.

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<sup>98</sup> Ibidem, 1529.

<sup>99</sup> Schmitt, Hobolt and Popa, "Spitzenkandidaten' in the 2014 European Parliament Election', 8-9.

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<http://www.elections2014.eu/en/news-room/content/20140210IPR35560/html/The-2014-European-elections-this-time-it's-different> (17 June 2015).

<sup>101</sup> Schmitt, Hobolt and Popa, "Spitzenkandidaten' in the 2014 European Parliament Election', 2.

<sup>102</sup> Ibidem, 2.

### §3.2 The *Spitzenkandidaten*, persons behind the title

Five of the seven Euro Groups nominated a lead candidate or *Spitzenkandidat*. The largest Europarty, the centre-right European People's Party (EPP), which consists of Christian Democrats and conservatives, nominated the former Prime Minister of Luxembourg, Jean Claude Juncker. The Party of European Socialists (PES), which consists of social-democrat parties of Member States, nominated the German Martin Schulz, who after the European Parliament elections became President of the European Parliament. The Alliance for Liberals and Democrats in Europe (ALDE), consisting of liberal political parties from Member States nominated Guy Verhofstadt, the former Belgian Prime Minister. The Greens-European Free Alliance nominated the German Ska Keller. And the Left, consisting of Communist and other far left political parties, nominated the head of the Greek party SYRIZA who is now Prime Minister of Greece, Alexis Tsipras.<sup>103</sup>

These *Spitzenkandidaten* made efforts to run a distinctly European campaign. The five candidates had a combined budget of 4.5 million Euro. This sum was however not evenly distributed. Both Schulz and Juncker disposed of a budget of approximately 1.5 million Euro, Verhofstadt spend under 1 million, while the other two candidates had substantially smaller amounts of money available.<sup>104</sup>

There were several initiatives to increase the visibility of the *Spitzenkandidaten* all over Europe. The most eye-catching initiatives were the nine debates that could be watched on television between the 'Presidential candidates' that took place between 9 April and 20 May 2014. They were conducted in French, English and German, and broadcasted on the internet, Euronews and on selected national channels. Unsurprisingly these debates generated the most interest in the 'home countries' of the lead candidates. Whereas in Europe the debates were watched by an overall 15 per cent of European citizens, this number is much higher in Luxembourg, home country of Juncker, with 36 per cent and in Greece, home country of Tsipras, with 26 per cent. In reverse, in the Member States who did not have a *Spitzenkandidat*, like the Netherlands and the United Kingdom, only 6 per

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<sup>103</sup> Hobolt, 'A vote for the President?', 1533.

<sup>104</sup> Hobolt, 'A vote for the President?', 10-11.

cent of the citizens had seen any of the debates. Another factor that has to be taken into account is the language used in the debates. German debates were seen by a much larger per cent of the population in Austria and Germany than other political talk shows in the two countries.<sup>105</sup>

Besides the debates, the *Spitzenkandidaten* also had a substantial number of public appearances. In the two months prior to election, Schulz had 38 visits in 20 countries, Juncker covered 17 countries and participated in 34 campaign visits, Verhofstadt has a much more modest number of visits, namely 29 visits in 12 countries. With these numbers it has to be taken into account that in some cases they visited several cities or attended several campaign events in the same day. Most of the events were classical campaigning events such as meeting party activists and party supporters, participating at large campaign gatherings, or being present at the launches of national candidates. The campaigns of Juncker and Schulz both had their own character. Schulz emphasized his position as a candidate from the Party of European Socialists by attending several events in which he directly addressed trade union members or factory workers. Juncker had several meetings with the heads of national governments and other important national and European political figures. It can be assumed that these meetings were an attempt to secure the nomination, in which he succeeded in the end.<sup>106</sup>

A last important part of the activities was the online campaign of the *Spitzenkandidaten*. This tool was mostly used in combination with the television debates. During these debates Twitter was an important social media tool, #TellEUROPE was trending and mentioned in 110.000 tweets all over Europe. Schulz was the most active in the online environment, having over 110.000 followers on Twitter, and was mentioned on this social medium almost 250.000 times during the two months before the elections. Verhofstadt also had a remarkable presence with 26.000 followers and mentioned 105.000 times in the same period. Juncker however, was not very active on Twitter and was not even among the top ten most 'popular' European leaders on Twitter.<sup>107</sup>

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<sup>105</sup> Schmitt, Hobolt and Popa, "Spitzenkandidaten' in the 2014 European Parliament Election', 11.

<sup>106</sup> Schmitt, Hobolt and Popa, "Spitzenkandidaten' in the 2014 European Parliament Election', 11-12.

<sup>107</sup> Ibidem, 12-13.

### §3.3 The campaigns and appearances of the *Spitzenkandidaten* in their own Member States presented against the turnouts of the 2014 EP elections compared to those of the EP elections of 2009

In this paragraph I will first look at the Member States where one of the *Spitzenkandidaten* originally comes from, namely Luxembourg, Germany, Belgium and Greece. Germany knows two *Spitzenkandidaten*, Martin Schulz (PES) and Ska Keller (Greens). In these separate case studies I will make a comparison between the outcomes of the European Parliament elections of 2009 and 2014. I will look at the turnout levels, and if the Party Group of the *Spitzenkandidaten* received more votes than in the previous election. The numbers presented in the research of Schmitt, Hobolt and Popa about the recognition of the *Spitzenkandidaten* will also be mentioned. The recognition of the *Spitzenkandidaten* in the rest of the EU is also important in this regard and will therefore be mentioned separately. I will look at the different Member States in alphabetical order.

#### *Belgium*

The campaign for EP elections in 2014 of Guy Verhofstadt was launched in April of 2014. As mentioned, he made a total of 29 visits in 12 different Member States over the course of two months before the elections and the end of May. Two election videos are available, one more general one related to a 'liberal Europe' distributed by ALDE, which was viewed only 419 times.<sup>108</sup> And one specifically focusing on Verhofstadt with the title: 'Guy Verhofstadt for European Commission President', which showed his qualities by short interviews with prominent EU officials, scientists and owners of small and medium size businesses in Europe.<sup>109</sup> This video has been watched much more than the general video with 9.427 views. Also, Verhofstadt had his own website: <http://www.guyverhofstadt.eu/>, which contained information about Verhofstadt, what he stand for and how he sees the future of Europe. Another handy tool on the site describes how you can vote for Guy Verhofstadt in the EP elections per Member State. For example, when you click on the Netherlands, the VVD and

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<sup>108</sup> Video of ALDE called: 'Liberal Europe': <https://www.youtube.com/watch?v=Ug7zqktLnZk> (22 June 2015).

<sup>109</sup> Video 'Guy Verhofstadt for European Commission President': <https://www.youtube.com/watch?v=Kczhr0ZHLg4> (22 June 2015).



D66 pop-up, which means that a vote on one of these parties is a vote for ALDE and Verhofstadt as *Spitzenkandidat*.<sup>110</sup>



In Belgium the overall turnout for the EP elections in 2014 was 89,64%, which was slightly less than the turnout for the elections in 2009 of 90.39%. As was to be expected, Verhofstadt was recognized best from the top-3 *Spitzenkandidaten*. Just under 70% of the voters recognized him, Junker was recognized by a bit over 30% of the voters and Schulz got the least recognition by Belgium voters with just over 25%.<sup>112</sup> These numbers directly relate to the number of visits the *Spitzenkandidaten* made to Belgium. Junker and Verhofstadt made four visits during their campaign, Schulz two.<sup>113</sup> Verhofstadt obviously has an advantage when it comes to measuring recognition, being the former prime-minister of the country.

Was the outcome of the EP elections 2014 in Belgium influenced by Verhofstadt being *Spitzenkandidat* for the ALDE group? In 2009 the ALDE group got 5 seats in the European Parliament, with 22.49% of the votes.<sup>114</sup> In 2014 ALDE got

<sup>110</sup> How to vote for Guy Verhofstadt <http://www.guyverhofstadt.eu/landen/netherlands> (22 June 2015).

<sup>111</sup> Campaign image Guy Verhofstadt,

<http://www.theguardian.com/politics/gallery/2014/may/22/european-elections-in-odd-posters>

<sup>112</sup> Schmitt, Hobolt and Popa, 'Spitzenkandidaten' in the 2014 European Parliament Election', 32.

<sup>113</sup> Idem.

<sup>114</sup> <http://www.europarl.europa.eu/aboutparliament/en/20150201PVL00021/Previous-elections> (22 June 2015)

more votes, 22,72%, which resulted in 6 seats in the EP.<sup>115</sup> ALDE became the largest Euro group in Belgium with the EP elections of 2014, which was a victory when we look at the previous elections where they had the same number of seats as the EPP group and the S&D group.

### *Germany*

Germany had two *Spitzenkandidaten* competing in the EP elections of 2014, Martin Schulz for the S&D group and Ska Keller for the Greens. However, when the question was asked in the survey: 'Can you name any of the candidates that have been nominated by the Political Parties at the European level to replace José Manuel Barosso as President of the European Commission?', Ska Keller was only named or recognized by 5.3% of the voters. This is such a small account that I won't pay much attention to her campaign. The focus in Germany on the *Spitzenkandidaten* lay with Martin Schulz. In answer to the earlier posed question, 47% of the voters recognized Martin Schulz.<sup>116</sup>

On the first of March 2014 Martin Schulz was elected as *Spitzenkandidat* for the PES group at a party congress in Rome. He started his campaign to become 'the first elected President of the European Commission' in Paris on 17 April 2014. The priority of his campaign was the fight against social and fiscal dumping in Europe. The PES group started a campaign with the title 'Knock to vote', which literally meant volunteers for all over Europe knocking on peoples doors to inspire them to vote in the EP elections and especially for the PES group.<sup>117</sup> This idea of going to voters directly can also be seen as a strategy of the *Spitzenkandidat* himself. Schulz visited 20 Member States in two months during his EP election campaign, making him the *Spitzenkandidat* who paid a visit to the largest number of Member States.<sup>118</sup> In these visits he had many round table discussion with local

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<sup>115</sup> <http://www.europarl.europa.eu/aboutparliament/en/20150201PVL00021/Previous-elections> (22 June 2015).

<sup>116</sup> AMR GmbH Dusseldorf, *Post EU election polling project on behalf of the AECR* (Dusseldorf 2014) 16. Available at: <http://www.aecr.eu/media/AECRAMR-European-election-poll.pdf> (22 June 2015).

<sup>117</sup> Video 'Knock to Vote': <https://www.youtube.com/watch?v=0CrwVinFMEg> (22 June 2015).

<sup>118</sup> Schmitt, Hobolt and Popa, "Spitzenkandidaten' in the 2014 European Parliament Election', 45-46.

entrepreneurs, trade unionists and public service workers.<sup>119</sup> The only problem with the campaign of Schultz was that large parts of it were available in German only.<sup>120</sup>

The novelty of the European *Spitzenkandidaten* played the most important role in Germany. This is perhaps not surprising given the origins of the word and the fact that Martin Schulz, who was one of the key candidates, comes from Germany. Martin Schulz was very visible in the German campaign as he was also the front runner of the German Social-Democrats. Jean-Claude Juncker featured on some posters of the German Christian-Democrats, but less so than Angela Merkel who did not run for EP elections or the post of Commission President. As already mentioned, Martin Schultz was recognized by almost half of the voters, however Juncker was recognized by 44% of the voters, which means the recognition of Spitzenkandidaten in Germany was very high in general.<sup>121</sup>



Another reason why the *Spitzenkandidaten* were recognized so well in Germany is the number of campaign visits this Member State had gotten from the top three *Spitzenkandidaten*, namely Juncker, Schulz and Verhofstadt. Juncker payed Germany 9 visits, Schultz 11 and Verhofstadt 8. All three *Spitzenkandidaten* visited Germany the most in their election campaigns.

In Germany the overall turnout for the EP elections of 2014 was 48,1%, which was almost 5% higher than the turnout for the elections in 2009 of 43.27%. Even though the turnout was lower, considerably more people voted for the S&D group. In

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<sup>119</sup> Ibidem, 45-46.

<sup>120</sup> [http://www.spd.de/119328/europa\\_material.html](http://www.spd.de/119328/europa_material.html) (22 June 2015).

<sup>121</sup> TEPSA Report, *The 2014 EP Election Campaign in the Member States: National Debates, European Elections* (Brussels 2014) 6. Available at: <http://www.tepsa.eu/wp-content/uploads/2014/06/TEPSA-Report-EP-election-campaigns-Mirte-van-den-Berge.pdf> (22 June 2015)

<sup>122</sup> [http://www.spd.de/119328/europa\\_material.html](http://www.spd.de/119328/europa_material.html) (22 June 2015).

2009 the S&D group got 20,8% of the votes which led to 23 seats. In 2014 27.3% voted for this group, which led to 27 seats. This is a win of over 7%. We can therefore say Schultz had a very successful campaign in Germany.

### Greece

Alexis Tsipras is now very visible in the news as Prime-Minister of Greece, but only a year ago he was the *Spitzenkandidat* for the radical Party of the European Left. His nomination received a support of over 84% of the congress' delegates in December 2014. Tsipras stressed that his nomination "is not only symbolic for the Greek people," that has become "the guinea pig of the continent," nor is it a candidacy "that represents the peoples of the south, but to all peoples." In his view, in Europe "there are no geographical boundaries, but ideological and programmatic boundaries," so that his nomination "represents all the forces of the left in the continent."<sup>123</sup>

Tsipras was very visible in his own country as a leader of the opposition. This can also be seen in the recognition numbers. 83,8% of the Greek voters recognized him, which is the highest recognition number in the whole of Europe.<sup>124</sup> The campaign of the European Left carried the name 'Together we can Change Europe'. As is suitable for the radical left, a Manifesto was written for the EP elections of 2014 with the title 'Escaping austerity, rebuilding Europe', which stated that there should come an end to 'ultraliberalism' and austerity which now rules Brussels. Tsipras also made campaign visits, most to Southern European countries. In total he visited 7 Member States, including Italy, Spain, Portugal and Greece.<sup>125</sup>

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<sup>123</sup>

<http://www.european-left.org/fr/4th-el-congress/tsipras-nominated-european-left-voice-denounce-policies-troika-european-commission> (23 June 2015).

<sup>124</sup> TEPSA Report, *The 2014 EP Election Campaign in the Member States*, 6

<sup>125</sup> <http://alexistsipras.eu/index.php/campaign/highlights?start=0> (23 June 2015).



In Greece, the turnout in 2014 was over 7% higher in the EP elections of 2014 with 59.97% to 52.61% in 2009.<sup>127</sup> Also the number of votes for the European Left; from 13.05% of the votes which resulted in 3 seats in 2009, in 2014 this amount was doubled with 26.57% of the votes which resulted in 6 seats.<sup>128</sup> In these elections there has to be taken into account that Greece was hit severely in the economic crisis which resulted in a package of austerity measures from the Troika. This most likely influenced this large amount of votes on the radical left as well.

### *Luxembourg*

Jean Claude Juncker was chosen to be *Spitzenkandidat* for the EPP on a Congress of the Euro Group which was held on 6 and 7 March 2014 in Dublin, Ireland.<sup>129</sup>

Throughout the Spring of 2014, the EPP group in the European Parliament carried out the 'Believe in People' initiative to highlight real-life examples and success stories of people who embody the values and policy priorities of the EPP. Through its

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<sup>126</sup> Campaign image Tsipras:  
<http://www.theguardian.com/politics/gallery/2014/may/22/european-elections-in-odd-posters> (23 June 2015).

<sup>127</sup> Schmitt, Hobolt and Popa, "Spitzenkandidaten' in the 2014 European Parliament Election', 32.

<sup>128</sup> <http://www.europarl.europa.eu/aboutparliament/en/20150201PVL00021/Previous-elections> (23 June 2015).

<sup>129</sup> EPP Brochure, *How did it all start? The entire 2014 election campaign in review* (Brussel 2014) 8. Available at: [http://issuu.com/eppparty/docs/european\\_elections\\_2014](http://issuu.com/eppparty/docs/european_elections_2014) (22 June 2015).

website at [believeinpeople.epp.eu](http://believeinpeople.epp.eu), the pre-campaign initiative showcased a series of personal stories from entrepreneurs, farmers, students, workers and members of the EPP Group in the European Parliament.<sup>130</sup> The Juncker campaign also had a great success on Youtube. On 6 May 2014, the campaign launched a clip of Jean-Claude Juncker titled 'You don't have to be a techie to believe in technology'. The topic was the importance of the digital single market. The clip has been viewed over 1.1 million times.<sup>131</sup>



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In Luxembourg there was a lot of media attention for the candidature of Jean-Claude Juncker. He was supported by the public at large and also across political party lines in Luxembourg, also by the current Prime Minister of Luxembourg who is a liberal.<sup>133</sup> This can also be seen in the candidate recognition numbers. 80.48% of the voters of the EP elections 2014 in Luxembourg recognized Juncker. Schulz was also well-known with 45.91% recognition, Verhofstadt was recognized by 23.05%.<sup>134</sup> Juncker conducted 32 visits during his campaign in 17 Member States in two months.<sup>135</sup> He only visited his home-country, Luxembourg, once during his campaign. Schulz and Verhofstadt also paid one visit to Luxembourg.<sup>136</sup>

<sup>130</sup> EPP Brochure, *How did it all start?*, 10.

<sup>131</sup> Video 'You don't have to be a techie to believe in technology': [https://www.youtube.com/watch?v=D61kfyYMZ\\_A](https://www.youtube.com/watch?v=D61kfyYMZ_A) (22 June 2015).

<sup>132</sup> <http://juncker.epp.eu/news> (22 June 2015)

<sup>133</sup> TEPSA Report, *The 2014 EP Election Campaign in the Member States*, 6.

<sup>134</sup> Schmitt, Hobolt and Popa, "Spitzenkandidaten' in the 2014 European Parliament Election', 32.

<sup>135</sup> *Ibidem*, 43-44.

<sup>136</sup> *Ibidem*, 32.

Despite of the high recognition number, Luxembourg had a 5% lower turnout for the European Elections in 2014, with 85.55%, than in 2009, where the turnout was 91.15%. Was the outcome of the EP elections 2014 in Luxembourg influenced by Junker being *Spitzenkandidat* for the EPP group? In the EP elections of 2009, as well as those of 2014, the EPP group got three seats in the European Parliament. But the percentages show the difference. In 2009 the EPP group got 31,33% of the votes, in 2014 this was 37.66%. This is a rise of 6.3% for the EPP group in Luxembourg.

#### *General overview of these four countries*

The *Spitzenkandidaten* may not have boosted turnouts for the EP elections in 2014 in general, but the fact that the outcome was higher in two countries and more votes were cast for the parties with the visible *Spitzenkandidaten* in all of them generates a promising scenario for the future. The downside however is that the recognition of the *Spitzenkandidaten* in other Member States remained very low. Only in Austria and Malta, candidates were recognized by over a third of the voters. Therefore, I will now look for recommendations regarding the campaigns to examine how the *Spitzenkandidaten* can get European-wide visibility.

#### § 3.4 A European-wide *Spitzenkandidat*, recommendations for the future EP election campaigns

In this paragraph I will look at improvements to give the *Spitzenkandidaten* a more European image in the future EP election campaigns. Creating a European public sphere is a difficult task. As can be seen in the last paragraph, the *Spitzenkandidaten* got best recognition numbers in their home countries. How can we make sure that every EU citizen sees the *Spitzenkandidaten* as the candidates for the post of the next Commission President? And that the nationality of this *Spitzenkandidat* is not important to raise awareness? These questions are also very important when it comes to the legitimacy of the EU. EU representative politics relating to all kinds of publicly raised claims for representing interests, identities and

values should unfold through public and media discourse. This creates a framework of EU collective decision-making.<sup>137</sup>

In the article by Michailidou and Trenz the term 'audience democracy' is presented, which means that we can see the decline of representative politics and its transformation of mediatized opinion markets, spectacle or symbolic politics. This development marks twentieth century politics, and it widens the possibility of public attention, or as the authors of the article put it: 'If the political actors are more frequently going public, they are also much more frequently challenged by the public'. This makes politics more unpredictable and volatile in an audience democracy, because it is significantly more difficult to anticipate public support, but at the same time media communication and mobilization have become core components of representative governance.<sup>138</sup>

Mass media have become the central arena for focusing public attention on the ways the legitimacy of the EU is debated and increasingly contested. There are two downsides to this. Firstly, the media which constitute the main channel for expressing approval or disapproval with the performance of the political system are mostly nationally confined and thus serve audiences within the formalized national representative systems. And secondly, these national media turn selected political information about the EU into 'news'. This shapes the political reality of Europe for its citizens. An important example of this is that national media put an emphasis on the role of national executives, while downplaying the role of other actors in the EU like members of the European Parliament or the Commission. Another problem that has occurred since the outbreak of the Eurozone crisis, is the tendency to 'blame Europe'. So when the decisions made in Brussels do not reflect the policy choices of a Member State, this immediately leads to the down-talking of European politics on national media.<sup>139</sup>

Another conclusion from the article was that a 'Eurosceptic' agenda is set, not so much by Eurosceptic parties but by audience formations and citizen's voice. European Parliament election online debates were found to be not so much

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<sup>137</sup> A. Michailidou and H.J. Trenz, 'Mediatized representative politics in the EU', *Journal of European Public Policy*, 20 (2013) 260-277, there 261.

<sup>138</sup> Michailidou and Trenz, 'Mediatized politics in the EU', 263.

<sup>139</sup> Michailidou and Trenz, 'Mediatized politics in the EU', 267-268.



dominated by representative claims of political agents, who stand for elections, but by counter claims of citizens, who critically debate the legitimacy of the EU and of their representatives.<sup>140</sup> The article however does not present solutions for the problems mentioned.

The book of Koopmans and Statham with the title: 'The making of a European Public Sphere' looks more at solutions for Europe's search of an audience.<sup>141</sup> They state that the knowledge about the European Union in general is very low, and think at most 15% of EU citizens know enough to be for or against certain European issues, whereas the rest simply do not know, and many may not be interested at all.<sup>142</sup> It will still be necessary to address the democratic deficit from within the EU itself, but this will only address part of the problem. So far this has not resulted in higher turnouts in EU elections.<sup>143</sup> Therefore, allowing the national politics, which people generally have a better understanding of, to do the job of providing legitimacy to the EU is much more likely to be sustainable, meaningful, and effective. For this reason, Koopmans and Statham see mediatized political party competition, in the form of public debates or media appearances about EU issues at the national level as the most realistic starting point for generating a Europeanized public politics. This development should result in advancing European integration and it offers the most realistic chance for a legitimate Europeanized public politics. Koopmans and Statham think that, in the future, choices about different paths to Europeanization, which includes negative options, will be mobilized increasingly by national parties in the media discourse.<sup>144</sup>

How can this information be used to create a European wide awareness for the *Spitzenkandidaten*? The key to more knowledge is education. I know from my own experience that in High School, I only had one course about the European Union of about three weeks. There is a grave need to educate people in the working and importance of the European Union. This education should be expanded in two ways. Firstly, there should be more attention for the European Union within the

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<sup>140</sup> Ibidem, 271.

<sup>141</sup> R. Koopmans and P. Statham, *The Making of a European Public Sphere* (New York 2010).

<sup>142</sup> Koopmans and Statham, *The Making of a European Public Sphere*, 299-300.

<sup>143</sup> Ibidem, 303-305.

<sup>144</sup> Ibidem, 305-306.

curriculum of High Schools in all the Member States. Secondly, around the EP elections, education about the European Union and especially the functioning of the European Parliament should be increased. For example with creating specific projects for children in pre-school as well as high school. Universities have already made great progress in this regard. Last year at many universities throughout Europe, European weeks were organized because of the upcoming EP elections.

Another change that should be made is the attitude of national political parties towards the media regarding the European Union, as Koopmans and Statham suggest. This will also be important with the EP elections. Like Guy Verhofstadt, every *Spitzenkandidat* should have a tool which makes clear whether if you vote for a certain national political party, this is a direct vote for one of the *Spitzenkandidaten*. This should also be emphasized by national political parties themselves during European Parliament elections, even if the Member State does not have a *Spitzenkandidat* represented in one of the Party Groups of the European Parliament. Through national politics, the *Spitzenkandidaten* should get more European wide media attention in future EP election campaigns.

### §3.5 Examining results of comparative research according to the theoretical framework of Sharpf regarding input and output-oriented legitimacy

Can it be said that the introduction of the *Spitzenkandidaten* in the European Parliament elections has influenced the democratic legitimacy of the EU and especially the European Parliament itself? If we use the theoretic framework of Sharpf that was presented in the introduction, it can be concluded that the introduction of the *Spitzenkandidaten* has influenced input as well as output-oriented legitimacy.

Input-oriented legitimacy, or government by the people, comes from the idea that the justification of policy choices reflects the will of the people. When it comes to input-oriented legitimacy, it cannot be concluded that the *Spitzenkandidaten* have generated public support for the European Union as a whole. This can be seen by the overall turnout number of the European Parliament elections, which have not risen since the last EP elections in 2009. However, the countries which had a high recognition of the *Spitzenkandidaten*, mainly the home countries of these

candidates, have shown that these EP election were in fact different than the last one. The turnout in two of these countries rose, and in all of the countries the political groups from the *Spitzenkandidaten* became the largest, with the exclusion of Ska Keller. This is promising for future EP elections. However, a lot of work still needs to be done to create a European-wide recognition of the *Spitzenkandidaten*. Therefore there can be spoken of partial rise of input-legitimacy for now.

Also, output-oriented legitimacy has been broadened by the fact that the *Spitzenkandidat* from the largest political group in the European Parliament has become Commission President in the end. All the empirical requirements from Thomassen and Schmitt have been met. Firstly there is the perception of a range of common interest. Via the European Council, Member States agreed with Juncker becoming the next Commission President after the EP elections where the EPP group became the largest.<sup>145</sup> Also, it can strictly be said that the justification also came from the people, the EU citizens. The EPP became the largest group in the European Parliament via elections, which means the EU citizens chose Juncker as the new Commission President.

### Conclusion

The *Spitzenkandidaten* were introduced to strengthen the executive accountability in the European Union and lead to more 'public identification' with the EU. This chapter explains that these goals have partly been achieved and that the introduction of *Spitzenkandidaten* has also enhanced the input legitimacy of the EU and more specifically the European Parliament.

The campaign for the European Parliament elections titled : 'This Time it is Different' was launched in February 2014. Besides the general campaign, the *Spitzenkandidaten* launched their personal campaign to obtain the Commission Presidency. In this chapter the campaigns of four different Spitzenkandidaten in their home countries were considered: Guy Verhofstadt (Belgium), Martin Schulz (Germany), Alexis Tsipras (Greece) and Jean Claude Juncker (Luxembourg). The appearances of the *Spitzenkandidaten* have not boosted the overall turnouts of the European Parliament elections. But the turnouts were higher in two of the countries

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<sup>145</sup> <http://www.dw.com/en/juncker-is-elected-eu-commission-president/a-1778596> (25 June 2015).

that had visible Spitzenkandidaten, and more votes were cast for their political party groups in all four.

It will however be necessary to create a more European-wide image of the Spitzenkandidaten to get a higher turnout in the whole of Europe. Recommendations to create such an image are given by Koopmans and Statham who suggest to mobilize national political parties to give more attention to European policy issues on domestic media.

It can therefore be concluded, even though a lot of improvements can still be made, the introduction of the *Spitzenkandidaten* to EP elections have increased the democratic legitimacy of the European Union, and especially the European Parliament.

## Conclusion

At the end of this thesis I will answer my main question: In what ways does the introduction of *Spitzenkandidaten* during the European Parliament elections of 2014 enhance the further development of democratic legitimacy within the Union?

In the first chapter I looked at the history of the European Parliament within the European Union between 1952 and 2009. When considering the history of the European Union, it becomes clear that democratic legitimacy was mostly enhanced by giving more power to the only directly represented institution within the EU, the European Parliament. With the negative outcomes of the referenda in France and the Netherlands for the ratification of the 'European Constitution' in 2005, and the decreasing turnouts for the European Parliament elections, it became evident that there was a democratic deficit when it came to the legitimacy of the EU.

The concept of democratic legitimacy and the existence of a democratic deficit was further researched in the second chapter of this thesis. From the existing literature I can conclude that the European Parliament is struggling foremost with input legitimacy, which is related to the public support for the European Parliament. Most authors think that the democratic legitimacy of the EU and especially the

European Parliament can only be enhanced by ways of output-legitimacy: for example by giving the parliament the same powers as national parliaments.

In my third and final chapter I conducted comparative research to see what the influence of the introduction of the *Spitzenkandidaten* was on the European Parliament elections of 2014. Were these elections really that different from previous ones? In my research I have shown that the *Spitzenkandidaten* definitely made a difference, but only in the Member States where the recognition of the *Spitzenkandidaten* was high. In two of these countries the turnout for the EP elections increased and in all of these countries the political groups of the *Spitzenkandidaten* became the largest political group. With the broadening of previous research by a comparative research between four Member States I can conclude that a new chapter in the democratic legitimacy has been opened with the introduction of the *Spitzenkandidaten*. Input as well as output-oriented legitimacy has been broadened with this development already. This proves that input-oriented legitimacy is not impossible to achieve within the European Union, as was claimed by many authors regarding the democratic legitimacy of the Union. However, more research should be conducted on how a European-wide recognition of the *Spitzenkandidaten* can be generated in future European Parliament elections, for example by education and a more targeted media approach from national political parties.

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