

**Inter-Institutional Rivalry and the Spitzenkandidaten Experiment:
Analysing the 2014-2019 Inter-Election Period and Understanding the Non-
Implementation of the Spitzenkandidaten System in 2019**



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Abstract

The mechanism for appointing the President of the European Commission has undergone a significant change in the post-Lisbon era. The introduction of the Spitzenkandidaten system, in the lead up to the 2014 European Parliamentary elections, marked a distinct shift in the inter-institutional power balance between the European Council and the European Parliament. As a consequence of the appointment of Jean-Claude Juncker as Commission President, the European Parliament had exerted considerable influence, despite not having a clear legal mandate. However, the shift in the inter-institutional balance of power was temporary. The Spitzenkandidaten system did not become codified in the Treaties and the future of the system became a subject of debate. A shift occurred in the 2014-2019 inter-election period, culminating in the non-implementation of the appointment mechanism in 2019. This thesis will trace historically the evolution of the Spitzenkandidaten system, recount the appointment procedure in 2014 and analyse the ensuing inter-institutional power struggle between the European Council and the European Parliament. To explain the non-implementation of the Spitzenkandidaten system in 2019, Müller Gomez, Wessels and Wolters (2019) theoretical approach to inter-institutional relations is implemented. In doing so, the thesis contributes to a wider debate about the institutional architecture of the EU and the balance of power between the institutions, i.e., the interplay between supranationalism and intergovernmentalism.

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Introduction

Since the establishment of the European Commission, the mechanism for appointing the President to the executive body of the European Union (EU) has undergone a significant change. What began as a wholly intergovernmental appointment process, conducted solely by the Member States, gradually evolved to include elements of supranationalism, in particular, with increased involvement of the European Parliament (EP). From Maastricht onwards, the EU took ‘incremental institutional and political steps’, such as the decision to adjust the term of the European Commission to bring it into line with the legislative term of the EP, which ‘strengthened the link between the European elections on the one hand, and the Commission and the office of its President on the other’ (De Groof, Van Hecke and Wolfs 2019, p. 3). Perhaps most notably, however, a shift towards a more supranational appointment mechanism took place in the post-Lisbon era, in the lead up to the 2014 EP elections, with the introduction of a new appointment procedure known as the Spitzenkandidaten system.

Spitzenkandidaten, a term originating from Germany and referring to lead candidates, was introduced in 2013 in a bid by European political parties to make the appointment of the President of the European Commission more democratic, ‘whereby European political parties appoint their ‘lead candidates’ and the presidency subsequently goes to the political party winning the most seats, or at least capable of marshalling sufficient parliamentary support’ (Tilindyte, 2018, p. 4). Based on a wide interpretation of Article 17(7) of the Treaty on European Union (TEU) (Dinan 2015, p. 98), European political parties attempted to gain more influence in the appointment process and establish a procedure that would prompt the European electorate to take part in EP elections to a greater extent than in the past, to reverse the consistent decline in voter turnout (Schmitt, Hobolt and Popa 2015, p. 348). Following the 2014 EP elections, the European Council (EUCO) implemented the Spitzenkandidaten system, despite it being deemed controversial among the Heads of State or Government of the Member States (Müller Gómez, Wessels and Wolters, 2019, p. 65). This led to the appointment of the European People’s Party’s (EPP) lead candidate, Jean-Claude Juncker, as Commission President. As a result, the architects behind the Spitzenkandidaten system, i.e., a group of political parties in the EP, ensured the implementation of the procedure and ‘won an important victory in the inter-institutional battle for power’ (Hobolt 2014, p. 1538). This gave the EP a more central role in the appointment process, as it ‘successfully asserted itself against the European Council’ (Müller Gómez and Wessels, 2015, p. 39).

The 2014-2019 inter-election period, however, was characterised by uncertainty regarding the future of the Spitzenkandidaten system (De Groof, Van Hecke and Wolfs, 2019, p. 11). The automaticity of the procedure was not recognised by the EUCO (Tusk, 2018), therefore, it remained uncertain whether the Heads of State or Government would replicate it in 2019. Scholars debated whether the outcome in 2014 implied a possible ‘institutional readjustment towards a de facto more parliamentary structure’ (Müller Gómez and Wessels, 2015, p. 39) and whether it represented a ‘preliminary or sustainable victory for the EP’ (Müller Gomez, Wessels and Wolters, 2019, p. 64). However, Europe witnessed a shift in the inter-election period, culminating in the non-implementation of the Spitzenkandidaten system in 2019. Instead of nominating a lead candidate to become Commission President, the EUCO followed a procedure similar to that of the pre-Lisbon era, based on intergovernmental bargaining, which resulted in the nomination and appointment of Ursula von der Leyen as Commission President.

The aim of the thesis will be to explain the shift between 2014 and 2019 in the way the President of the European Commission was appointed. The research builds upon secondary literature by leading scholars on the functioning of the EU (see Christiansen 2016; Dinan 2015; Hobolt 2014; Müller Gómez, Wessels and Wolters, 2019), and primary sources, such as EP resolutions, EUCO conclusions, statements by key actors, who influence the appointment procedure, and European Commission recommendations. The sources mentioned above, among others, offer a way to, first, trace historically the evolution of the Spitzenkandidaten system, second, recount the 2014 process and explore both immediate and medium-term responses to its outcome, and third, to understand the interplay between the EUCO and the EP and draw together what factors accounted for the shift between 2014 and 2019. To achieve the research aim, the thesis is focused on analysing the role of the EUCO and the EP in the appointment procedure. In particular, it takes into consideration internal coherence of the institutions and the relationship between them, using Müller Gómez, Wessels and Wolters (2019) theoretical approach to analyse inter-institutional conflicts and the balance of power between the EUCO and the EP, to understand what determined the adoption of the procedure in 2014, and the non-implementation of it in 2019.

In addressing the shift between 2014 and 2019, the paper enables a deeper understanding of the historical evolution of the mechanism for appointing the President of the European Commission, the EU’s executive body. However, perhaps more importantly, it relates to a wider debate about the institutional architecture and functioning of the EU and the balance of power between ‘the ideal types of an intergovernmental and a supranational-federal institution’, i.e.,

the EUCO and the EP (Müller Gómez, Wessels and Wolters, 2019, p. 54). The thesis provides an in-depth analysis of this relationship, which represents an intergovernmental-supranational dichotomy (Müller Gómez, Wessels and Wolters, 2019, p. 54). Additionally, the thesis can enrich studies on the democratic legitimacy of the EU, as it relates to the appointment of top-level EU civil servants and discusses the influence of institutions that ‘represent opposing poles in the constitutional system, with each institution claiming its own specific democratic legitimacy’ (Müller Gómez, Wessels and Wolters, 2019, p. 53).

Literature Review

As previously mentioned, the Spitzenkandidaten system was first introduced in the post-Lisbon era, in the lead up to the 2014 EP elections. However, despite it being contemporary, a substantial amount of research has been conducted on the topic. Scholars have sought to explain the origins of the system, measure what impact it had on the 2014 EP elections, and determine whether implementing the system changed the institutional architecture of the EU. Academic research regarding the shift between 2014 and 2019 in the way the Commission President was appointed is, however, less extensive. The present paper builds on the academic work conducted by leading scholars such as Christiansen (2016), Dinan (2014, 2015, 2018), De Groof Van Hecke and Wolfs (2018), Hobolt (2014), Moury (2007), and Nasshoven (2011), implementing Müller Gómez, Wessels and Wolters (2019) theoretical approach to analyse the inter-institutional balance of power. In doing so, it attempts to improve both the empirical and theoretical understanding of the role of inter-institutional rivalry in the Spitzenkandidaten experiment.

There are alternative approaches to determining the origins of the Spitzenkandidaten system in the literature. On the one hand, scholars, such as Hobolt (2014), attribute the creation of the lead candidate system to an ‘expansive’ and ‘creative’ interpretation of Article 17(7) of the Lisbon Treaty by the EP in the run-up to the 2014 European elections. On the other hand, De Groof, Van Hecke and Wolfs (2018) trace the origins of the Spitzenkandidaten system back to the early 1990s, beginning with the Maastricht Treaty and emphasising the significance of the successive rounds of Treaty reform. The former assertion focuses on the central role of the EP in promoting the system in the lead up to the 2014 Juncker appointment, whereas the latter questions the notion that the lead candidate system came ‘from out of the blue’ (De Groof Van Hecke and Wolfs, 2018). As elaborated on in chapter two, Simon Hix (1997, 1998) and De

Witte, Kumm and Maduro (2012) discussed the idea for Europarties to nominate candidates that would compete to assume the position as Commission President even before the EP adopted the lead candidate system. While the aforementioned scholars offer different perspectives on how the Spitzenkandidaten system arose, the authors attribute the general development of the appointment mechanism and the broader evolution of the institutional architecture of the EU to the EP's long-standing tradition to generously interpret treaty provisions (Müller Gomez, Wessels and Wolters, 2019, p. 66), acting as a 'creeping constitutional architect' (Nasshoven, 2011, p. 94). To understand why and how the Spitzenkandidaten system was implemented, it is important to take note both of the long-term evolution of the institutional architecture of the EU and the role of the EP vis-à-vis the EUCO, as well as the concrete circumstances in the lead up to the 2014 European elections.

Academics such as Christiansen (2016), Dinan (2015), Hobolt (2014) and Müller Gomez and Wessels (2015) have focused on the role of the Spitzenkandidaten in the 2014 EP elections, discussing the immediate implications of the system on the institutional architecture of the EU and the inter-institutional power balance. In her article, written shortly after the 2014 EP elections, Hobolt (2014, p. 1533) predicted that the implementation of the lead candidate system would affect inter-institutional dynamics within the EU, highlighting the 'competing visions of democracy', i.e., 'a federal vision' in contrast to 'an intergovernmental vision.' Similar to Christiansen (2016) and Dinan (2015), Hobolt (2014, p.1538) concluded that the 2014 Juncker election, short-term, did not have a significant impact 'on the nature of the elections', but rather on the inter-institutional dynamics and the power struggle between the EP and the EUCO. In this regard, Christiansen (2016, p. 1007) agreed, arguing that the implementation of the lead candidate system 'produced something of a supranational moment in the evolution of the EU's institutional architecture', but that it did not 'amount to a fundamental shift in the politics of the European Union.' Thus, regarding whether the Spitzenkandidaten system had a significant impact on the institutional architecture of the EU, the abovementioned scholars claim that, apart from short-term, it did not significantly change the EU's institutional architecture (Christiansen, 2016; Dinan, 2015; Hobolt, 2014; Müller Gomez and Wessels, 2015). However, the authors note the important role played by the EP in ensuring the lead candidate system's implementation, and the consequences it had on the inter-institutional relations, highlighting the power struggle between the EUCO and the EP.

Concerning the appointment procedure in 2019, less scholarly work has been conducted because of how recently it took place. However, the research conducted by Cloos (2019), de

Wilde (2020) and Müller Gomez and Thieme (2020) provide insight into what factors contributed to the non-implementation of the Spitzenkandidaten system in 2019. While Cloos (2019) accounts for the concrete circumstances in the 2014-2019 inter-election period, e.g., how the Heads of State or Government in the EUCO formally declared their opposition to the lead candidate system after it was implemented and continually contested it during the inter-election period, de Wilde (2020) provides an in-depth understanding of an internally fragmented and incoherent EP in the inter-election period. In addition to this, Müller Gomez and Thieme (2020) provide a theory-based evaluation of the 2019 appointment procedure, taking into account the inter-institutional power struggle between the EUCO and the EP to explain how and why the Spitzenkandidaten was not implemented following the 2019 EP elections. The research conducted by the authors mentioned above is important as it allows for an in-depth analysis of the internal coherence of the EUCO and the EP, according to the theoretical approach of Müller Gomez, Wessels and Wolters (2019). In doing so, the shift in the inter-institutional balance of power and the non-implementation of the Spitzenkandidaten system in 2019 can be understood.

The research conducted by the abovementioned scholars is useful when tracing the evolution of the Spitzenkandidaten system, analysing how and why the appointment procedure was implemented in 2014, and determining what the different immediate responses to the Juncker appointment were. The different approaches, such as focusing on the intergovernmental aspect by looking at the member states and the EUCO, or looking at the influence of European political parties, and inter-party dynamics will be useful to the thesis. There are, however, two key issues with the aforementioned studies. First, nearly all the studies were conducted before the 2019 EP elections, in the early aftermath of the 2014 elections. Therefore, they lack the possibility to analyse the full inter-election period between 2014 and 2019. Second, these studies, do not primarily analyse the inter-institutional rivalry between the EUCO and the EP in relation to the Spitzenkandidaten experiment. As described by Müller Gómez, Wessels and Wolters (2019, p. 69), the institutional balance between the EP and the EUCO represents an ‘under-theorized aspect of the political system of the EU.’ Therefore, to fill a research gap, the present paper intends to conduct a comprehensive analysis of the inter-institutional dynamics in the inter-election period, building upon the theoretical approach of Müller Gómez, Wessels and Wolters (2019) and making use of primary sources that were previously unavailable, to explain the shift between 2014 and 2019 in the way the President of the European Commission was appointed.

Research Design & Methodology

For researching purposes, this study intends to conduct an in-depth within-case analysis of the Spitzenkandidaten experiment. The thesis is primarily focusing on the introduction of the lead candidate system in the run-up to the 2014 EP elections, wherein it was first implemented, and on the 2014-2019 inter-election period and the immediate aftermath of the 2019 EP elections. During this period, parties with a vested interest in the appointment procedure made efforts aimed at ensuring an arrangement in their favour. The thesis aims to explain the shift between 2014 and 2019 in the way the President of the European Commission was appointed. To reach this aim, the approach of the thesis is to analyse inter-institutional relations leading up to and immediately following the 2014 elections, and the 2014-2019 inter-election period and the 2019 appointment procedure. The focus will be placed solely on the EUCO and the EP, since they are the main stakeholders, and on intra-institutional dynamics: the relations between both the Heads of State or Government in the EUCO and the European political parties in the EP. The combined use of primary and secondary literature, and the taking into account of the theoretical approach of Müller Gómez, Wessels and Wolters (2019), enables a successful analysis to be conducted.

The topic of the thesis relates to a wider debate about the functioning of the EU, democratic legitimacy, and tensions between supranationalism and intergovernmentalism. The implementation of the Spitzenkandidaten system in 2014 ‘produced something of a supranational moment in the evolution of the EU’s institutional architecture’ (Christiansen, 2016, p. 1006). Specifically, the impact of the election was most clear regarding the inter-institutional dynamics within the EU, sparking an inter-institutional struggle for power (Hobolt, 2014, p. 1538). The theoretical approach by Müller Gómez, Wessels and Wolters (2019, pp. 55-59) offers a useful approach to analyse the inter-institutional rivalry in the inter-election period since it explains the interplay between the EUCO and the EP, and takes into account key factors that determine the power balance between the institutions, based on ‘three ideal types of interinstitutional relations’, i.e., ‘the Union of Sovereign States model,’ the Federal model’ and the ‘Cooperation model.’ These models of inter-institutional balance are based on three well-established European integration theories, i.e., ‘(neo-)intergovernmentalism, (neo-)federalism and the Fusion thesis’ (Müller Gómez, Wessels and Wolters, 2019, p. 56). The competing integration theories help to provide an in-depth analysis of the key players, i.e., the EUCO and the EP, to understand the interplay between them and what factors determine the

inter-institutional balance of power. In particular, the thesis takes into consideration the Union of Sovereign States model and the Federal model, since they have been most prevalent in the 2014 and 2019 appointment process.

The Union of Sovereign States model provides an ‘intergovernmentalist perspective,’ based on the scholarly work of Hoffman (1966), Moravcsik (1993) and Schimmelfennig (2004), as it places the Member States of the EU at the centre, as the key actors ‘in the EU’s institutional architecture’ (Müller Gómez, Wessels and Wolters, 2019, p. 56). According to this model, ‘the EUCO is held to be the key locus of power in the EU, exercising the prerogatives of leadership,’ whereas the EP lacks power and ‘has only a very limited room for manoeuvre’ (Müller Gómez, Wessels and Wolters, 2019, p. 56). This was the case following the 2019 EP elections, with the EUCO bypassing the EP, to appoint the new head of the EU executive and causing ‘sense of frustration on part of many MEP’s on the way the European Council had picked the candidate’ (Cloos, 2019, p. 1).

The Federal model provides a federalist perspective, based on the scholarly work of Burgess (2004) and Pinder (1986). Contrary to the Union of Sovereign States model, the Federal model places the EP at the centre, as the key actor. In adopting the strategy of ‘creeping competences’ (Pollack, 1994), the EP ‘generously interprets the often vaguely formulated treaty provisions to further strengthen its position among the EU institutions,’ and, consequently, it ‘decisively shapes the EU’s political agenda and has a strong or even the final say in EU policy-making and in the appointment of the EU’s relevant office-holders’ (Müller Gómez, Wessels and Wolters, 2019, p. 57). In the lead up to and following the 2014 EP elections, the prevalence of the Federal model was key in determining the outcome in the appointment process and the adoption of the Spitzenkandidaten system, as the EP ‘decisively foster[ed] its position within the EU architecture,’ and ‘the prerogative of the European Council regarding the selection of the Commission President was reduced’ (Muller Gómez and Wessels, 2015, pp. 64-65).

It is important to note, however, that while these models are based on competing theories of integration, they are not ‘mutually exclusive and vary depending on the policy field and issue at stake’ (Müller Gómez, Wessels and Wolters, 2019, p. 55). The authors contend that ‘the interinstitutional balance between the EUCO and the EP differs largely from one case to the other, with no balance of power model being pre-dominant’, but rather, ‘the interinstitutional balance depends on the concrete circumstances’ (Müller Gómez, Wessels and Wolters, 2019, p. 69). Thus, to determine the inter-institutional balance of power, the concrete circumstances need to be taken into consideration.

Both before and immediately after the 2014 European elections, the concrete circumstances determined the prevalence of the Federal model. However, regarding the shift that occurred in the inter-election period, culminating in the non-implementation of the Spitzenkandidaten system in 2019, the concrete circumstances changed, causing a shift towards the Union of Sovereign States model. In particular, Müller Gómez, Wessels and Wolters (2019, p. 72) theoretical approach to the inter-institutional power balance identifies ‘three core factors’ that purport to explain the concrete power balance between the EUCO and the EP, i.e., ‘the internal coherence of each institution, the treaty provisions and the degree of urgency.’ While both the internal coherence of the institutions and treaty provisions play a crucial role in determining the balance of power between the EUCO and the EP in the appointment procedure of the Commission President, the degree of urgency is less relevant in the Spitzenkandidaten procedure, and features more prominently in other cases, such as the Euro Crisis (Müller Gomez, Wessels and Wolters, 2019, p. 72).

The internal coherence within the institutions is key to understanding what determines the inter-institutional power balance since it explains how to ‘secure a strong position vis-à-vis the other institutions’ (Müller Gómez, Wessels and Wolters, 2019, p. 71). For example, in contrast to the 2019 EP elections, European political parties in the 2014 elections moved swiftly to ensure the implementation of the Spitzenkandidaten system, ‘with the main parties throwing their weight behind Juncker and supporting his election’ (Christiansen, 2016, p. 1001). There was no room for the EUCO to ‘coalesce around a credible alternative’ (Christiansen, 2016, p. 1001), and ‘there was no consensus among the heads of state or government, which weakened their position vis-à-vis the EP’ (Müller Gómez, Wessels and Wolters, 2019, p. 71). In this manner, the internal coherence of the EP helped to ensure the implementation of the lead candidate system in 2014. However, as described by Müller Gómez, Wessels and Wolters (2019, p.71), ‘whenever the EP is internally divided, the Federal model will not prevail.’ Thus, to understand the non-implementation of the lead candidate system in 2019, the thesis analyses the internal coherence of both the EUCO and the EP during the 2014-2019 inter-election period, looking at the dynamics within the EP (see de Wilde, 2020), and the internal coherence of the EUCO (see Müller Gomez and Thieme, 2020).

Concerning the role of treaty provisions, Müller Gómez, Wessels and Wolters’ (2019, p.71) theoretical approach proposes that ‘the EUCO can be expected to predominate in cases of a lack of legal provisions for direct interaction with the EP’ and that ‘the EP may only legislate and get active when treaty provisions unambiguously stipulate its involvement in the

respective procedure or its position as a formal veto-player which cannot be circumvented.’ However, depending on the internal decision-making process, the inter-institutional power balance may shift in favour towards the EP, to a certain extent. For example, the EP can strengthen its position when the EUCO uses Qualified Majority Voting (QMV), specifically, when there is a lack of internal coherence among the Heads of State or Government (Müller Gómez, Wessels and Wolters, 2019, p. 72), as in 2014. However, in cases where unanimity is the formal decision-making procedure in the EUCO, ‘it is difficult to for the EP to benefit from disagreements among the member states’ (Müller Gómez, Wessels and Wolters, 2019, p. 72). Again, internal coherence remains crucial to assess the concrete inter-institutional power balance in the inter-election period, since the treaty provisions remained the same, despite the adoption of the Spitzenkandidaten system in 2014.

In their paper, Müller Gómez, Wessels and Wolters (2019, p. 68) use the Spitzenkandidaten experiment as a case study, particularly focusing on the 2014 European elections, and the Euro Crisis and Multiannual Financial Framework negotiations to create a theoretical approach, to what is a ‘yet under-theorized aspect of the political system of the EU.’ The authors offer both short- and mid-term observations regarding the adoption of the Spitzenkandidaten system, arguing that the former ‘indicated an evolution towards the Federal model in which the EP asserts itself against the member states,’ whereas the latter ‘suggests a situation in which the EUCO and the EP are forced to act together with respect to the appointment procedure of the Commission President,’ stating that ‘after all, the EUCO still holds the formal right to propose the President of the Commission’ (Müller Gómez, Wessels and Wolters, 2019, p. 70). The present paper builds upon the work conducted by the aforementioned scholars, using the theoretical approach, as outlined above, to understand what factors determined the shift in the inter-institutional balance of power in the 2014-2019 inter-election period, focusing on the concrete circumstances, e.g., internal coherence in both the EUCO and the EP, and determining why the Federal model did not become more prevalent following the adoption of the lead candidate system, but instead, the Union of Sovereign States model prevailed following the non-implementation of the Spitzenkandidaten system in 2019.

Chapter I: Tracing Historically the Development of the Appointment Mechanism

The following chapter examines the historical development of the mechanism to appoint the President of the European Commission, summarising the evolution of the nomination and investiture procedure, from the first appointment during the early stages of the Integration project to the Lisbon Era which saw the introduction of Article 17(7) of the TEU. In particular, the evolving role of the EP in the appointment procedure is investigated, discussing the role of the EP as a so-called ‘creeping constitutional architect’ (Nasshoven, 2011, p. 94). In addition to this, the chapter touches upon the role of the EUCO. In particular, how it has become a key actor in the investiture and nomination procedure of the President of the European Commission.

The Role of the European Parliament

Since the inception of the integration process in Europe, with the entering into force of the Treaty of Rome in 1958, the EP has actively sought to be engaged in the appointment procedure of the Commission President (Devantier, 2014, p. 3). In its quest to become more involved in the nomination and investiture procedure, the EP has employed the strategy of ‘creeping competences’ (Pollack, 1994). As such, the institution has purposefully acted to assume power over the appointment procedure, for example, by making wide interpretations of the Treaties and gaining competence to approve or reject a presidential nominee, as well as to elect a President-designate of the European Commission (Héritier et al., 2019, pp. 61-62). Thereby, the EP acts as a so-called ‘creeping constitutional architect’ (Nasshoven, 2011, p. 94), demonstrating an ability to shape the institutional architecture in its favour.

Members of the European Parliament (MEP’s) have for a long time desired increased parliamentary involvement in the appointment mechanism and considered the absence of formal rights inadequate (Jacobs, 1995, p. 3). Before the entering into force of the Maastricht Treaty, when Parliament gained formal rights relating to the nomination and investiture procedure, the EP relied solely upon informal practices to be involved in the appointment procedure. In particular, through the so-called traditional statement to Parliament, wherein the newly elected President of the Commission ‘deliver[ed] a general policy statement before the Common Assembly ... to obtain its confidence’ (Devantier, 2014, p. 2). In addition to this, the EP made several attempts to increase its powers over the nomination and investiture procedure, such as with the Vedel Report in 1972 and the Tindemans report in 1975 (Héritier, et al., 2019, p. 62). The former introduced an appointment procedure based on ‘dual investiture’, i.e.,

‘governmental and parliamentary’ (Vedel, 1972), and the latter proposed that the EP would vote to approve or reject the nominee presented by the EUCO (Tindemans, 1975). While the significance of the reports should not be underestimated, because of the ambitious changes proposed by the EP to the appointment mechanism, they did not immediately lead to the conferral of new powers upon the institution.

It was not until the 1980s, following the introduction of direct European elections, that the EP became more involved with the appointment of the Commission President (Héritier et al., 2019, p. 62), particularly, due to three reasons. First, as described by Westlake (1998), ‘the events of June 1979’, i.e., the first direct elections to the EP, ‘represented a fundamental watershed in the European Union’s constitutional development’ (Westlake, 1998, p. 438). The introduction of the direct election was a matter of particular importance to the EP, as it provided the institution with more legitimacy, which would help to advance the goal of getting increasingly involved in the appointment procedure (Héritier, et al., 2019, p. 62). Second, in 1981, following the EP’s adoption of a resolution that proposed to ‘hold a public debate in the presence of the President-designate ending with a vote of confidence ratifying his appointment’ (European Parliament, 1980), the newly appointed Gaston Thorn appeared in front of the Parliament for a debate and a ‘confirmation hearing’ (Westlake, 1998, p. 438). Third and finally, in 1983, the governments of the Member States adopted the Stuttgart Declaration, which not only ‘codified’ the ‘confirmation hearing[s]’ but also conferred upon the EP the competence to consult the Heads of State or Government before the appointment of a nominee (Westlake, 1998, p. 438). The codified procedure was upheld and improved in 1985, 1989 and 1993, as the President and the Commission as a whole was approved in the EP’s ‘Votes of confidence’ before taking office (Westlake, 1998, p. 439).

Furthermore, in the years leading up to the entering into force of the Maastricht Treaty, wherein the EP’s involvement in the appointment procedure was cemented in the Treaty, there was considerable momentum to give formal rights to the EP in the appointment procedure both from the Member States, e.g., the governments of Italy and the Netherlands and from the EP (Moury, 2007, p. 373). For example, during the Intergovernmental Conference of 1985, the Netherlands proposed that the EP had to be consulted regarding the presidential nominee before the appointment took place (Moury, 2007, p.373). Following the adoption of the Single European Act, the EP included the vote of confidence, which was codified in the Stuttgart Declaration, in the Rules of Procedure of Parliament (Devantier, 2014, p. 5). Moreover, in 1990, the EP put forward the Martin Report, a resolution that proposed an appointment mechanism

wherein the Parliament would first ‘elect’ the EUCO’s nominee and thereafter hold a vote on the Commission as a whole, prior to them taking the oath of office (European Parliament, 1990). This was welcomed by certain member states, such as Germany, which brought forward a comparable motion during the Intergovernmental Conference leading up to Maastricht, that received support from the Commission, Belgium, Italy and Spain (Moury, 2007, p. 374). However, although the EP had implemented the vote of confidence consecutively in the 1980s, and the fact that proposals to involve the EP increasingly in the appointment procedure had been proposed by both the EP and certain member states, the Treaty of Maastricht did not confer powers upon the Parliament to elect the Commission President (Héritier, et al., 2019, p. 65). Instead, a proposal made by the Luxembourg Presidency received the necessary support of all the Member States, forming the basis of Article 158(2) of the Treaty which conferred powers upon the EP to vote to approve the President and the members of the Commission as a body (Héritier, et al., 2019, p. 66).

In the years that followed, the powers of the Parliament were further expanded, mainly, due to the EP acting as a ‘creeping constitutional architect’ (Nasshoven, 2011, p. 94). As described by Moury (2007, p. 376), the EP ambitiously sought to extend its powers relating to the appointment procedure, for example, by adopting amendments to its internal rules, emphasising to the EUCO the importance of the Stuttgart Declaration and its power to vote against the Commission as a whole, if the Heads of State or Government did not take into account the EP’s consultative role in the nomination procedure of the Commission President. This set the scene for the upcoming negotiations of the Amsterdam Treaty, wherein the role of the EP in the appointment procedure of the Commission President once again became a topic on the agenda. Leading up to the negotiations, a proposal by the EP was introduced, which later received support from certain national parliaments in the EU, i.e., Greece, Italy, the Netherlands and Austria, calling for powers to be conferred upon the EP to elect a President based on nominees presented by the EUCO (Héritier, et al., 2019, p. 69). Consequently, in the negotiations of the Amsterdam Treaty (1997), the EUCO agreed to amend Article 158(2) of the Maastricht Treaty, conferring new powers upon the EP to approve the nominee put forward by Heads of State and Government of the Member States.

Following the adoption of the Treaty of Amsterdam, the EP took further steps to increase its powers relating to the appointment procedure of the Commission President, which ultimately led to the introduction of the Spitzenkandidaten system in the 2014 European elections. For example, in 1999, at the beginning of the fifth parliamentary term, the EP sought to broaden its

competences by amending its rules of procedure, referring to an ‘election of the Commission President’ as opposed to a ‘vote of approval’, which had been codified in the Treaty of Amsterdam (Agence Europe, 1999). Furthermore, in the 2002 European Convention, which set the stage for another Intergovernmental Conference, the EP endeavoured to assume a more decisive role in the appointment procedure, to ensure that the Commission President would be elected by the EP (Héritier, et al., 2019, p. 72). Since the EP occupied a relatively strong position during the Convention, it was able to exert significant influence and shape the outcome of the negotiations in its favour (Benedetto and Hix, 2007). As a consequence, the Draft Constitutional Treaty proposed the same appointment procedure as the amended rules of procedure of the EP, i.e., that the EP elects the Commission President (Moury, 2007, p. 379). While the Draft Constitutional Treaty did not enter into force, the provisions on the appointment of the Commission President, relating to the EP’s right to elect the President, remained unchanged in the Lisbon Treaty (Héritier, et al., 2019, p. 72). As further elaborated on in the second chapter, the Lisbon Treaty introduced the notion of indirect Presidential elections, instructing the EUCO to take into account the outcome of the EP elections when nominating the Commission President, which enabled the introduction of the Spitzenkandidaten system (Dinan, 2018, p. 5).

The Role of the European Council

From the outset, the Heads of State or Government of the Member States have been actively involved in the nomination and investiture procedure of the Commission President, beginning with the appointment of the first President, Walter Hallstein, in 1958 (Wessels, 2016, p. 79). The founding document of the European Economic Community, the Treaty of Rome (1957), stipulated that ‘members of the Commission shall be appointed by the Governments of Member States acting in common agreement’ (Article 158). Thus, the appointment mechanism began as wholly intergovernmental, with the outcome of the process solely relying upon negotiations between the governments of the Member States. It was not until decades later, however, that the intergovernmental body known as the European Council assumed a leading role in the appointment procedure. In fact, the EUCO would not be established until 1974 and only became a formal institution with the entering into force of the Lisbon Treaty, in 2009 (Dinan, 2018, p. 1).

Since its establishment, the EUCO has become increasingly involved in EU decision-making and, similar to the EP, it has benefited considerably from successive rounds of Treaty

reform, as the conferral of powers upon the institution has continuously increased (Dinan, 2016, p. 1). In particular, as described by Dinan (2018, p. 4), the EUCO's rise to prominence began in the post-Maastricht era, wherein it 'consolidated its position at the apex of the EU's institutional edifice.' Although the institution did not appear in the Treaties until 1986, with the Single European Act, it quickly established itself as an influential actor in the Community, despite the lack of a legal basis (de Schoutheete and Wallace, 2002, p. 6). For example, between 1974-1986, the EUCO adopted the Stuttgart Declaration, which touched upon the appointment procedure of the Commission, codifying the vote of confidence and ensuring increased involvement of the EP in the appointment procedure (Devantier, 2014, p. 5). Furthermore, the EUCO played a role in the 1984 appointment of Jacques Delors as Commission President, with the President-in-Office of the EUCO, Garret FitzGerald, engaging in the nomination procedure by receiving consultation on the nominee from the EP (Devantier, 2014, p. 5). However, the powers of the EUCO were not clearly defined until the Treaty of Maastricht entered into force (Schoutheete and Wallace, 2002, p. 6).

The signing of the Treaty of Maastricht heralded a new era of European integration, wherein the EUCO began its rise to prominence, as the EU entered into a phase of so-called 'New Intergovernmentalism', which enhanced the role of intergovernmental forums in the EU (see Bickerton, Hodson and Puetter, 2015; Fabbrini and Puetter, 2016). In particular, the Maastricht Treaty (1992) stated that the 'European Council shall provide the Union with the necessary impetus for its developments and shall define the general political guidelines thereof' (Article D). While the Treaty did not refer directly to the EUCO in relation to the appointment procedure of the Commission President, a candidate was to be selected and nominated by the Member States as represented in the EUCO (Crombez, Huysmans and Gestel, 2017, p. 146). However, with the adoption of the Treaty of Nice (2001), the EUCO was directly referred to in relation to the appointment mechanism, with the introduction of the use of QMV, as opposed to unanimity, in the appointment procedure of the Commission President (Crombez, Huysmans, and Gestel, 2017, p. 146). Furthermore, while the Lisbon Treaty introduced new changes to the appointment procedure, conferring new powers upon the EP to elect the President and for the EUCO to consider the outcome of the European elections, the EUCO still maintained its right to nominate a candidate for President (Decker and Sonnicksen, 2011, p. 173). Thus, the 'fundamental character of the appointment process' remained the same, with the EUCO determining which candidate should be nominated for President (Decker and Sonnicksen, 2011, p. 173).

It is important to note that, while the formal right to nominate the President of the European Commission has remained with the Heads of State and Government since the first election of Commission President Hallstein in 1958, the role of the EUCO in the procedure has, to a certain extent, become less prominent, due to an increased involvement of the EP, following the successive rounds of Treaty reform in the 1990s (Crombez, Huysmans and Gestel, 2017, p. 146). Moreover, the nomination procedure itself has repeatedly suffered from internal disagreements in the EUCO, such as, during the 1994 appointment process (Schoutheete and Wallace, 2002, p. 13), and in 2004 with the appointment of President Manuel Barroso (Dinan, 2005, p. 54). As elaborated on further below, internal disagreements in the EUCO relating to the nomination of the President of the European Commission easily arise due to the ‘abstruse and highly personal politics of choosing a Commission President’, which, in turn, can strengthen the role of the EP vis-à-vis the EUCO in the appointment procedure (Dinan, 2005, pp. 49-53).

Chapter II: The 2014 European Elections and the Introduction of the Spitzenkandidaten System

To understand what factors determined the implementation of the Spitzenkandidaten system in the 2014 European elections, the following chapter recounts the development and introduction of the initiative in the period leading up to the elections. In particular, it offers insight into how the lead candidate system came to be, as well as analysing the prominent role of the EP in ensuring its implementation. In doing so, the section that follows uses Müller Gomez, Wessels and Wolters (2019) theoretical approach to analyse the inter-institutional balance of power in the lead up to the 2014 elections. Specifically, the chapter is focused on concrete circumstances, such as the internal coherence of the EUCO and the EP, to determine what factors contributed to the implementation of the Spitzenkandidaten system and the prevalence of the Federal model in the 2014 elections.

The Post-Lisbon Era: Introducing the Lead Candidate System and Nominating and Appointing the First Spitzenkandidaten

The successive rounds of Treaty reform in the 1990s and 2000s laid the legal foundation for the lead candidate system, particularly the Lisbon Treaty, which stated that the EUCO had to ‘tak[e]

into account the elections to the European Parliament' when nominating a candidate for Commission President (Article 17(7), TEU). However, the original idea for Europarties to nominate candidates that would compete to assume the position as head of the executive branch of the EU had already been put forward by Simon Hix in the 1990s (see Hix, 1997, 1998), and by De Witte, Kumm and Maduro (2012) in the lead up to the 2014 European elections.

In November 2012, only a couple of months after De Witte, Kumm and Maduro (2012, p. 4) released their paper that argued for the creation of 'genuine European elections for the choice of the President of the European executive', the EP put forward a resolution that called upon Europarties 'to nominate candidates for the Presidency of the Commission and expect[ed] those candidates to play a leading role in the parliamentary electoral campaign (European Parliament, 2012). In particular, the EP highlighted the 'importance of reinforcing the political legitimacy of both Parliament and the Commission by connecting their respective elections more directly to the choice of the voters' (European Parliament, 2012). By March 12 of the following year, the Commission issued a recommendation that directly referred to and supported the resolution put forward by the EP, stating that the proposed appointment procedure, based on candidates nominated by Euro-parties, '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 and the candidate for President of the Commission supported by that party' (European Commission, 2013). It is worth noting that both the EP resolution and the Commission recommendation reflected the ideas previously put forward by the aforementioned scholars, as they sought to increase voter turnout and strengthen the democratic legitimacy of the EU (Schmitt, Hobolt, and Popa, 2015, p. 349).

Since the introduction of direct European elections in 1979, voter turnout had continuously declined, as citizens interest in EP elections waned, causing them to be referred to as 'second-order national elections' (Reiff and Schmitt 1980), which negatively affected the EU's democratic legitimacy (Hobolt, 2014, p. 1530). To reverse the trend of declining voter turnout, strengthen the democratic legitimacy in the EU, and create a stronger link between the EP and the European Commission, the Spitzenkandidaten system was introduced (Hobolt, 2014, p. 1529). In the lead up to the 2014 European elections, the EP coined the campaign slogan '[t]his time it's different', explicitly stating that 'after the next elections it is your parliament who will elect the head of Europe's executive, based on your wishes, as expressed in these elections' (European Parliament, 2013). At the beginning of 2014, the campaign intensified, as the main Europarties, i.e., the Party of European Socialists (PES), the EPP and

the Alliance of Liberals and Democrats for Europe (ALDE), had selected their lead candidates and the ‘First European Presidential Debate’ took place on April 28 in Maastricht (Christiansen, 2016, p. 998). At that point, the EP did not expect anything else than the EUCO nominating one of the lead candidates for Commission President, even though the EUCO was not legally obligated to do so (Hobolt, 2014, pp. 1533-1537). In addition to the certainty expressed by the EP concerning the implementation of the Spitzenkandidaten system, polling showed that a majority of EU citizens supported the new initiative of lead candidates (Hobolt, 2014, p. 1532).

Unsurprisingly, the Spitzenkandidaten system did not receive strong support from the EUCO, as national governments were reluctant to the ever-increasing involvement of the EP in the appointment procedure (Hobolt, 2014, p. 1533). The automaticity of the nomination of a lead candidate was not accepted by the EUCO, as made evident by President Herman Van Rompuy who did not commit to the implementation of the new initiative (Keating, 2014). However, although several national governments and the President of the EUCO had reservations about the Spitzenkandidaten system, they remained relatively silent on the issue of the appointment procedure in the lead up to the 2014 European elections, in contrast to the EP, which campaigned heavily in favour of implementing the initiative (Hobolt, 2014, pp. 1529-1533). Ultimately, following the 2014 EP elections, the EUCO nominated Jean-Claude Juncker, the lead candidate of the EPP, i.e., the political group that had won the highest number of parliamentary seats, who had been a previous contender for the position in 2009, to become the Commission President. While it had been uncertain whether the Spitzenkandidaten system would be implemented, the particular circumstances following the election, which will be addressed below, ensured the successful nomination and appointment of the first-ever Spitzenkandidaten as Commission President (Christiansen, 2016, pp. 995-1005).

Article 17(7) and a Unified and Internally Coherent European Parliament

The Treaty of Lisbon heralded significant changes for the appointment procedure of the Commission President, opening up for further involvement of the EP in the nomination and investiture procedure (Müller Gomez, Wessels and Wolters, 2019, pp. 61-62). In particular, Article 17(7) of the TEU stipulated that:

Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting 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.

While Article 17(7) stated that the EUCO should take into consideration the outcome of the EP elections, it did not fundamentally change the appointment procedure, as the EUCO did not relinquish its right to nominate the candidate for Commission President (Decker and Sonnicksen, 2011, p. 173). Due to the ambiguous wording of the treaty, however, the EP seized upon the opportunity, as it had done in the past, interpreting generously the wording of the Treaty to strengthen its position in the institutional architecture of the EU (Christiansen, 2016, p. 994). In particular, the vagueness of Article 17(7), enabled the Europarties to nominate lead candidates and introduce the Spitzenkandidaten system in the run-up to the 2014 EP elections (Schmitt, Hobolt and Popa, 2015, p. 350). Had the EP not acted as a ‘creeping constitutional architect’ (Nasshoven, 2011, p. 94), the appointment procedure in 2014 might not have been significantly different from in the past since the EUCO maintained the legal right to nominate a candidate for Commission President, remaining ‘the master of the investiture process’ (Müller Gomez and Wessels, 2015, p. 53).

In addition to this, the successful implementation of the Spitzenkandidaten system in 2014 was largely due to a high degree of internal coherence displayed by the EP leading up to and following the 2014 EP elections. In the run-up to the elections, the EP ardently advocated for the introduction of the new appointment procedure. In particular, the then EP President, Martin Schulz, who later became the lead candidate for the Socialists and Democrats (S&D), and EP Secretary-General, Klaus Welle, publicly made the case for the Spitzenkandidaten system (Dinan, 2014, p. 115). Additionally, the EP created internal coherence on the issue of lead candidates, when adopting a resolution in November 2012 that called upon the Europarties to nominate lead candidates and emphasised the crucial role of Spitzenkandidaten in the ensuing EP election campaign (European Parliament, 2012). Moreover, in the immediate aftermath of the elections, the main Europarties reaffirmed their support for the initiative and rallied collectively behind one candidate for Commission President, Jean-Claude Juncker (Christiansen, 2016, p. 1005). While there was political incoherence both within and between the Europarties, such as a rift in the EPP regarding the nomination of Juncker as the parties lead candidate, and concerns expressed by the Greens-EFA (European Free Alliance) regarding their policy disagreements with the EPP, the EP ultimately showed significant support for the candidate of the EPP following the elections, mainly, motivated by the perceived institutional gains as a result of the initiative being implemented (Müller Gomez and Wessels, 2015, p. 55).

With regard to the EP showing internal coherence in the aftermath of the election, Europarties called upon the then President of the EUCO, Herman Van Rompuy, to nominate

EPP lead candidate Juncker as the next Commission President, to not be faced with an “institutional crisis” (Pop, 2014). Furthermore, on June 24, 2014, the S&D and the EPP, as well as ALDE, which entered into the agreement two days later, formally agreed amongst themselves to pledge their collective support for Juncker (Vogel, 2014). As such, the EP removed Juncker’s chief competitor, S&D lead candidate Martin Schulz, who in turn would remain EP President for another term, and formed a coalition to present a united front (Christiansen, 2016, pp. 1005-1006). The cross-party coalition, known as the grand coalition, was made possible due to the compromise between the EPP and the S&D, which secured top positions for both the parties lead candidates (Christiansen, 2016, p. 1006). At the time, this was not obvious, as political incoherence remained an issue both between and within the parties concerning Juncker’s nomination (Müller Gomez and Wessels, 2015, p. 55). However, due to Martin Schulz conceding defeat quickly and supporting Juncker within 24 hours of the election outcome (Spiegel, 2014), and the broader support of the main Europarties, which resulted in 422 MEP’s voting in favour of Juncker’s appointment, i.e., 46 more than the required majority, the EP showed considerable internal coherence that proved crucial in ensuring the successful implementation of the Spitzenkandidaten system in the 2014 EP elections (Müller Gomez and Wessels, 2015, p. 55).

Disagreements and Internal Incoherence in the European Council

In contrast to the EP, the EUCO did not display a high degree of internal coherence in the lead up to and following the 2014 European elections. The Spitzenkandidaten system was contentious and caused considerable disagreement among the Heads of State or Government (Dinan, 2014, p. 116). This was because certain member states took issue with the EP’s wide-interpretation of the Lisbon Treaty regarding the appointment procedure of the Commission President, as it would significantly enhance the powers of the EP, to the disadvantage of the EUCO (Dinan, 2014, p. 116). The internal incoherence of the EUCO was a contributing factor to the concrete balance of power between the EUCO and the EP in the 2014 appointment process. In particular, it weakened the position of the former, while strengthening the position of the latter in relation to the nomination and investiture procedure of the Commission President (Müller Gomez, Wessels and Wolters, 2019, p. 71).

Perhaps most significantly, the internal coherence of the EUCO suffered the rude shocks of the 2014 elections, due to a reluctance displayed by two particularly important member

states, i.e., the governments of the UK and Germany, towards the EP's proposed lead candidate system (Höinig and Müller Gomez, 2014, pp. 46-47). The UK government took issue with the new initiative, with the then Prime Minister David Cameron calling it an 'invented process' that is 'damaging to democracy' (Cameron, 2014). Moreover, he emphasised the fact that it 'was never agreed by the European Council' and called on the Heads of State or Government 'to have courage of their convictions by standing up for their place in the EU' (Cameron, 2014). In addition to dismissing the concept of the Spitzenkandidaten, Prime Minister Cameron did not support EPP lead candidate, Juncker, largely due to political reasons, as the conservative UK government did not consider the candidate to be accurately aligned on the left-right political spectrum (Crombez, Huysmans and Van Gestel, 2017, p. 162). The UK's discontent with the Spitzenkandidaten system and the designated candidate for Commission President was displayed when Prime Minister Cameron warned the Heads of State or Government of the Member States that the implementation of the procedure and the investiture of Juncker would have serious adverse consequences for the UK, as it would expedite the country's withdrawal from the EU (Hänska, 2014). This was met with harsh criticism by Chancellor Merkel, which, in turn, adversely affected the internal cohesion of the EUCO (Watt, 2014).

With regard to the German government, Chancellor Angela Merkel was reluctant to accept the introduction of the Spitzenkandidaten system. In particular, Chancellor Merkel expressed concerns about the EP's wide interpretation of Article 17(7) of the Lisbon Treaty and apprehensions about an increasingly involved Parliament in the nomination procedure that would undermine the power of the EUCO (Dinan, 2014, p. 116). Similar to Prime Minister Cameron, Chancellor Merkel did not support EPP lead candidate Juncker in the run-up to the election. In fact, she had previously blocked Juncker's candidacy following the 2009 European elections, since they did not align on the left-right political spectrum (Dinan, 2015, p. 96). However, following a meeting on June 9 in Harpsund, Sweden, addressing the appointment of the Commission President with the prime ministers of Sweden, the Netherlands and the UK — a group of national leaders who were apprehensive regarding the prospect of implementing the Spitzenkandidaten system and nominating Juncker — Merkel reaffirmed her support for Juncker, effectively hindering a blocking minority in the EUCO (MacLellan and Johnson, 2014).

On June 27, Sweden and the Netherlands followed suit and voted in favour of lead candidate Juncker with Germany at the EUCO summit meeting (Bickerton, 2016), while the UK together with Hungary were the only countries to oppose the 'pro-Juncker juggernaut' and

vote against the nomination of the EPP lead candidate (Dinan, 2015, p. 97). In contrast to the EP, which displayed a higher degree of internal coherence due to the quick formation of a coalition among the Europarties that put forward Juncker as the sole candidate to be nominated as Commission President, the EUCO was not in agreement regarding the nomination and investiture of the Commission President. As a result, it affected the inter-institutional power balance and the influence of the EUCO waned (Müller Gomez, Wessels and Wolters, 2019, p. 71). Combined, the use of QMV in the decision-making procedure and the internal incoherence of the EUCO regarding the Spitzenkandidaten system and lead candidate Juncker, significantly strengthened the EP's position vis-à-vis the EUCO (Müller Gomez, Wessels and Wolters, 2019, p. 72).

Chapter III: Inter-Institutional Rivalry in the Inter-Election Period and the Non-Implementation of the Spitzenkandidaten System

To understand what factors determined the non-implementation of the Spitzenkandidaten system in 2019, the following chapter employs Müller Gomez, Wessels and Wolters theoretical approach to inter-institutional relations to analyse the balance of power between the EUCO and the EP in the inter-election period of 2014-2019, and in the immediate aftermath of the 2019 EP elections. In particular, the internal coherence or lack thereof in the EUCO and the EP is analysed. This reveals an increasingly fragmented EP, which enabled the return of the Union of Sovereign States Model, wherein the inter-institutional balance of power leans in favour of the EUCO.

The European Parliament: From Coherence to Fragmentation

Following the nomination and investiture Juncker as Commission President in 2014, the EP had, as described by Hobolt (2014, p. 1537), 'won an important victory in the inter-institutional battle for power.' In doing so, the EP ensured the predominance of the Federal model, i.e., wherein Parliament assumes a leading role in relation to the EUCO (Müller Gomez, Wessels and Wolters, 2019, p. 69). However, to maintain a leading role in the appointment procedure and ensure the implementation of the Spitzenkandidaten system in the 2019 European elections, the EP had to maintain internal coherence throughout the inter-election period and in the aftermath of the 2019 elections. Ultimately, however, the EP did not manage to maintain

internal coherence, but rather, fragmentation amongst the Europarties prevented the institution from presenting a united front and imposing its will upon the EUCO (Müller Gomez and Thieme, 2020, p. 185).

In an attempt to maintain the balance of power that had been established in the immediate aftermath of the investiture of Commission President Juncker and ensure the future implementation of the Spitzenkandidaten system, several measures were taken by the EP in the 2014-2019 inter-election period. In particular, the EP attempted to overhaul the electoral system and include the Spitzenkandidaten system as the formal appointment procedure for the Commission President, by making amendments to the European Electoral Act (European Parliament, 2015). However, due to internal disagreements in the EP, the amended version of the European Electoral Act did not receive a majority of votes in favour, which affected the inter-institutional power balance and weakened the relative power of the EP vis-à-vis the EUCO (Müller Gomez, Wessels and Wolters, 2019, p. 66). The EP's lack of coherence regarding the reform of the electoral system benefited the EUCO, as the Council of the EU did not constitutionalize the Spitzenkandidaten system in the 2018 reforms of the European Electoral Act (Council of the European Union, 2018).

Notwithstanding the fragmentation that was made apparent with the failure to agree on the reform of the electoral system, the EP largely showed a determination throughout the inter-election period to ensure the implementation of the lead candidate system in the 2019 EP elections (Müller Gomez and Thieme, 2020, p. 187). For example, in his State of the Union address in 2017, Commission President Juncker stressed the importance of the initiative, stating that '[i]f you want to strengthen European Democracy, then you cannot reverse the small democratic progress seen with the creation of lead candidates - 'Spitzenkandidaten' ... I would like the experience to be repeated' (Juncker, 2017). In addition to this, the EP passed a resolution in February 2019, in the lead up to the May elections, in which it reaffirmed its commitment to the Spitzenkandidaten system, stating that:

[T]he candidate must have been designated as a Spitzenkandidat by one of the European political parties and must have campaigned for the post of President of the Commission in the run-up to the European elections ... Parliament will be ready to reject any candidate in the investiture procedure of the President of the Commission who was not appointed as a Spitzenkandidat in the run-up to the European elections (European Parliament, 2019).

However, despite this, the EP was not able to ensure the implementation of the lead candidate system in 2019, largely due to internal disagreements and incoherence between the Europarties in the immediate aftermath of the election (Müller Gomez and Thieme, 2020, p. 187).

Compared with the aftermath of the 2014 EP elections, wherein the main Europarties quickly formed a consensus and offered their support for EPP lead candidate Juncker, the period following the 2019 EP elections was distinctly different. This was largely due to the election outcome, wherein there was no clear majority for any particular lead candidate, as well as the fact that liberal and socialist Europarties did not accept the automaticity that would ensure the nomination of the EPP lead candidate Manfred Weber (Cloos, 2019, p. 4). In particular, the ALDE group, which had been an ardent advocate of the Spitzenkandidaten system in the run-up to and following the 2014 EP elections, was not equally engaged in the 2019 elections (Cloos, 2019, pp. 3-4). The group argued that the Spitzenkandidaten system without transnational lists - an initiative to create a Europe-wide constituency - would be fruitless, with the leader of the group, Guy Verhofstadt, stating that ‘a Spitzenkandidat that you cannot vote for in the whole of Europe is simply not serious’ (Rios, 2019). Since the EPP had not voted in favour of transnational lists in the lead up to the 2019 elections, the ALDE group was not inclined to support their lead candidate (de Wilde, 2020, p. 37). Furthermore, as the party group of French President Emmanuel Macron was becoming a part of the ALDE group, the liberals opposition to the Spitzenkandidaten system grew stronger. This was due to Macron’s opposition to the initiative and support for transnational lists, which had been rejected (de Wilde, 2020, p. 38). Moreover, with regard to the second most likely lead candidate to be nominated, the socialist candidate Frans Timmermans, there was considerable opposition coming from the conservative flank of the EPP, due to Timmermans triggering of article 7 proceedings against Poland as Commission Vice-President, in a bid to enforce EU rule of law (O’Leary, 2019).

In sum, the EP was not able to secure a majority for any of the lead candidates of the main Europarties, because of the internal incoherence of the institution (Müller Gomez and Thieme, 2020, p. 187). In particular, the lack of internal coherence was derived from the EPP’s opposition to transnational lists, which prevented the liberals and the socialists to support EPP candidate Weber (de Wilde, 2020, p. 47), as well as the election results of the 2019 EP elections, which differed from 2014 and prevented the formation of a grand coalition (Müller Gomez and Thieme, 2020, p. 186). As a result, this weakened the EP’s power vis-à-vis the EUCO, which, in turn, empowered the latter to determine the outcome of the nomination and investiture procedure of the Commission President (Cloos, 2019, p. 4).

The European Council: A (re)Unified Opposition

Despite the fact that the Heads of State or Government nominated EPP lead candidate Juncker in 2014, ensuring the implementation of the Spitzenkandidaten system, the automaticity of the procedure in the future was not recognised by the EUCO (Cloos, 2019, p. 3). In fact, the EUCO Conclusions that proposed Juncker included a provision that ensured that the institution would revisit the issue of Spitzenkandidaten and discuss the appointment procedure in the run-up to the 2019 EP elections, to prevent the automaticity of the system (European Council, 2014). Throughout the 2014-2019 inter-election period, the EUCO effectively ‘took the lead’, taking several similar measures to ensure its influence over the 2019 appointment procedure of the Commission President (Müller Gomez and Thieme, 2020, p. 187).

In February 2018, at the informal meeting of the 27 Heads of State or Government, EUCO President Donald Tusk addressed the issue of lead candidates, stating that ‘the European Council cannot guarantee in advance that it will propose one of the lead candidates for President of the European Commission’ (Tusk, 2018). In particular, President Tusk unequivocally stated that ‘there is no automaticity in this process’ and that ‘[t]he Treaty is very clear that it is the competence of the European Council to nominate the candidate’ (Tusk, 2018). Moreover, in the ‘Leaders’ Agenda’, put forward by the EUCO at the same time, the institution added that Treaty reform was the only way to ensure automaticity, stating that ‘the European Council cannot deprive itself of its prerogative to choose the person it proposes as President of the European Commission without Change of the Treaty’ (European Council, 2018). In addition to this, two weeks before the 2019 European elections, the EUCO met again to discuss the process of nominating the future EU leadership. At this critical moment, President Tusk reaffirmed that the appointment procedure of the Commission President ‘will follow the rules set down in the Treaties’ (Tusk, 2019), without referring to the lead candidate system.

In the aftermath of the 2019 elections, the EUCO took advantage of the internal incoherence of the EP, to pursue its interests regarding the appointment procedure, in accordance with Article 17(7) of the TEU (Cloos, 2019, p. 4). On May 28, only two days after the polls had closed, President Tusk moved swiftly to ensure the EUCO’s predominance in the nomination and investiture procedure, stating that ‘the European Council will exercise its role when electing the Commission President, meaning - in accordance with the Treaties - there can be no automaticity’ (Tusk, 2019). The ensuing negotiations among the Heads of State or Government were tough, due to disagreements over which candidate should be nominated as

Commission President (Müller Gomez and Thieme, 2020, p. 186). However, despite the divisions in the EUCO, the EP was not able to impose a candidate upon the institution, since there was no clear majority in Parliament for any of the lead candidates from the main Europarties (de Wilde, 2020, p. 48). Thus, since the EP could not produce a candidate likely to be elected by a majority of MEP's, as well as that the lead candidates were considered unsuitable to certain national leaders, e.g., due to the Eastern Member States opposition to the socialist candidate Timmermans and Macron's opposition to the EPP's lead candidate, the influence of the EUCO over the appointment procedure grew stronger vis-à-vis the EP (de Wilde, 2020, p. 49).

Ultimately, the EUCO came to an agreement in accordance with the Treaties, without adopting the Spitzenkandidaten system, wherein the Heads of State or Government proposed non-lead-candidate Ursula von der Leyen as Commission President (Gray, Barigazzi and de la Baume, 2019). The then German Minister of Defence, von der Leyen, was associated with the EPP, as a German Christian Democrat, and she was introduced by President Macron as a way out of an impasse (Müller Gomez and Thieme, 2020, p. 186). Von der Leyen was presented by Chancellor Merkel and the EUCO as a whole as a part of a larger package deal that proposed a Social Democrat as President of the EP (Merkel, 2019). In doing so, the EUCO effectively avoided implementing the Spitzenkandidaten system and secured predominance over the nomination of the Commission President (de Wilde, 2020, p. 40). Furthermore, in addition to the EUCO providing a suitable candidate and proposing that a Social Democrat should succeed the then President of the EP, the President-designate granted key concessions to reluctant MEP's, such as pledging to 'work together to improve the Spitzenkandidaten system' and to 'address the issue of transnational lists at the European elections' (Von der Leyen, 2019). In doing so, von der Leyen secured the position as Commission President (Müller Gomez and Thieme, 2020, p. 187). In this manner, the EUCO was able to exploit the fragmented nature of the EP and ensure a stronger position in the inter-institutional balance of power vis-à-vis the Parliament regarding the nomination and investiture of the Commission President, reducing the role of the EP to merely act as a deliberative body (Müller Gomez and Thieme, 2020, p. 188).

The Return of the Union of Sovereign States Model

To a certain extent, the events that transpired in 2014 represented an 'institutional revolution' (de Wilde, 2020, p. 37), wherein an internally coherent EP imposed a lead candidate upon the

EUCO to be nominated as Commission President. As a result, the Federal model prevailed over the Union of Sovereign States model (Müller Gomez, Wessels and Wolters, 2019, p. 70). However, while the appointment of President Juncker signified a prevalence of supranationalism and a shift in the balance of power between the EUCO and the EP, the change was only temporary (Christiansen, 2016, p. 1006). In particular, the 2014 European elections and the implementation of the Spitzenkandidaten did not fundamentally change the appointment procedure or establish an enduring predominance of the Federal model, since there were no treaty provisions that ensured Parliament's formal right to nominate a candidate, but rather, the power to propose a candidate for Commission President remained under the control of the EUCO (Müller Gomez, Wessels and Wolters, 2019, p. 70).

In the run-up to and following the 2019 EP elections, the EUCO carried out a 'counter-revolution' (de Wilde, 2020, p. 37), wherein the Heads of State or Government reasserted the EUCO's position in the appointment procedure, heralding a shift away from the Federal model towards a predominantly intergovernmental approach, i.e., the Union of Sovereign States model (Müller Gomez and Thieme, 2020, p. 188). In particular, the EUCO took advantage of an internally incoherent EP, which lacked a clear majority for any of the lead candidates of the main Europarties, to take charge of the nomination and investiture procedure, propose its own candidate for Commission President and advance its interests in accordance with the Treaties (Cloos, 2019, pp. 3-4). The outcome of the 2019 appointment procedure of the Commission President has caused scholars, journalists and politicians to speculate on the future of the Spitzenkandidaten system (see Armstrong, 2019; Gray, Barigazzi and de la Baume, 2019; Roche, 2019). In particular, questions have arisen as to whether the events that transpired in 2019, culminating in the nomination and investiture of President von der Leyen, constitute a failure of the appointment mechanism (Gray, Barigazzi and de la Baume, 2019). In fact, on July 5, 2019, the then outgoing President of the European Commission, Jean-Claude Juncker, supported the notion of the failure of the lead candidate system, when commenting on von der Leyen's nomination and stating that the appointment procedure 'unfortunately didn't become a tradition' and that he 'was the first and last Spitzenkandidat (Juncker, 2019). Taking this into consideration, it becomes apparent that the 2019 European elections marked an important shift in the inter-institutional balance of power. Particularly, the EP was not able to impose a lead candidate upon the EUCO, but rather, it acted as a deliberative body unable to exert considerable influence, while the Heads of State or Government assumed a leadership role in

the appointment procedure, thus, marking the return of the Union of Sovereign States model (Müller Gomez and Thieme, 2019, p. 188).

However, it is important to note that, while the 2019 appointment process heralded a shift towards a more intergovernmental appointment procedure and tipped the inter-institutional balance of power in favour of the EUCO, it does not necessarily indicate a permanent change to the power balance between the institutions. This was demonstrated in the 2014-2019 inter-election period, wherein a shift occurred from a temporary supranational predominance of the EP (Christiansen, 2016, p. 1007), towards an intergovernmental predominance of the EUCO (de Wilde, 2020, p. 37). As outlined in Müller Gomez, Wessels and Wolters (2019, pp. 56-59) theoretical approach to inter-institutional relations, the concrete circumstances, mainly, internal coherence within the institutions, determine the balance of power between the EUCO and the EP, and a permanent predominance of one model is not to be expected. Considering the fact that the then candidate-designate von der Leyen pledged to ‘work together to improve the Spitzenkandidaten system’ and ‘address the issue of transnational lists’, during her opening statement in the EP before being formally elected as Commission President by MEP’s (Von der Leyen, 2019), it might be premature to disregard the Spitzenkandidaten system. The pledges made by candidate von der Leyen may indicate a future shift in the inter-institutional balance of power between the EUCO and the EP, as it can empower the EP and enhance its influence over the appointment procedure (Müller Gomez and Thieme, 2020, p. 188).

Conclusion

The appointment mechanism for the President of the European Commission began as an entirely intergovernmental procedure, conducted solely by the Heads of State or Government of the Member States. Yet, over time it has evolved to include supranational elements, with increased involvement of the EP. In a sustained effort to enhance its powers vis-à-vis the Heads of State or Government, the EP has imaginatively, purposefully and strategically acted to assume power over the appointment procedure, widely interpreting the Treaties and gaining new competencies to approve or reject presidential nominees, as well as to elect a President-designate of the European Commission. At the same time, from the post-Maastricht era onwards, the EUCO began to rise in prominence. Particularly, it became more involved in EU decision-making and, similar to the EP, it benefited from successive rounds of Treaty reform, with the conferral of new powers upon the institution continuously increasing. However, with

the ratification of the Lisbon Treaty, the notion of indirect Presidential elections was introduced, wherein the EUCO would take into account the outcome of the EP elections when nominating the Commission President. Hence, it enabled the introduction of the Spitzenkandidaten system, which would make the appointment procedure more supranational in character.

With the introduction of the Spitzenkandidaten system briefly before the 2014 European elections, the inter-institutional rivalry between the EUCO and the EP over the nomination and investiture procedure of the Commission President intensified. The initiative was not enthusiastically received by the EUCO, as the Member States were reluctant to the EP's ever-increasing involvement in the appointment procedure. The EP, however, strongly advocated for the introduction of the new procedure. The institution displayed a high degree of internal coherence in the run-up to and following the 2014 elections, quickly forming a coalition among the main Europarties, and proposing Juncker as the sole candidate to be nominated as Commission President. Contrary to the EP, the EUCO did not achieve cohesion, as the initiative was contentious and created a division among the Heads of State or Government. The use of QMV in the procedure and the lack of internal coherence in the EUCO regarding the Spitzenkandidaten system and lead candidate Juncker weakened the EUCO's position vis-à-vis the EP. Ultimately, the EP took advantage of the fragmented nature of the EUCO and successfully implemented the Spitzenkandidaten system. Therefore, it can be concluded that the Federal model prevailed in the 2014 EP elections.

An inter-institutional power struggle ensued between the EUCO and the EP in the 2014-2019 inter-election period, following the 2014 appointment of Juncker as Commission President. Whereas the former aimed to reaffirm its position and expressed a reluctance to accept the automaticity of the procedure, the latter strived to maintain a leading role in the appointment procedure, to ensure the implementation of the Spitzenkandidaten system following the 2019 EP elections. While the EP firmly intended to repeat the experience of 2014, the institution did not maintain a similar degree of internal coherence, partly, due to the election outcomes, which meant that the EP was not able to secure a majority for any of the main Europarties lead candidates. The EUCO, on the other hand, remained assertive throughout the inter-election period, pointing out on several occasions that it would not accept the automaticity of the lead candidate system. In the immediate aftermath of the 2019 EP elections, the EUCO moved swiftly to secure dominance over the appointment procedure. The assertiveness of the EUCO, combined with the internal fragmentation of the EP, strengthened the role of the Heads of State or Government in the process. The EUCO seized upon the opportunity and assumed

the leading role in the 2019 appointment of the President of the executive body of the EU, resulting in the non-implementation of the Spitzenkandidaten system. This brought about a shift in the inter-institutional balance of power and the return of the Union of Sovereign States model.

The present thesis has achieved the research objective to explain the shift between 2014 and 2019 in the way the President of the European Commission was appointed, using Müller Gomez, Wessels and Wolters (2019) theoretical approach to inter-institutional relations. In particular, it has proved that internal coherence, or lack thereof, determined the outcome of both the 2014 and 2019 nomination and investiture procedure of the Commission President. In doing so, the thesis confirmed that intra-institutional coherence is a key factor in determining the balance of power between the EUCO and the EP. It is important to note, however, that while an analysis of intra-institutional coherence offers an effective way to determine the inter-institutional balance of power, there are other factors to consider when determining the concrete circumstances of inter-institutional relations. For example, future research may take into consideration the role of the lead candidates themselves in determining the outcome of the appointment procedure and their effect on the inter-institutional power balance. Since it can not be expected that one of the three models will have an enduring predominance, it will prove important to further develop the theoretical approach to inter-institutional relations. This will help to provide a better understanding of the outcomes of future power struggles between the EUCO and the EP, such as the upcoming appointment procedure of the Commission President in 2024.

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