

## **The EP Elections 2014 and their Consequences. A Further Step towards EU Parliamentarism?\***

*Las elecciones al Parlamento Europeo de 2014 y sus consecuencias.  
¿Un paso más hacia un parlamentarismo a nivel europeo?*

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**Sumario:** I. Introduction: Towards a new institutional balance?—II. The Institutional Consequences of the European Elections 2014: Two Ideal Types.—III. Empirical evidence: Looking back on a path toward European parliamentarism? 1. From Rome to Amsterdam: The creeping increase in the EP's involvement. 2. After Amsterdam: The decisive legal provisions being set. 3. The Lisbon Treaty: The basis for the 2014 elections.—IV. European Elections 2014: A critical juncture setting a new path of parliamentarization? 1. The Election of the Commission President and the approval of the Commission college: Toward a fusion of executive and parliamentary majority? 2. Coalition formation and voting cohesion: Toward stable grand coalition voting patterns within the European Parliament?—V. Conclusion: Incremental parliamentarization without downgrading the Member States.

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**Abstract:** In the appointment of the Commission President 2014, the European Parliament successfully asserted itself against the European Council. Does this imply an institutional readjustment towards a de facto more parliamentary structure? After giving an overview of previous appointment procedures, we examine Jean-Claude Juncker's investiture focussing on the new linkage between the Commission and the Parliament as well as the internal politics of the EP. We argue that the 2014 events represent a continuation of the Parliament's tradition to interpret the treaty provisions extensively in its own benefit. Still, it would be too early to mark them as a critical juncture for EU parliamentarism. The long-term implications depend on the Commission President's conduct, national parties' willingness

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to relinquish their leverage via their MEPs and the parliamentary coalition's cohesiveness.

**Keywords:** European elections, Parliamentarization, Spitzenkandidaten, Commission President, European Council.

**Resumen:** *En el nombramiento del presidente de la Comisión de 2014, el Parlamento Europeo se impuso al Consejo Europeo. ¿Esto implica un reajuste institucional hacia una estructura más parlamentaria de facto? Después de dar una descripción general de nombramientos anteriores, analizamos la investidura de Jean-Claude Juncker con enfoque en la nueva relación entre la Comisión y el Parlamento, así como en los procedimientos dentro del PE. Argumentamos que los eventos de 2014 representan una continuación de la tradición del Parlamento de interpretar las disposiciones del tratado extensamente en su propio beneficio. Marcarlos como una encrucijada crítica para la parlamentarización de la UE sería demasiado precipitado. Las consecuencias a largo plazo dependerán de la conducta del presidente de la Comisión, la voluntad de los partidos nacionales a renunciar a su influencia a través de sus eurodiputados y la cohesión de la coalición parlamentaria.*

**Palabras clave:** Elecciones europeas, parlamentarización, Spitzenkandidaten, Presidente de la Comisión, Consejo Europeo.

## I. Introduction: Towards a new institutional balance?

For the first time, the elections to the European Parliament (EP) took place in the framework of the Lisbon provisions. Article 17(7) of the Treaty on European Union (TEU) in particular stipulates that the European Council has to take into account the elections to the European Parliament when proposing a candidate for the President of the European Commission. This procedural opportunity induced European parties represented in the European Parliament to put forward lead candidates, the so-called “Spitzenkandidaten”, that strived for one of the most important jobs in the European Union's (EU) political system. Various members of the European Council were reluctant concerning this step calling the EP's action a breach of the treaties,<sup>1</sup> insisting on the technocratic character of the European

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<sup>1</sup> MAURER, A., “Die Kreationfunktion des Europäischen Parlaments im Spannungsfeld zwischen Politisierungsimpulsen und Systemerfordernissen”, in *Zeitschrift Für Politik*, no. 3-2014, 2014, pp. 301-326; MACLELLAN, K., *UK's Cameron says voters did not choose Juncker for top EU job 2014*, Reuters UK, 2014: <http://uk.reuters.com/article/2014/06/12/uk-eu-candidates-britain-idUKKBN0EN2PY20140612> (last accessed 15/11/2014).

Commission,<sup>2</sup> disapproving an increase of the Commission President's legitimacy<sup>3</sup> and underlining the absence of an automatic linkage between the elections and the selection of the future Commission President.<sup>4</sup> In formal terms, the European Council still is in charge of nominating a candidate. However, "[t]he nomination of Spitzenkandidaten was designed to bypass this constraint".<sup>5</sup> After this apparent inter-institutional clash, the European Council nominated the EP's candidate Jean-Claude Juncker for the post of the President of the European Commission, who was elected by the European Parliament by 422 votes in July 2014. Hence, at first sight, the European Parliament —being extensively committed to secure its leverage in the appointment of the future President of the European Commission— seems to have cleverly and successfully asserted itself against the European Council setting perhaps a decisive precedent.<sup>6</sup> Did the elections 2014 establish a new (irreversible) path towards a parliamentary system in a conventional sense?

In spite of the attempt to politicise and personalise the run-up to the elections, the electoral campaign only partly differed from previous ones. The Spitzenkandidaten were only present in few countries, in most of which they were used strategically – for instance due to the current unpopularity of the respective national party leaders.<sup>7</sup> The facts that the debates were partly Europeanised and that the turnout only slightly declined were mostly the result of the euro crisis, not of Article 17(7) or the pan-European candidates.<sup>8</sup>

<sup>2</sup> EURACTIV, *German coalition talks cast long shadow over EU elections*, 2014a, <http://www.euractiv.com/eu-elections-2014/ep-divided-commission-president-news-531372> (last accessed 15/11/2014).

<sup>3</sup> EURACTIV, *Van Rompuy opposes direct election of the EU's top leaders*, 2012, <http://www.euractiv.com/future-eu/van-rompuy-opposes-direct-electi-news-516360> (last accessed 15/11/2014).

<sup>4</sup> CLARKSON, S., *European Parliament elections 2014*, House of Commons Library, London, 2014, pp. 8-9.

<sup>5</sup> SCHIMMELFENNIG, F., "The Spitzenkandidaten Plot - the European Parliament as a Strategic Competence-Maximizer" in *KFG Newsletter*, no. 1-2014, 2014.

<sup>6</sup> HOBOLT, S.B., "A vote for the President? The role of Spitzenkandidaten in the 2014 European Parliament elections" in *Journal of European Public Policy*, no. 21(10), 2014, p. 1537.

<sup>7</sup> VAN DEN BERGE, M., *The 2014 EP Election Campaign in the Member States: National Debates, European Elections*, TEPSA Report, Brussels, 2014.

<sup>8</sup> DECKER, F., "Die Europäische Union auf dem Weg zur parlamentarischen Demokratie?" in *Aus Politik und Zeitgeschichte*, no. 64 (38-39), 2014, p. 5; HOBOLT, S. B., *op. cit.*; EURACTIV, *Commission presidential race only interested 5% of European electorate*, 2014b, <http://www.euractiv.com/sections/eu-elections-2014/commission-presidential-race-only-interested-5-european-electorate-309685> (last accessed 15/11/2014); HRBEK, R., "Europawahl 2014: Kontinuität und neue Facetten" in *integration*, no. 3-2014, 2014, pp. 5-227.

In the course of the 2014 developments, the traditional consensus-based character of the EU polity<sup>9</sup> and the usual procedure of not empowering a single EU institution to a too great extent vis-à-vis the other institutions<sup>10</sup> seem to have been ignored.<sup>11</sup> Moreover, some have warned about a disturbance of the meticulously designed EU institutional balance due the self-empowerment of the European Parliament which now, de facto, not only elects but also nominates the Commission President candidate.<sup>12</sup> Previously, the appointments of the posts of the presidents of the European Commission and of the European Council as well the High Representative have been the result of a grand coalition consensus-making integrating the different national and partisan positions.<sup>13</sup>

Against this backdrop, our article aims at clarifying the institutional implications that accompany the Spitzenkandidaten innovation. Will there be a readjustment of the institutional balance towards a de facto more parliamentary institutional structure? Do the 2014 elections represent a critical juncture in the institutional evolution of the EU? We will first refer to an appropriate definition of parliamentarism and parliamentarization from which we will derive an ideal type which we will compare to a possible new intergovernmental turn. To analyse if a new path has been installed, we then provide an overview of the European Council's and the European Parliament's previous involvement in the investiture procedure of the European Commission. Following the ideal features of a parliamentary system, we investigate this year's developments and their impact on the link between the European Parliament and the European Commission as well as the decision-making procedures within the EP. At the end, we summarize our major findings and offer some concluding remarks.

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<sup>9</sup> LIJPHART, A., *Patterns of Democracy. Government Forms and Performance in Thirty-Six Countries*, Yale University Press, London, 1999, p. 42.

<sup>10</sup> See PIRIS, J.-C., *The Lisbon Treaty. A Legal and Political Analysis*, Cambridge University Press, Cambridge, 2010, p. 237.

<sup>11</sup> The European Parliament also seems to have acted irrespective Declaration no. 11 on Article 17(6) and (7) of the Treaty on European Union that stipulates that "The Conference considers that, in accordance with the provisions of the Treaties, the European Parliament and the European Council are jointly responsible for the smooth running of the process leading to the election of the President of the European Commission."

<sup>12</sup> KOCHAROV, A., "This Time It's Different? Constitutional Complexities of the Spitzenkandidaten Arrangement" in *Berliner Online-Beiträge Zum Europarecht*, no. (95), 2014; HÖING, O. & MÜLLER GÓMEZ, J., "Towards the German model? Spitzenkandidaten and European Elections 2014" in *L'Europe en formation*, no. 373, Vol. 55, 2014, pp. 45-65.

<sup>13</sup> WESSELS, W., *The European Council*, Palgrave Macmillan, Basingstoke, 2015, forthcoming.

## II. The institutional consequences of the European elections 2014: two ideal types

Scholars have argued in favour of shifting analyses of the EU political system toward a comparative perspective which nowadays seems to offer more fruitful and convenient approaches than international politics.<sup>14</sup> In comparative politics, the classical typology of political systems has been the distinction between presidential and parliamentary systems. Although, Steffani, as one of the main developers of this approach, states that each political system can be allocated to one of these types,<sup>15</sup> we believe in the need to approach the *sui generis* system of the EU differently. Instead of asking whether the EU rather corresponds to a presidential or parliamentary kind of system (which for instance has been done by Decker and Sonnicksen<sup>16</sup>), we establish two different ideal types with an EU specific version of parliamentarism being one possible result of the institutional evolution. A classical discussion whether a strengthening of the parliamentary or intergovernmental elements has been taken place is considered more convenient in this context.

According to Steffani's categorization, the main feature of a parliamentary system is the parliament's competence to remove the government. The election of the government by the parliament, on the other hand, is not considered a necessary characteristic.<sup>17</sup> Still, it is included in most current analysis of political systems. Steffani argues that the dependency of the government on its parliamentary majority is accompanied by a high degree of party and coalition discipline. The parliamentary coalition accepts the fact of being disciplined by the government and their parties if "it is involved to a decisive degree in the formation of the government".<sup>18</sup> As a result, the parliamentary majority and the government can be considered as a unity. The parliamentary opposition — not the parliament as a whole — remains the true supervisor of the government.<sup>19</sup>

<sup>14</sup> DECKER, F. & SONNICKSEN, J., "Parlamentarisch oder präsidentiell? Die Europäische Union auf der Suche nach der geeigneten Regierungsform" in DECKER, F. & HÖRETH, M. (eds.), *Die Verfassung Europas. Perspektiven des Integrationsprojektes*, VS Verlag für Sozialwissenschaften, Wiesbaden, 2009, pp.128-129; BULMER, S., "The Governance of the European Union: A New Institutional Approach" in *Journal of Public Policy*, in 13(4), 1994, pp. 354-355; JUPILLE, J. & CAPORASO, J., "Institutionalism and the European Union: Beyond International Relations and Comparative Politics" in *Annual Review of Political Science*, no. 2, 1999, pp. 429-430.

<sup>15</sup> STEFFANI, W., *Parlamentarische und präsidentielle Demokratie. Strukturelle Aspekte westlicher Demokratien*, Westdeutscher Verlag, Opladen, 1979.

<sup>16</sup> DECKER, F. & SONNICKSEN, J., *op. cit.*

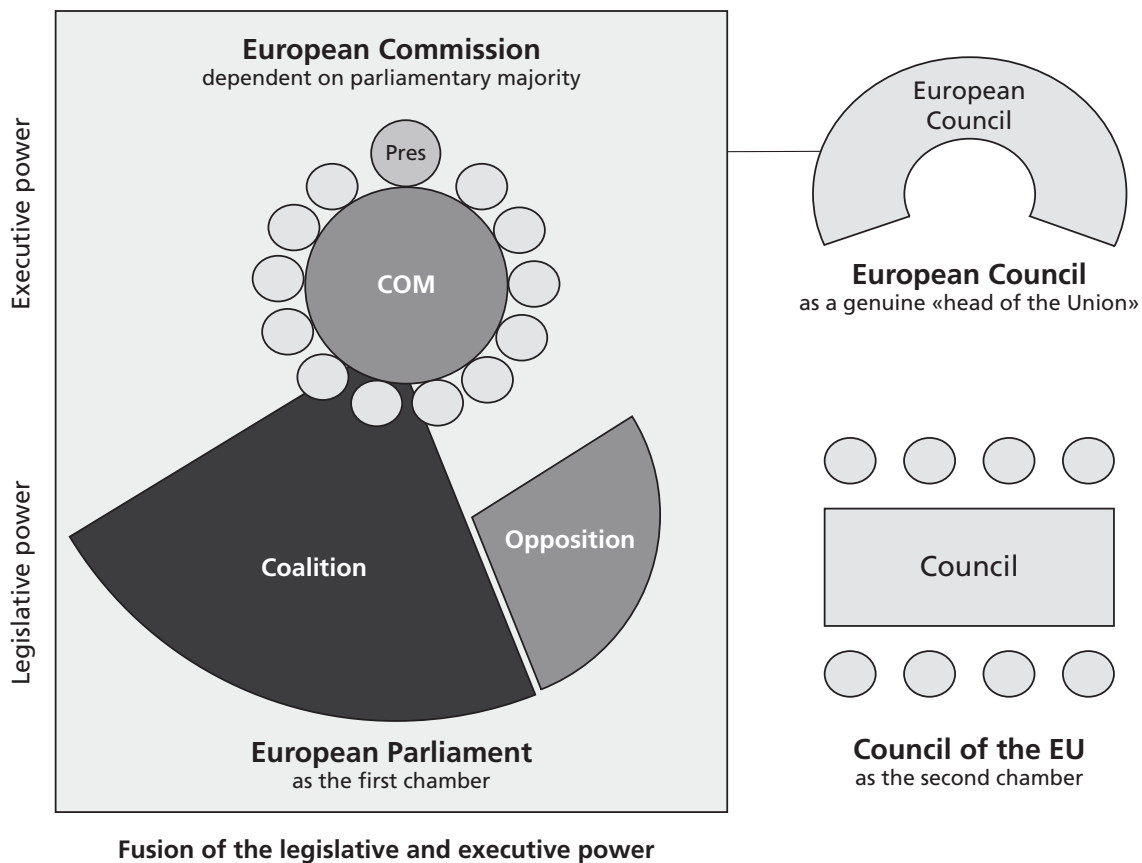
<sup>17</sup> STEFFANI, W., *op. cit.*, pp. 39-40.

<sup>18</sup> *Ibid.*, pp. 52-55.

<sup>19</sup> *Ibid.*, p. 53.

Although a possible “parliamentarization in the EU is not a replication of nation-state parliamentarization one level up”,<sup>20</sup> the parliamentary concepts applied to national political systems can help us as an analytical framework when trying to grasp the EU system.

Linking Steffani’s concept of a parliamentary system to the EU level, a process of parliamentarization, thus, would come along with the European Parliament as *the* decisive actor in the election and the dismissal of the Commission President. The parliamentary majority, being organised in a stable coalition, would have a strong say in the composition of the European executive, i.e. Member States could be forced to withdraw their candidates. EU parliamentarism also would imply that if this majority turns against the President of the Commission, he or she can be dismissed. The



Source: own compilation.

**Graph 1**  
Ideal type “EU adapted parliamentarism”

<sup>20</sup> SCHIMMELFENNIG, F., *op. cit.*

legislative procedure would be informed by a fusion of the Commission and its coalition with the Commission's initiatives being approved in the European Parliament without relevant voting defection within the coalition groups. A classical parliament-governmental relationship on the EU level, i.e. the need to support a government, would increase the voting cohesion of the political groups.<sup>21</sup>

Regarding the member states' institutions at the EU level, we would expect a loss of influence with the European Council being down-graded to a genuine collective head of the Union and the Council of the EU to a second chamber. Assuming an ideal type with a strong Commission President, the Heads of State or Government would be only serving as a collective ceremonial body as it is the case in most parliamentary systems where the president only is allocated symbolic and representative functions. The Council as a secondary legislator would be undermined by the strong bond between the Commission and the parliamentary majority which would insist on imposing their political agenda. Such a parliamentarization would enable the citizens to indirectly determine the head of the European executive, and, in the 2019 elections, confirm or dismiss the incumbent officeholder.

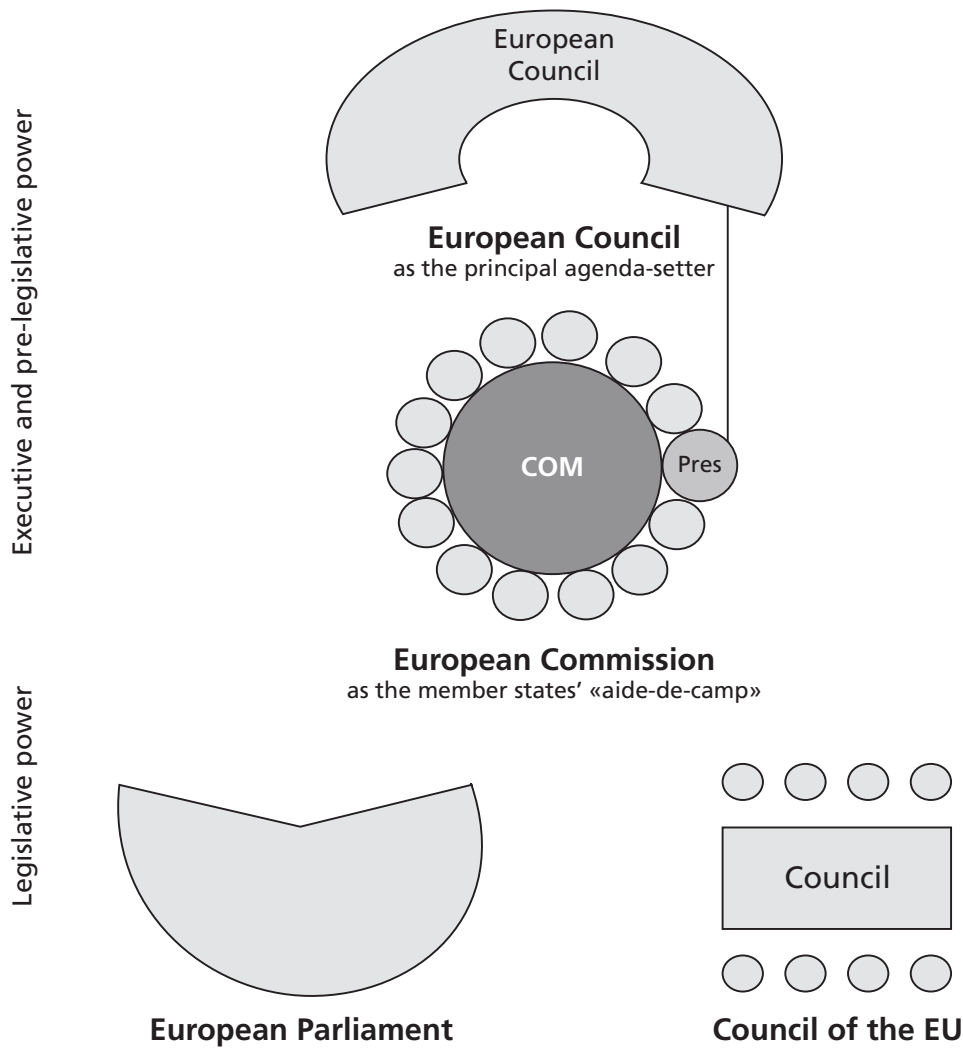
A maybe counter-intuitive, but still possible consequence of the new procedure could also be a strengthened role of the European Council which might try to compensate its loss of power in the appointment of the Commission President. This ideal type follows the characterisation of a conventional intergovernmental assessment of the Commission's role. In this view, the formal right of initiative for legislative acts might remain with the Commission, but the political impetus is primarily given by national leaders and, in this way, the European Council would down-grade the power position of the Commission. In consequence, this supranational institution turns into a secretariat, serving as an agent for the European Council, which itself acts as principal.<sup>22</sup> The Commission's responsibility is to ensure the proper functional preparation of the European Council, as well as the technical and bureaucratic implementation of its decisions. Following this interpretation, it might seem that the Commission's main task is to implement decisions taken by the European Council, putting the Commission into a "subservient position".<sup>23</sup>

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<sup>21</sup> BAILER, S. *et al.*, "What Role for the Party Group Leader? A Latent Variable Approach to Leadership Effects on Party Group Cohesion in the European Parliament" in *Journal of Legislative Studies*, no. 15 (4), 2009, p. 356; HIX, S. & LORD, C., *Political Parties in the European Union*, Palgrave MacMillan, London, 1997, pp. 140-141.

<sup>22</sup> WESSELS, W., 2015, *op. cit.*

<sup>23</sup> WERTS, J., *The European Council*, John Harper Publishing, London, 2008, p. 45.



Source: own compilation.

**Graph 2**  
Ideal type “intergovernmental turn”

Concretely, the European Council would formulate its guidelines with even more details limiting the European Commission’s role as agenda-setter. Its impetus would be equivalent to orders. Besides, the European Council would take measures in order to prevent a similar questioning of its competency in the context of the 2019 elections making this year’s procedure a unique occurrence instead of a lasting adjustment of the institutional balance towards a more parliamentary structure.

The Commission President —after being elected by the European Parliament— would turn to the Member States and seek for a stronger cooperation. In the case of such a development, the internal decision-making pro-



cedure of the European Parliament would remain untouched. There would not be any incentives for MEPs (Members of the European Parliament) and parties to change their previous voting patterns.

### III. Empirical evidence: Looking back on a path toward European parliamentarism?

#### 1. *From Rome to Amsterdam: The creeping increase in the EP's involvement*

In order to assess the relevance of the 2014 elections and to respond to the question whether they represent a further step toward an EU version of parliamentarism, it is of crucial importance to look back at the previous developments concerning the investiture of the European Commission. Do the 2014 events represent a critical juncture in this evolution?

National leaders have always been highly interested in the selection of the Commission's top office-holder.<sup>24</sup> Since the election of the first President of the Commission,<sup>25</sup> the Heads of State or Government have intensively discussed potential candidates before reaching agreements on the appointments. The degree of conflict within the European Council over the applicants of Commission Presidents has varied over time.<sup>26</sup> In analysing the relevant processes, one major condition for a consensual outcome was of recurrent importance: The potential candidate should have avoided conflicts with powerful members.<sup>27</sup> By this token, in order to obtain a high degree of consensus, a low personal profile of a candidate has been useful.

By contrast, the role of the European Parliament in selecting the Commission President is rather recent. The EP's involvement has been called "reactive" with the EP serving as a "control mechanism".<sup>28</sup> However, in most treaty revisions the appointment procedure of the European Commission has been amended: "The intention has thereby always been to strike a balance between ensuring control of the member states on the process and

<sup>24</sup> WESSELS, W., 2015, *op. cit.*

<sup>25</sup> NASSHOVEN, Y., *The Appointment of the President of the European Commission. Patterns in Choosing the Head of Europe's Executive*, Nomos, Baden-Baden, 2010, pp. 149-152.

<sup>26</sup> *Ibid.*, p. 216.

<sup>27</sup> See for instance MAJOR, J., *John Major: The Autobiography*, HarperCollins Publishers, New York, 1999, pp. 593-595; BLAIR, T., *A Journey*, Hutchinson, London, 2010, p. 537; SELDON, A., et al., *Blair Unbound*, Pocket Books, London, 2008, 279.

<sup>28</sup> NASSHOVEN, Y., *op. cit.*, p. 207.

a democratization of the procedure via a stronger involvement of the European Parliament”.<sup>29</sup>

Based on the founding treaties, the then called Common Assembly had only the right to dismiss the High Authority. An impeachment required — as today — a two thirds majority of the voting members representing a majority of the total membership (Article 24 Treaty establishing the European Coal and Steel Community). This control competency could be seen as a compensation for the lack of involvement in the appointment of the Commission.<sup>30</sup> Although difficult to put into practice, it legally corresponded to Steffani’s most relevant element of parliamentarism.

The EP had always argued in favour of a dual legitimacy of the Commission.<sup>31</sup> Mainly after the first direct elections in 1979, the EP became intensively committed to increase its saying vis-à-vis the Member States. With the Solemn Declaration of Stuttgart in 1983, the national leaders informally increased the EP’s involvement by introducing its right to be consulted regarding the appointment of the Commission President.<sup>32</sup> The MEPs who interpreted the term ‘consultation’ in a very extensive way, reacted to this granted competence with the introduction of a hearing of the future Commission President, who had to present his political agenda to the EP, after which the EP held a confidence-vote on the candidate.<sup>33</sup>

In the course of the negotiations of the Maastricht Treaty, the EP — being supported by national parliaments — made a great effort to obtain an official veto right as for the election of the President of the Commission,<sup>34</sup> which led to the formalisation of its right to give its consent to the Commission as a body and to be consulted regarding the selection of the Commission President. Furthermore, the Maastricht Treaty adjusted the term of office of the Commission President to the legislative term of the EP, i.e. five years.

Thus, in general, the Maastricht provisions can be regarded as a decisive step to a real link between the EP and the Commission.<sup>35</sup> It overcame the purely intergovernmental investiture procedure by legally fixing the EP’s veto power. This pattern of treaty changes being a result of former EP initiatives was repeatedly observed in following amendments of the primary

<sup>29</sup> *Ibid.*, p. 83.

<sup>30</sup> MAURER, A. & WESSELS, W., *Das Europäische Parlament nach Amsterdam und Nizza: Akteur, Arena oder Alibi?*, Nomos, Baden-Baden, 2003, p. 90.

<sup>31</sup> *Ibid.*, pp. 90-91.

<sup>32</sup> *Ibid.*, pp. 153-154; NASSHOVEN, Y., *op. cit.*, pp. 96.

<sup>33</sup> NASSHOVEN, Y., *op. cit.*, pp. 96-97; MAURER, A., *op. cit.*

<sup>34</sup> NASSHOVEN, Y., *op. cit.*, p. 97.

<sup>35</sup> MAURER, A. & WESSELS, W., *op. cit.*, pp. 93, 158; see NASSHOVEN, Y., *op. cit.*, pp. 83-87.

law. In this sense, “the European Parliament has played the role of a creeping constitutional architect”.<sup>36</sup>

Also after Maastricht, the EP continued to exert itself for being further involved. The European Council, however, was less committed to actively implement the new treaty provisions and to include the EP in its decision-making.<sup>37</sup> The EP announced that it would hold a vote on the designated candidate for the post of the Commission President – and in case of a non-approval not confirm the Commission as a whole. Santer, who was appointed Commission President in 1994, and the Council Presidency accepted this unilaterally established procedure.<sup>38</sup> Moreover, the EP for the first time invited the Commission candidates to hearings.<sup>39</sup> Since then, the EP has actively tried to impact on the distribution of the areas of responsibility within the Commission, partly successfully.<sup>40</sup> This installed procedure has to date led in a number of cases to a withdrawal of the persons being proposed by a national government.

Still, with the approval of a conservative Commission President candidate in spite of the left-wing groups being the winners of the 1994 elections, the selection of the head of the Commission was not a direct result of the electoral outcome.<sup>41</sup>

## 2. After Amsterdam: The decisive legal provisions being set

The Amsterdam Treaty revision took up the introduced practice and allocated the right to consent the candidate for Commission President to the EP.<sup>42</sup> Thus, since Amsterdam, the treaty has theoretically provided the possibility of linking the European elections to the investiture of the Commission President.<sup>43</sup> Already in the aftermath of the treaty amendments of Maastricht and Amsterdam, references were made to a parliamentarized EU regarding the election of the Commission President with the prospects of an

<sup>36</sup> NASSHOVEN, Y., *op. cit.*, p. 94.

<sup>37</sup> MAURER, A. & WESSELS, W., *op. cit.*, pp. 93, 154-155.

<sup>38</sup> HIX, S., “Executive Selection in the European Union: Does the Commission President Investiture Procedure Reduce the Democratic Deficit?” in *European Integration Online Papers*, no. 1 (21), 1997, p. 2; KREILINGER, V., “Prognosen zur Zusammensetzung und Arbeit des Europäischen Parlaments nach der Wahl 2014” in *integration*, no. 1-2014, 2014, pp. 17-18.; NASSHOVEN, Y., *op. cit.*, p. 99.

<sup>39</sup> MAURER, A. & WESSELS, W., *op. cit.*, pp. 93, 154-155.

<sup>40</sup> *Ibid.*, pp. 93, 157.

<sup>41</sup> NASSHOVEN, Y., *op. cit.*, pp. 187-188; HIX, S., *op. cit.*, p. 7.

<sup>42</sup> *Ibid.*, pp. 90-91.

<sup>43</sup> MAURER, A., *op. cit.*

increased relevance of the European elections, a fostered link between the Parliament and the executive, and a limitation of the role of the European Council.<sup>44</sup>

In the 1999 elections, the conservative EPP-ED (European People's Party-European Democrats) emerged as the largest political group. Still, the composition of the Commission of Prodi, who could be considered neither clearly socialist nor conservative, was informed by a very strong socialist party affiliation which led to protests by the conservative parliamentary group. As a result, the Commission —in order to accommodate the Parliament— accepted to agree on a stronger involvement of the EP in certain issues, and to take into account if the EP demands the demission of a particular member of the Commission.<sup>45</sup> Although the EP could take advantage of this situation, the voters' choice was, again, not translated into the selection of the Commission President.

The major modification of the Treaty of Nice was the introduction of the qualified majority voting in the Council when selecting a candidate for the post of the Commission President. Although no new provisions concerning the role of the EP were introduced, this amendment demonstrates the evolution of the formerly intergovernmental decision-making regarding the selection of the Commission toward an increasingly supranational direction.

Already after the Amsterdam and Nice Treaties, the introduction of the Spitzenkandidaten system was expected or at least demanded.<sup>46</sup> However, before 2014, only the Green Party had applied such a procedure attempting to personalize the electoral debates.<sup>47</sup> In other European parties, the respective national member parties prevented an enrolment in this procedure.<sup>48</sup>

After the 2004 European elections, the EPP as the strongest political group, announced that it would only accept a conservative candidate causing a decisive moment linking the Commission President to the result of the European elections.<sup>49</sup> Some Heads of State or Government, before proposing Barroso as Commission President, had first preferred the liberal Verhofstadt. The change of mind was, however, not a consequence of the Parliament's demand but rather a result of debates within the European Council and its composition.<sup>50</sup> Although the final outcome was a conservative Com-

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<sup>44</sup> HIX, S., *op. cit.*

<sup>45</sup> MAURER, A. & WESSELS, W., *op. cit.*, pp. 93, 159-160.

<sup>46</sup> *Ibid.*, p. 91.

<sup>47</sup> BONVICINI, G., *Towards a new Procedure for Appointing the President of the European Commission*, TEPSA Policy Paper, Brussels, 2014, p. 2.

<sup>48</sup> MAURER, A. & WESSELS, W., *op. cit.*, pp. 91-92.

<sup>49</sup> NASSHOVEN, Y., *op. cit.*, p. 198.

<sup>50</sup> DECKER, F. & SONNICKSEN, J., *op. cit.*, p.141.

mission President, again, there was no deliberate transfer of the voters' choice to the selection of the executive.

The decision to appoint Barroso in 2009 was accepted by the socialist members of the EP as part of a deal in which the European Council nominated a person of the Labour party, Lady Ashton, for the top job of the High Representative of the Union for Foreign Affairs and Security Policy – a pattern which was repeated in 2014 and will probably be also in future appointment procedures.<sup>51</sup> After the approval of Barroso, the EP was very eager to impact on the composition of his Commission. It confirmed Barroso's Commission only after some modifications in Barroso's team were realised.<sup>52</sup>

### 3. *The Lisbon Treaty: The basis for the 2014 elections*

The Lisbon Treaty finally brought about the innovations that provoked the procedures applied in the 2014 elections. Article 17(7) postulates as follows:

**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**. If he does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure.

The **Council**, by common accord with the President-elect, shall adopt the list of the other persons whom it proposes for appointment as members of the Commission. They shall be selected, on the basis of the suggestions made by **Member States**, in accordance with the criteria set out in paragraph 3, second subparagraph, and paragraph 5, second subparagraph.

The President, the High Representative of the Union for Foreign Affairs and Security Policy and the other members of the Commission shall be **subject as a body to a vote of consent** by the European Parliament. On the basis of this consent the Commission shall be appointed by the European Council, acting by a qualified majority.

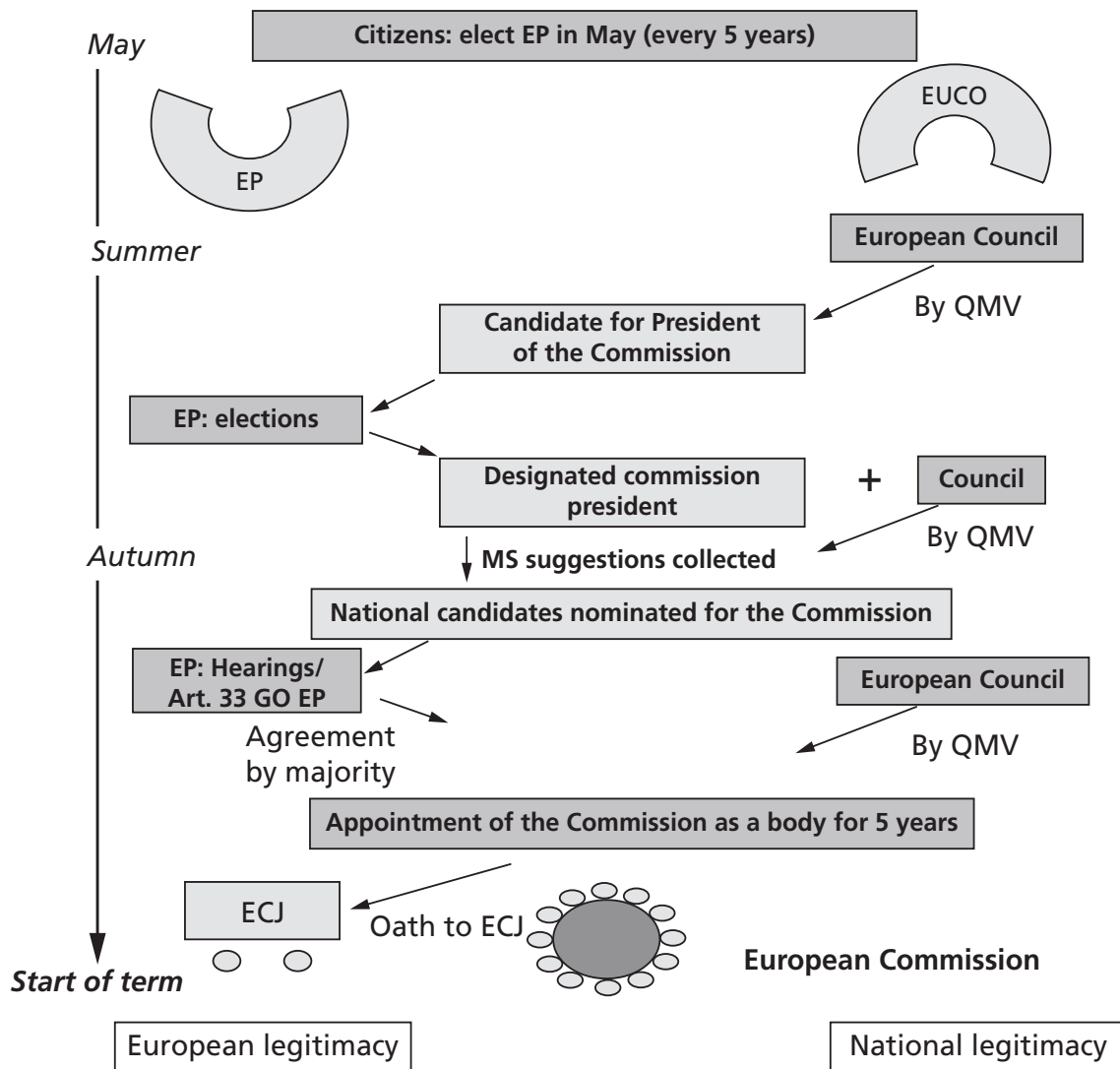
(Emphases by the authors)

<sup>51</sup> WESSELS, W., 2015, *op. cit.*

<sup>52</sup> KREILINGER, V., *op. cit.*, p. 18.

The current provisions clearly establish a link between the elections to the EP and the selection of the Commission President. Besides, the use of the term “elect” instead of “approves” symbolically increases the parliamentary influence on the procedure. And lastly, the Lisbon TEU, for the first time, mentions the possibility of the EP not approving the nominated candidate, acknowledging its veto power.<sup>53</sup>

The current procedure involves a high amount of actors (see Graph 3): the European Parliament, the European Council, the Council, the national



Source: WESSELS, W., *The EU System. The Evolution of the Union’s Institutional Architecture*, epubli, Berlin, 2014, forthcoming.

**Graph 3**  
The investiture of the European Commission

<sup>53</sup> *Ibid.*, p. 90.

governments and even the Commission President himself, when it comes to the allocation of the portfolios within the Commission. On the one hand, this indicates the strong consensus-based character of the EU polity. On the other hand, it demonstrates the attempt to provide the Commission with a dual legitimacy, being based on the European Parliament as the European component, and the national governments as the national.<sup>54</sup>

Regarding the EP's right to censure the European Commission, the Lisbon Treaty has overall not changed the legal provisions. Article 234 TFEU (Treaty on the Functioning of the European Union) reads:

[...] If the motion of censure is carried by a **two-thirds majority** of the votes cast, **representing a majority of the component Members of the European Parliament**, the members of the Commission shall resign as a body and the High Representative of the Union for Foreign Affairs and Security Policy shall resign from duties that he or she carries out in the Commission. They shall **remain in office** and continue to deal with current business **until they are replaced** in accordance with Article 17 of the Treaty on European Union. [...]

(Emphases by the authors)

In order to dismiss the Commission, a large majority of two thirds of the votes cast, which represents an absolute majority of the component MEPs, i.e. 376, is required. The treaty does not provide the holding of a constructive vote of no confidence, i.e. the censure of the Commission is not combined with a positive vote for a new Commission President candidate. The European Parliament, furthermore, remains the only institution that can carry out such a motion of censure.

A neutral reading of the new Lisbon provisions do not necessarily implied an institutional realignment. An application of Article 17(7) of the TEU could have also proceeded without any real changes, i.e. the European Council remains the master of the investiture process and the European Parliament serves as an approving body. The treaty wording demanding a consideration of the elections to the European Parliament indeed is a very vague formulation.

Still, with the entry into force of the Lisbon Treaties and its practical implementation, we can observe an unambiguous development of the involvement of the European Parliament in the selection of the Commission President – from not being involved in the Rome Treaty via the rights of consultation and approval to the election of the head of the executive. The

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<sup>54</sup> MAURER, A., *op cit.*; WESSELS, W., 2015, *op. cit.*

EP has constantly been empowered and has comprehensively made the most of the legal rules. It has evolved to a true veto player. The inter-institutional relations have, thus, increasingly come closer to Steffani's definition of parliamentarism with the EP, for instance, impacting the composition of the European Commission.

Overall, through legal innovations, national leaders have agreed to share prerogatives with the EP more and more. They have strengthened the Parliament while, at the same time, maintaining and extending the significant role for their own institution. The legal provisions within the Lisbon Treaty and actual events confirm a considerable, but still limited, move towards an uneasy sharing of powers indicating a horizontal fusion of responsibilities.<sup>55</sup>

As for the consensus-character of the EU polity, the European Council has been the key institution establishing and sustaining consensus among several key actors and veto players in the Union's multilevel system. Inter alia, until 2014, that had occurred by thoroughly accommodating various national and partisan interests in the course of the appointments of the European Council and Commission Presidents as well as the High Representative.<sup>56</sup>

#### **IV. European Elections 2014: A critical juncture setting a new path of parliamentarization?**

##### *1. The Election of the Commission President and the approval of the Commission college: Toward a fusion of executive and parliamentary majority?*

Following Steffani's concept of a parliamentary system, the 2014 elections should have increased the link between the Commission and the Parliament merging the executive with the parliamentary majority. This fusion should be reflected in the investiture of the new Commission and the executive's dependency on the EP majority.

Indeed, the proceedings in the EP already showed some first patterns of a coalition supporting their candidate. On 24 June, the socialist S&D (Progressive Alliance of Socialists and Democrats), the conservative EPP and the liberal ALDE (Alliance of Liberals and Democrats for Europe) groups reached an agreement concerning the cooperation in the election of Juncker

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<sup>55</sup> See WESSELS, W., 2015, *op. cit.*

<sup>56</sup> *Ibid.*



and the investiture of the Commission.<sup>57</sup> Still, this agreement did not contain political issues but was limited to personnel questions.<sup>58</sup>

At the end, Juncker was elected by 422 MEPs, 46 more than required. Still, an EPP-S&D-ALDE coalition would have gathered 479 MEPs. Even more, since several MEPs of the Greens-EFA (European Free Alliance) group announced —in spite of political incoherence but motivated by institutional interests— to vote for Juncker as Commission President,<sup>59</sup> the amount of dissenters within the coalition is even higher than 57. Based on public statements, at least 10% of the EPP MEPs did not support their own candidate in the election to the Commission President. The stability of the coalition was, thus, already questioned in the election of the chief executive, which contradicts Steffani regarding the high degree of discipline within the coalition.<sup>60</sup>

MEPs have always been impacted by their national governments in important votes with the attempt to avoid contradictory voting between MEPs and ‘their’ national ministers or Heads of State or Government.<sup>61</sup> As for the approval of the candidate for the post of the Commission President, the result has been “prime ministerial coalitions” in the EP.<sup>62</sup> MEPs whose party provides the head of the government or the president at the national level most likely will follow their leaders’ vote in the European Council. These MEPs might be typical victims of pressure from their respective governments and parties.<sup>63</sup> This mainly explains voting defection in the EPP

<sup>57</sup> ALDE, *EPP, S&D and ALDE to form a stable majority in the EP for the next European Commission*, ALDE Press Releases, 2014: <http://www.alde.eu/nc/press/press-and-release-news/press-release/article/epp-sd-and-alde-to-form-a-stable-majority-in-the-ep-for-the-next-european-commission-43155/> (last accessed 15/11/2014).

<sup>58</sup> KIETZ, D. & VON ONDARZA, N., “Das neue Machtgefüge im Europäischen Parlament” in *SWP-Aktuell*, no. 47, 2014, p. 2.

<sup>59</sup> In general terms, the leaders of EPP, S&D, ALDE and Greens-EFA mentioned in their statements the important link between voting for Juncker and strengthening European democracy (EURACTIV, *Parliament elects ‘politically ecumenical’ Juncker as Commission President*, 2014c: <http://www.euractiv.com/sections/eu-elections-2014/parliament-elects-politically-ecumenical-juncker-commission-president> (last accessed 15/11/2014)) revealing a decisive motive. The Greens still remained divided between confirming the EP’s candidate in order to foster the new electoral procedure and the lack of support of his political programme (Daniel Cohn-Bendit in FESTERLING, A. & FUNK, V., *Cohn-Bendit rät Grünen, Juncker zu wählen*, Frankfurter Rundschau Online, 2014: <http://www.fr-online.de/europawahl/daniel-cohn-bendit-cohn-bendit-raet-gruenen--juncker-zu-waehlen,27125132,27304968.html> (last accessed 15/11/2014); EURACTIV, 2014c, *op. cit.*).

<sup>60</sup> MAURER, A., *op. cit.*

<sup>61</sup> RAUNIO, T., “Losing Independence or Finally Gaining Recognition?” in *Party Politics*, no. 6(2), pp. 2000, p. 218, 211-223.

<sup>62</sup> HIX, S., *op. cit.*, p. 8.

<sup>63</sup> *Ibid.*, p. 4.

group: We can assume that those MEPs whose party was represented in the European Council when nominating Juncker followed the respective national line, i.e. in particular the Hungarian EPP MEPs, representing 5% of the EPP group, did not support the candidate.

The major cleavage to elect the Commission President was between those national parties supporting the new nomination procedure and accepting Juncker's policy platforms, and those that opposed at least either of them. As a result, several representatives from the mainstream, pro-integrationist parties —independently of their left-right positioning— voted their political opponent into office. The classical conflict between a more or a less federal conception of the EU became apparent.<sup>64</sup>

These observations indicate a sort of anomaly in the European Parliament with MEPs basing their voting behaviour on other reasons than policy ones. This unambiguously contradicts a normal parliamentary functioning. Still, this might change in the election of the next Commission President in 2019. MEPs who voted for Juncker in order to stabilize the Spitzenkandidaten procedure and the role of the EP in the selection of the Commission President proved their point. In 2019, they might be able to focus on the political programme instead of institutional concerns.

The Commission President being a direct result of the elections to the EP now limits the European Council's possibility to set up a personnel deal integrating several interests. The Heads of State or Government can now only indirectly influence the post of the Commission President. The nomination of the Spitzenkandidaten is namely not carried out by the European Parliament, but by the European parties which can, thus, as well be considered winners of the new procedure.<sup>65</sup> Heads of State or Government are in most cases leaders of their respective national party. If they accept the new appointment procedure, they most likely will get involved more actively in the nomination of Spitzenkandidaten in the run-up to the 2019 elections, and try to impact on personnel choices beforehand. They now have the incentive to participate in this selection within the parties in order to determine the circle of potential Commission Presidents.

When analysing the approval of the Commission by the Parliament, it is also relevant to look at the possible link between the composition of the European Parliament and the European Commission.<sup>66</sup> The competence of the Commission President regarding the composition of his Commission is still very limited. As for the personnel choices, he remains dependent on the candidates nominated by the governments of the Member States. Proposals

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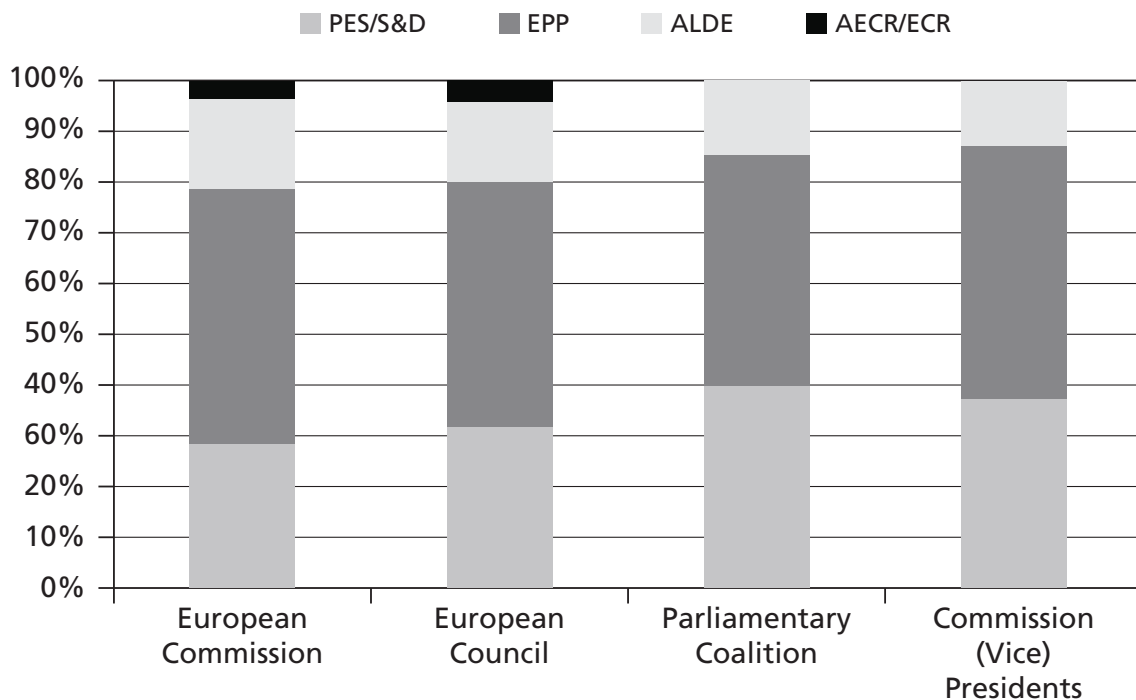
<sup>64</sup> See also HÖING, O. & MÜLLER GÓMEZ, J., *op. cit.*

<sup>65</sup> *Ibid.*

<sup>66</sup> MAURER, A. & WESSELS, W., *op. cit.*, p. 90.

such as the demand that the Member States should nominate various candidates out of whom the Commission President should choose his most preferred, have not been implemented.<sup>67</sup>

Based on Steffani’s concept of a unity of the parliamentary coalition and the executive, one should expect the Commission to at least reflect more or less the ratio of parties forming the coalition. The composition of the European Commission has always approximately corresponded to the composition of the European Council – which in 2014 was similar to the composition of the parliamentary coalition (see Figure 4).<sup>68</sup>



Source: own compilation.

**Graph 4**  
Composition in terms of party-affiliation<sup>69</sup>

Most Member States nominated candidates who are affiliated to the major party in the national governments. The Netherlands, Belgium, Sweden, Denmark, Austria and the Czech Republic were the only countries which nominated politicians belonging to the smaller coalition partner. Luxembourg was the main exception since it would have prevented Juncker from becoming Commission President if it had insisted on a candidate affiliated

<sup>67</sup> DECKER, F. & SONNICKSEN, J., *op. cit.*, p.142.

<sup>68</sup> KREILINGER, V., *op. cit.*, p. 17.

<sup>69</sup> AECR = Alliance of European Conservatives and Reformists.

to a party belonging to the government. The Commission's composition, thus, does not explicitly result from the coalition components.

Nonetheless, Juncker took into account the party affiliation of the proposed members of his Commission when distributing the portfolios. The areas concerning economic issues were allocated to candidates of the conservative and liberal camp, indicating Juncker's political orientation for the next five years.<sup>70</sup>

Despite this attempt to foster the political coherence between parliamentary coalition and Commission, the total party political composition of the Commission remains a result of the composition of the European Council. This hampers the emergence of strong incentives for MEPs to support their executive and, thus, the creation of a typical government-parliamentary majority relation.<sup>71</sup> However, even if the composition of the European Commission was strictly based on the parliamentary coalition, the incentives in terms of party politics for MEPs to unreservedly support their executive would not necessarily increase. Namely, European parties remain loose alliances of national parties which is inter alia due to the electoral system applied at the European elections. Being affiliated to the same European party, thus, does not guarantee mutual support among the component members.<sup>72</sup> This consideration remains to be observed during the eighth legislative term.

Another aspect which informed the debates on the formation of the new Commission was the EP's demand concerning a decisive share of women.<sup>73</sup> Although Juncker also aimed at a more gender-balanced Commission,<sup>74</sup> the Member States did not comply with his request – at least as for the 'simple' members of the Commission. The chance of compensating the low number of female commissioners by assigning them more vice president posts was not taken by Juncker.

However, the European Council, again, functioned as an integrative decision-maker. A more detailed look, namely, reveals that the appointment of the top jobs was again informed by a personnel package which attempted to accommodate various interests, i.e. party, Member States and gender-related. In order to compensate the socialists for the post of the Commission

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<sup>70</sup> See VON ONDARZA, N., "Struktur- und Kulturwandel in Brüssel", in *SWP-Aktuell*, no. 65, 2014, pp. 1-2.

<sup>71</sup> KIETZ, D. & VON ONDARZA, N., *op. cit.*, p. 2; MAURER, A., *op. cit.*

<sup>72</sup> HÖING, O. & MÜLLER GÓMEZ, J., *op. cit.*

<sup>73</sup> PASCALE, L., *Juncker needs women as future Commissioners or the Parliament "won't support it"*, EU News, 2014: <http://www.eunews.it/en/2014/07/15/juncker-needs-women-as-future-commissioners-or-the-parliament-wont-support-it/19589> (last accessed 10/11/2014).

<sup>74</sup> EURACTIV, 2014c, *op. cit.*

President being held by a conservative, the European Council nominated the Italian socialist foreign minister as High Representative.<sup>75</sup> The nomination of Federica Mogherini also served as a contribution to the satisfaction of the gender question. Although this recurrent pattern is managed by the Heads of State or Government, it still contributes to the consensus-character trying to involve a high amount of interests, including the large parliamentary groups. Moreover, it underlines the persisting strong role of the European Council in the entire investiture procedure and limits a possible downgrade of the role of the national leaders – however, without fostering the intergovernmental dimension.

During the hearings and the approval of the Commission as a body, the effectiveness of the agreement reached by the EPP, S&D and ALDE groups became apparent: The EP imposed several demands as for the distribution of the portfolios within the Commission. Juncker adapted the competences of the commissioners in accordance with the concerns of the EP; pharmaceutical products, sustainability, space policy, bankers' salaries and citizenship were moved to other Commission members.<sup>76</sup> Still, the portfolios as a whole were not re-distributed in spite of being partly very controversially allocated. This was mainly due to the trans-partisan agreement which led to the three political groups not raising major doubts on the candidates of the other parties. Whereas EPP, S&D and ALDE MEPs demonstrated general assent to Juncker's team, the main critics came from the green, left and Eurosceptic groups which behaved in the form of a real parliamentary opposition.<sup>77</sup> Although, again, several delegations within the grand coalition openly did not support the college,<sup>78</sup> it was confirmed by 423 MEPs.

We thus can conclude that the European Commission does not —in a strict sense— follow from the EP elections. Nevertheless, the hearings and the assent to the nominees provided some first signs to an emergence of a pattern of coalition, i.e. S&D, EPP and ALDE, versus an opposition, the left GUE-NGL (European United Left-Nordic Green Left), Greens-EFA, ECR (European Conservatives and Reformists), the Eurosceptic EFDD (Europe of Freedom and Direct Democracy) and the non-attached members – indeed indicating first steps towards the parliamentary ideal type.

<sup>75</sup> WESSELS, W., 2015, *op. cit.*

<sup>76</sup> KEATING, D., *ECR: "Nobody for President"*, European Voice, 2014: <http://www.europeanvoice.com/article/ecr-nobody-for-president/> (last accessed 10/11/2014); PRETZ, F., *Designierte EU-Kommissare. Junckers Wackelkandidaten*, Tagesschau.de, 2014: <http://www.tagesschau.de/ausland/eu-wackelkandidaten-101.html> (last accessed 10/11/2014).

<sup>77</sup> VON ONDARZA, N., *op. cit.*, p. 2; PRETZ, F., *op. cit.*

<sup>78</sup> EURACTIV, *Spanish socialists to vote against Juncker, Cañete*, 2014d: <http://www.euractiv.com/sections/eu-elections-2014/spanish-socialists-vote-against-juncker-canete-308462> (last accessed 10/11/2014).

As for the dependency of the Commission on the Parliament's confidence, the possibility of a motion of censure plays an essential role. Some scholars criticize the required majority (two thirds of the votes cast and the majority of the component members, i.e. 376, Article 234 TFEU) as too large. They thus compare the procedure to a presidential impeachment which is meant to dismiss a government due to infringements and is, thus, based on rather legal than political motivations.<sup>79</sup> This perspective, against the backdrop of the 2014 elections, might, however, be too early to predict. The actual implications of this legal provision remain to be tested in the current legislative term. The European Parliament could also have political incentives to threaten Juncker with a vote of no-confidence in order to impose political demands or to sanction political decisions taken by the Commission. With respect to this, it could be decisive that Juncker's EPP holds less than one third of the seats and, thus, could not block a censure. The attempts of the GUE-NGL group to organise such a withdrawal of confidence from Juncker in 2014,<sup>80</sup> already gave a first clue to the EP's new readiness to call the Commission to account for political reasons. Due to this potential politicisation of the censure procedure, the ideal parliamentary function of making the executive politically accountable seems to be strengthened. The EU would, thus, based on Steffani, fulfil the most important feature of a parliamentary system.

Moreover, in his applicant speech, Juncker confirmed his willingness to dismiss particular members of the Commission from whom the Parliament has withdrawn confidence.<sup>81</sup>

As a result, although the legal hurdle for a censure of the Commission remains relatively high, the EP's actual use of this procedural opportunity cannot be ruled out. A turn toward a fostered parliamentary dependency to a certain extent is definitely possible.

In spite of this observation, a strong alliance of Commission and parliament(ary majority) —maybe even against the European Council and the Council as the Member States' institutions— remains unlikely for several reasons. First, Juncker, before his election in the European Parliament, confirmed that he strives for working independently from the Parliament.

<sup>79</sup> See for instance DECKER, F., *op. cit.*, p. 6.

<sup>80</sup> EURACTIV, *Juncker sous la menace d'une motion de censure au Parlement européen*, 2014e: [http://www.euractiv.fr/sections/elections-2014/les-eurodeputes-de-la-gauche-radical-lancent-une-motion-de-censure-contre?utm\\_source=EurActiv+Newsletter&utm\\_campaign=23d75d5c88-newsletter\\_derni%C3%A8res\\_infos&utm\\_medium=email&utm\\_term=0\\_da6c5d4235-23d75d5c88-78129333](http://www.euractiv.fr/sections/elections-2014/les-eurodeputes-de-la-gauche-radical-lancent-une-motion-de-censure-contre?utm_source=EurActiv+Newsletter&utm_campaign=23d75d5c88-newsletter_derni%C3%A8res_infos&utm_medium=email&utm_term=0_da6c5d4235-23d75d5c88-78129333) (last accessed 10/11/2014).

<sup>81</sup> JUNCKER, J.C., *A new start for Europe*, Opening Statement in the European Parliament Plenary Session, Strasbourg, 15 July 2014.

Albeit he underlined the privileged relation between both institutions, he clarified neither to accept any orders from the Parliament nor to serve as its “aide-de-camp”.<sup>82</sup>

Second, accepting the new procedure does not generally place the European Council to the role of a simple observer and henchman of the other institutions. The European Council has regularly interfered to decisions taken in the ordinary legislative.<sup>83</sup> Moreover, with the Strategic Agenda that the European Council approved in the aftermath of the elections,<sup>84</sup> it underlines its relevance as an agenda-setter. The Heads of State or Government determined five aspects as priorities for the new legislative term.<sup>85</sup> The new structure of the Commission can already be considered as an implementation of the Strategic Agenda.<sup>86</sup> Nonetheless, based on the previous working of the European Council, it has to be stated that the European Council does not intend to block or rein European decision-making. By contrast, it will contribute to a further development of EU politics since the governmental heads seek to jointly solve problems. Even more, if the EU wants to use national resources, for instance to stabilize the Eurozone or to launch military missions, the European Council will remain the ultimate decision-maker.<sup>87</sup>

Third, the European Commission and its President in particular cannot turn away from the European Council. In formal terms, the Commission President still needs the approval by the European Council. In spite of the innovation, national leaders will not accept a Commission President who acts against their interests. With Juncker already being elected, they still could marginalize him as they could fall back on the European Council’s President who could take up some major tasks. Moreover, when the European Council nominated Juncker as Commission President, it stressed that “once the new European Commission is effectively in place, the European Council will consider the process for the appointment of the President of the European Commission for the future, respecting the European Treaties”<sup>88</sup> – already preparing a loophole if needed.

<sup>82</sup> *Ibid.*

<sup>83</sup> EUROPEAN PARLIAMENT, *EU unitary patent: Council move would infringe EU law, says EP rapporteur*, EP Press release, 2012: [http://www.europarl.europa.eu/pdfs/news/expert/infopress/20120709IPR48484/20120709IPR48484\\_en.pdf](http://www.europarl.europa.eu/pdfs/news/expert/infopress/20120709IPR48484/20120709IPR48484_en.pdf) (last accessed 09/10/2012); EGGERMONT, F., *The Changing Role of the European Council in the Institutional Framework of the European Union. Consequences for the European Integration Process*, Intersentia, Cambridge, 2014, p. 138.

<sup>84</sup> EUROPEAN COUNCIL, Conclusions 26/27 June 2014, Brussels.

<sup>85</sup> *Ibid.*

<sup>86</sup> VON ONDARZA, N., *op. cit.*, p. 2.

<sup>87</sup> WESSELS, W., 2015, *op. cit.*

<sup>88</sup> EUROPEAN UNION, *op. cit.*

In conclusion, there have been first clues indicating a stronger cooperation of the three political groups which formed a sort of coalition in order to install Juncker and his team. Still, a stable coalition and a fusion of the respective groups and the Commission —and thus big strides towards a parliamentarized system— are not guaranteed. At the same time, taking into account the previous performances of the European Council, a noticeable intergovernmental turn cannot be expected either.

## 2. *Coalition formation and voting cohesion: Toward stable grand coalition voting patterns within the European Parliament?*

Following the ideal type of a possible further parliamentarization of the EU polity —based on the partly increased link between the EP and the Commission— we should expect the current parliament being informed by a relatively fixed coalition and an increased voting cohesion, in particular of the coalition groups. In general, voting cohesion of the parliamentary groups has increased,<sup>89</sup> yet it is still lower than at the national level.<sup>90</sup> A high voting cohesion can be very important for a group in order to guarantee its impact on the final outcome of a vote held in the EP.<sup>91</sup> This is mainly true for large groups that strive for securing a majority in plenary.<sup>92</sup> Moreover, cohesive political groups can provide a contribution in a democratic sense by coherently implementing a policy programme and thus offering the electorate a clear policy position.<sup>93</sup>

On the one hand, there could *be* some particular moments with strong incentives to foster the coalition that elected Juncker in 2014. Juncker himself might come back to the MEPs who elected him. In very decisive votes he might ask for support in order to secure an approval in plenary.<sup>94</sup> Reversely and more importantly, MEPs who supported Juncker will challenge him by making demands reminding him that he is dependent on them in the

<sup>89</sup> KREPPPEL, A. & TSEBELIS, G., “Coalition Formation in the European Parliament” in *Comparative Political Studies*, no. 32, 1999, pp. 933-966; HIX, S. *et al.*, “Power to the parties: cohesion and competition in the European Parliament, 1979-2001” in *British Journal of Political Science*, no. 35 (2), 2005, pp. 209-234.

<sup>90</sup> MCELROY, G., “Committees and Party Cohesion in the European Parliament” in *Österreichische Zeitschrift Für Politikwissenschaft*, no. 37(3), 2008, p. 358.

<sup>91</sup> *Ibid.*, p. 358; HIX, S. & LORD, C., *op. cit.*, p. 135; MITTAG, J. & STEUWER, J., *Politische Parteien in der EU*, Facultas, Vienna, 2010, pp. 202-203.

<sup>92</sup> HIX, S. & LORD, C., *op. cit.*, p. 143.

<sup>93</sup> CARRUBA, C.J. *et al.*, *A Second Look at Legislative Behaviour in the European Parliament. Roll-Call Votes and the Party System*, Institute for Advanced Studies, Vienna, 2004, p. 4.

<sup>94</sup> Interview: Member of the European Parliament, S&D group, 5/3/2014, Brussels.



case he wants to be re-elected. This could become a recurrent pattern in the relation between the Parliament and the Commission – again fostering the parliamentary alignment of the EU polity.

On the other hand, besides the above mentioned obstacles from the Commission's perspective to foster cooperation with the parliamentary majority, also EP related reasons hamper the emergence of a stable coalition and the guarantee of high voting cohesion – in spite of the increased incentives of the coalition to support 'their' Commission. In particular, Maurer identifies as the essential reason for the lack of parliamentary division in majority and opposition the co-legislation with the Council which prevents a party-based competition in the EP. The EP political groups have strong incentives to reach a broad and sustainable coalition before entering the trilogue negotiations with Council representatives in order to foster their negotiating position: the larger the parliamentary majority, the more cohesive the parliamentary delegation that negotiates with the Council.<sup>95</sup> Smaller coalitions would imply a decline of the EP's leverage. This incentive structure induced by the EU decision-making procedures has not been overcome by the new electoral procedure.<sup>96</sup> As a result, despite the partly fostered link between the parliamentary majority and the Commission, there are still institutional incentives that might limit a further evolution toward a typical parliamentary functioning with a fixed parliamentary coalition and a clear opposition. Hence, an ideal fusion of executive and parliamentary coalition in the course of legislative procedures is still limited.

Furthermore, the national party delegations within European political groups remain dominant actors – counteracting an increase of coalition and group discipline. The decisive predictors of voting behaviour in the European Parliament have not been the political groups, but the national parties' policy positions.<sup>97</sup> The leverage of national parties on their MEPs is fairly high taking into account that MEPs' chances to be re-elected generally depend on their respective national party.<sup>98</sup>

One aspect which importantly influences the extent to which national parties interfere in EP votes is the relevance and salience of the respective vote.<sup>99</sup> The election of the Commission President certainly is such a rele-

<sup>95</sup> MAURER, A., *op. cit.*

<sup>96</sup> *Ibid.*

<sup>97</sup> HIX, S., *et al.*, *Democratic Politics in the European Parliament*, Cambridge University Press, Cambridge, 2007, pp. 145-146.

<sup>98</sup> MCELROY, G., *cit. op.*, p. 358; KLÜVER, H. & SPOON, J.-J., "Bringing salience back in: Explaining voting defection in the European Parliament" in *Party Politics*, 2013, p. 3.

<sup>99</sup> KLÜVER, H. & SPOON, J.-J., *op. cit.*; RAUNIO, T., *op. cit.*

vant vote suggesting that national parties most likely are interested in their MEPs voting behaviour. On the other side, the election of the Commission President is held in a secret ballot. Whereas some have criticized this procedure as opaque, other MEPs have been in favour of secret ballots in order to reduce the pressure from national parties and governments.<sup>100</sup> Still, as it has been mentioned above, some MEPs did not follow their political group when confirming or rejecting Juncker, respectively.

Due to their composition of various national parties with similar, compatible or even partly conflicting policy platforms, the European political groups have been described as unstable and incoherent.<sup>101</sup> Apart from the socialist S&D and the conservative EPP groups, other groups, moreover, do not exactly correspond to their respective European political party.<sup>102</sup> This might change in the course of the current legislative term. At least the lack of coherence between the European political parties and the respective political groups could decrease. Political groups and the European political parties have now increased incentives to foster their unity and coherence.<sup>103</sup> This would ameliorate the transparency and the accountability vis-à-vis the electorate.

Concluding, an immediate change of the practices and patterns within the Parliament and the political groups cannot be expected from the 2014 innovation. The institutional incentive structure might still promote the formation of broad, perhaps not fixed coalitions. However, in a medium-term perspective, with the fostered link between Commission and Parliament, an evolution toward a parliamentary system might occur. A change with respect to the voting cohesion would, however, depend on decisions taken by the national parties. This would provide an improvement in terms of transparency and accountability as well as for the provision of policy alternatives for the voters in 2019.

## V. Conclusion: Incremental parliamentarization without downgrading the Member States

Following the previous tradition of an extensive interpretation of the treaty provisions, the EP has again proven to decisively foster its position

<sup>100</sup> NASSHOVEN, Y., *op. cit.*, p. 100.

<sup>101</sup> See BUKOW, S. & HÖHNE, B., “Europaparteien als Institutionalisierung von Parteienfamilien in der Europäischen Union” in NIEDERMAYER, O. (ed.), *Handbuch Parteienforschung*, Springer Fachmedien, Wiesbaden, 2013, p. 840.

<sup>102</sup> HÖING, O. & MÜLLER GÓMEZ, J., *op. cit.*

<sup>103</sup> *Ibid.*

within the EU architecture. It represents a continuation of former developments with the EP evolving from a reactive to a proactive actor.

In general terms, the election of Juncker can be considered as a step to ameliorate the link between the electoral outcome and the selection of the Commission President. The prerogative of the European Council regarding the selection of the Commission President was reduced. De facto, national leaders were down-graded to a collective agent who nominates the winning Spitzenkandidat as the future Commission President. Marking the 2014 events as a critical juncture for the parliamentarization of the EU political system would be too early to predict. If a new path was installed, remains to be examined in the course of the legislative term with special focus on the conduct of the Commission President vis-à-vis the EP and the Councils, as well as the functioning of the political groups especially in view of the stability of a grand coalition. Several questions have to be tackled on the basis of the practical procedure in the next years and, thus, have to be put on the research agenda.

When referring to the parliamentarization ideal type a few relevant renewals can be observed: the link of the EP and the election of the Commission President was improved. The first attempts of establishing a coalition backing their candidate were revealed. Moreover, by politicising a potential censure of the European Commission, the EP-Commission relations moved towards Steffani's ideal concept of a parliamentary system. Will the Parliament, and the parliamentary majority in particular, attempt to exert a sort of leverage on 'its' Commission President? How will Juncker handle 'his' majority in the EP?

As for the internal decision-making procedure of the EP, there are indicators leading to a preliminary conclusion that there might be some tendencies of a fixer coalition than before – demonstrating a feature of a conventional parliamentary functioning. Nevertheless, this pattern will be partly hampered by incentives resulting from the inter-institutional decision-making. How regular will there be situations in which the coalition which elected Juncker comes to the fore? Will these groups show a higher voting cohesion than before in such situations? Will national parties relinquish the leverage on their MEPs?

In spite of the European Council having lost its privilege in the nomination of the candidate for Commission President, national leaders are not interested in a blockage of the European decision-making. They, however, will continue to provide a framework as a relevant agenda-setter and impetus-giver which does not imply a down-grading of the Commission President to a simple agent.<sup>104</sup> A deliberate intergovernmental turn by the Eu-

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<sup>104</sup> WESSELS, W., 2015, *op. cit.*

European Council —as presented on a theoretical basis— can, thus, not be expected. However, how will the Commission President deal with his position between Parliament and Member States? How will he handle the inquiries coming from both institutions?

The investiture of the European Commission as a whole remains the result of lengthy negotiations of many actors securing its character as a compromise of several interests and concerns – preserving the consensus-based character. A significant pattern for the election of office-holders has always been an attempt to balance the positions among the different (clusters of) Member States, political parties and genders. With the Commission President from now on being linked to the outcome of the EP elections, this post cannot anymore be directly included to the European Council's mode of balance-seeking. Still, the selection of the candidate for the job of the head of EU's executive did not become completely exogenous due to Heads' of State or Government possible involvement in the European political parties when nominating the next Spitzenkandidaten.

The 2014 elections and their implications might be serving as a process of preparing the next elections. The 2019 elections will then represent the real test regarding a further parliamentarization of the EU political system.