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## **IN DEFENCE OF THE SPITZENKANDIDATEN SYSTEM**

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# **In Defence of the Spitzenkandidaten System**

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## **The context: polycrisis and the future of democracy**

Democracy is under duress in Europe. We are witnessing democratic fatigue in many European countries, with declining electoral turnout and shrinking citizens' trust in democratic institutions, but also concrete democratic backsliding in some European countries, where the rule of law is called into question.

External and internal pressures interact and pose serious challenges. Externally, in a growingly unstable global scene, authoritarian models are emerging and expanding. The Russian invasion of Ukraine exemplifies this dynamic, thus violating the norms-based international order and threatening our core democratic values. At the internal level, rising inequalities and social polarization are weakening the social fabric of our societies striking at the foundations of our democratic systems. Populist and extremist leaders and parties contribute to the unravelling of a toxic public debate, worsened by the spread of disinformation.

In the last decades, significant crises impacted on our countries intensifying these pressures: the 2008-12 financial crisis, the global pandemic, the climate emergency, and now the war on the European continent. Today we are facing the consequences of these critical dynamics, we are witnessing a polycrisis, an inflation shock that emanates from the disruptions caused by the consequences of the pandemic, amplified by an energy shock caused by a war that is itself creating political instability in the global arena. We are facing several crises that interact and are co-dependent, impacting on our social cohesion and in turn the stability of our democracies.

Faced with this complex scenario, the European Union (EU) plays a vital role as a norm-setter and defender of democracy. Europe must be the forum to address these issues and develop an ambitious response. The EU's political dimension must be strengthened in order to increase its internal legitimacy, with regards to its citizens, but also outwardly, with regards to external players.

## **The EU and its democratic deficit**

However, the EU suffers an historical democratic deficit, partially due to the structural development of the Union, born as a technical arrangement between sovereign countries and evolved in time to acquire more powers and competences, with the aim of becoming a political union.

Although the European Parliament was first elected directly in 1979 and has been reinforced over time, the main protagonists of European decision-making remain the European Council and the European Commission, with the Council often playing a decisive role. Both institutions have been strengthened over time but proper adjustments in terms of legitimacy and accountability are struggling to emerge.

Today's EU appears to have a strong institutional architecture with low political and democratic legitimacy. Quite often crucial decisions for the future of the Union are taken with an intergovernmental approach lacking proper accountability and transparency. It has been described as a system characterized by the presence of "policies without politics": low accountability of the EU's decision-making process, lack of adequate public debate, European institutions distant from its citizens, but with high influence over the domestic agenda. At the national level, the opposite occurs, i.e. we observe "politics without policies": low authority of national institutions, especially in specific sectors - monetary and fiscal policy, single market or international trade - but high politicization of the public debate. This double-contrasting dynamic risks creating a short circuit that alienates European citizens.

Long-standing talk around politicization of EU affairs have produced modest results. Rather than a proper politicization around the traditional Left-Right axis, in the last decades much of the discussion span around a pro-anti EU cleavage. This represented a severe risk for the future of the Union, especially after Brexit.

However, the recent global pandemic and the war in Ukraine have intervened to strengthen the centrality of the EU for all its Member States. Next Generation EU and the united response to the Russian aggression against Ukraine are clear examples of this dynamic. Today the core of the political discussion is not much about whether we want the EU or not, but rather about what kind of EU we want to build together. This is a fundamental change in national and European politics, even the main traditional anti-EU parties are less concentrated on the dissolution of the EU (Frexit, Italexit, etc.) and appear to have accepted the irreversible nature of the European integration project.

Although it is still early for an effective assessment, current polls indicate that the political balance at European level could change significantly at the 2024 European elections, paving the way for unprecedented scenarios. The next electoral round could see for the first time the demise of the grand coalition between the two main political families of the EU - the European People's Party and the Party of European Socialists - opening to a stronger politicization of the elections. This represents a risk but also an opportunity. We must not lose momentum; rather we must continue the process of reinforcing European institutions and strengthening their legitimacy and accountability, with the aim of substantiating its political dimension within the European continent and beyond.

## **A stronger political Union**

We are facing existential challenges that need powerful answers: the democratic fatigue, the shift in global power dynamics, the environmental challenge or the demographic crisis, just to mention some. We need a stronger political Union able to overcome its democratic deficit and take legitimate strategic decisions to address these issues. This means we need to strengthen the supranational dimension of the EU by assigning greater legitimacy to the European Commission and Parliament. Gradually shifting from intergovernmental dynamics to supranational ones remains key in the process of European integration, with the aim of developing a true political Union.

While the EP has consolidated its role and legitimacy over time, the European Commission still suffers from an image of a technocratic institution disconnected from European citizens. This is also due to the fact that the selection of the leadership of the Commission lacks proper legitimacy and accountability.

The establishment of the Spitzenkandidaten procedure aims to tackle these issues, in line with the formulation inserted in the Lisbon Treaty. According to Article 17(7) of the Treaty on European Union, the European Council shall “take into account” European elections in the designation of a candidate, which must then be “elected” by a majority of the members of the European Parliament. It represents a clear political vision for the future of the EU that requires further action to be concretely realized.

If in the 2024 elections the Spitzenkandidaten procedure is not put in place, this will constitute an abrupt step backwards. Critics of the procedure are not advancing an alternative; this means that giving up the system will bring us back to business as usual, with the Commission's nominations made by the European Council behind closed doors. This only risks accentuating the democratic deficit of the EU, and we cannot afford to let this happen.

## **Historical evolution of the Spitzenkandidaten procedure**

Even if the concrete development of the lead candidate process is linked with the 2014 elections, the idea of reinforcing the link between European citizens' vote and the selection of the head of the supranational executive of the EU goes far back.

The Faure (1963), Vedel (1971) and Tindemans (1975) Reports called for the effective participation of the European Assembly in the designation of the executive. In the late 1980s and 1990s Jacques Delors played a pivotal role in this matter during his mandate as President of the European Commission, ascribing particular importance to the support of the European Parliament. Significantly, in 1989 he made his investiture as Commission President conditional on a vote of confidence by the European Parliament.

However, the European Parliament's rise-in-power was consecrated only at a later stage with concrete treaty changes. First with the Treaty of Maastricht in 1992 and later with the Treaty of Amsterdam in 1997, the EP obtained a right to reject the nominee of the European Council and its term was aligned with that of the European Commission. Eventually, with the adoption of the Lisbon Treaty, a link between European citizens' vote and the head of a supranational body was created, paving the way for the development of today's Spitzenkandidaten procedure.

The rationale behind these reforms was to strengthen the democratic legitimacy of the European Parliament and the Commission. Nonetheless, Article 17(7) TEU, with its vague wording, left space for interpretation with regards to the procedure, making the system highly dependent on the political context in the absence of a clear formalization.

In the 2014 European elections the procedure was successfully put in place and led to the election of Jean-Claude Juncker as President of the European Commission. Five years later, in the latest EU elections, the system failed to deliver, raising doubts on its future development. In the last three elections - 2009, 2014, 2019 - the European institutions adopted different methodologies for the selection of the head of the Commission. We cannot accept the idea of yet another change in the 2024 elections, as this would risk further undermining the legitimacy of the process and thus of the European Commission.

## **In defence of the Spitzenkandidaten procedure**

The Spitzenkandidaten system is crucial in addressing the democratic deficit of the EU on one hand, and in legitimizing and reinforcing the European Commission vis-à-vis other EU institutions and towards other relevant global actors on the other hand. The procedure has a considerable impact on at least three dimensions.

First, it positively affects the relationship between the EU and its citizens. The procedure "dramatizes" the electoral campaign creating a competition on a European scale between leading candidates ("European leaders"), each of whom is the bearer of his or her party's programme and political platform. This dynamic contributes to increasing the stakes of the ballot by creating a link between the citizens' vote and the presidency of the Commission, making a form of political alternation possible. The ensuing uncertainty has the potential to increase the saliency of the election and, consequently, voter mobilization. In addition, the procedure contributes to reinforcing the "European" character of the election paving the way for the development of a pan-European public debate and the consequent

formation of a European *demos*. It also encourages the Europeanization of national parties and reinforces the role of European parties in the electoral campaign and in the governance of the EU.

Secondly, it has an influence on EU's interinstitutional relations breaking the ground for a supranational turn. The Spitzenkandidaten procedure partially frees the Commission from the tutelage of the European Council. The standard method of nomination made the Commission an agent of the European Council, despite the affirmation of the Commission's independence. The lead candidate system instead has the ambition to redesign the process assigning greater centrality to the role of the supranational institutions of the EU and accentuating their common role in legitimizing the decision-making process of the Union.

Finally, it impacts on the role of the Commission by assigning it stronger legitimacy and authority. The procedure contributes to an increased politicization of the Commission, thus reinforcing its governmental character. The Spitzenkandidaten system in fact legitimizes the President of the Commission and the College of Commissioners vis-à-vis the other EU institutions, its Member States and its external interlocutors, since it can avail itself of a triple democratic legitimization - that of the citizens through their vote at the elections, and that of the EP and the European Council through the dynamic of the lead candidate system.

### **Issues to be addressed**

The procedure is not exempt from having certain weaknesses, which must be taken into account and addressed.

Some believe that a consistent politicization of the European Commission can question its role as guarantor of the Treaties. The idea of politicizing the EU's executive can appear to be contrary to the nature of the institution, which is considered to be independent and neutral, and charged with promoting the general European interest without concern for political contingencies.

The proponents of an intergovernmental vision of the Union are also quite reluctant. In their view, it is up to the European Council to agree on the nomination of the President of the Commission, the distribution of portfolios and vice-presidencies, and the general political line of the EU. They argue that the lead candidate procedure can result in an institutional deadlock in case of disagreement between the Parliament and the European Council - as illustrated by the case of candidate Manfred Weber in 2019.

Concerns emerge also about the risk of increased political volatility in the European Union. While the procedure certainly improves the legitimacy of EU institutions overall, some believe it risks undermining the political stability and authority of the President of the European Commission. The rationale is that his or her mandate would be more susceptible to the political context and in turn more volatile.

### **The relaunch of the Spitzenkandidaten procedure**

Weaknesses are clearly present in the elaboration of this political innovation. Nonetheless, the Spitzenkandidaten procedure can still play a crucial role in reinforcing the EU and in improving its internal democracy. Certainly, the system must be improved and relaunched, taking into consideration several aspects that are crucial for a successful application of the procedure in the near future.

Firstly, a system of primaries within the European parties is necessary to ensure that the lead candidates have some legitimacy and are not seen as coming from the party apparatus. Until now, only the Greens/EFA have organised open transnational primaries for the selection of their lead candidate. This innovation should be supported also by the other European political families and consolidated at the continental level. In this respect, the American model could inspire a realistic and impactful mechanism, with appropriate differences.

Beyond the designation of a candidate, it would be necessary for the European political parties that support him or her to agree on a legislature agreement or a coalition contract, in order to give him or her a certain degree of legitimacy. This is a complex procedure, difficult to set up in a parliamentary system such as the European one, but it is another fundamental element that is necessary to strengthen the lead candidate system and make it work effectively.

In addition, to give the procedure its full potential, a harmonisation of national electoral rules, which are currently rather different, seems useful. EU elections too often appear as the sum of various national elections, characterised by different electoral laws and political contexts. Actions should be taken to address this issue and develop an electoral system that fosters the creation of a true European election. In this regard, also the project of the transnational electoral lists must not be abandoned. The establishment of a European constituency has the potential to strengthen the supranational dimension of EU elections and also reinforce the vision behind the lead candidate system. If this cannot be achieved before the 2024 election round, we should consider the idea of having the Spitzenkandidaten stand as leading electoral candidates in all Member States.

Lastly, continuing to develop forms and tools of participatory democracy is another key element that can reinforce the system and our representative institutions. The Conference on the Future of Europe offered an experimental method that should be relaunched and improved. Investing in strengthening participative mechanisms can contribute to consolidating the politicization of EU institutions, increasing their transparency and legitimacy.

To advance on all these crucial elements, a political and interinstitutional agreement for the 2024 EU elections is required. In order to be successful, the Spitzenkandidaten system should be the subject of an agreement between the European political entities to guarantee political cover to the operation and an inter-institutional agreement a) able to offer sufficient legal guarantees to the various EU institutions and b) capable of clarifying the main aspects of the procedure.

On all these issues, the work that led to the Ruiz Devesa Report in the European Parliament represents an important step that must be supported and carried on. The proposal was approved by the European Parliament in May 2022 with a large majority: four political groups - EPP, S&D, Renew, Greens/EFA - supported this proposal. At the moment, it is up to the Council to proceed. However, there is a deadlock among Member States in discussing and voting on such legislation. European decision-makers should not hold back these necessary innovations and should rather support them with the aim of strengthening the Union.

## **A federal vision for the future of the European Union**

In the long run, this experiment has the potential to mark a significant turning point in the political and electoral history of the EU. In fact, it has an unprecedented revolutionary spirit, as it was born with the aim of enhancing the supranational dimension of the European Union. The Spitzenkandidaten procedure stems from a federal vision of the European project, in which the Parliament enjoys a



democratic mandate granted by citizens that allows it to impact on the composition of the Commission, transforming it into a European political government.

Indeed, the EU needs a proper political government: a joint budget, common rules on taxation, an investment and borrowing capacity, a growth strategy and a model for sustainable and equitable development. But in order to achieve all these one day, the EU must first and foremost focus on strengthening its democratic institutions enabling common decision making.

We are living a unique historical moment. It is the first time that European elections will be held in such a worrying climate for the future of democracy. Western democracy is under attack, it is experiencing an existential crisis that requires ambitious and effective responses.

2024 will be a decisive year for liberal democracies: elections will take place in the United States, in the UK and in the European Union. A key moment for our democratic systems at a time when we are facing crucial challenges. Whereas in the US and UK citizens will have a direct and visible impact on the election of their head of state or government, with a clear result the day after the elections, without a clear and ambitious procedure the EU risks offering a confusing image in the post-election scene. If the Spitzenkandidaten procedure is not properly relaunched, the post-election discussion in the European Union and abroad will only focus on electoral turn-out - that is expected to shrink - and on the national consequences of EU elections.

As Jean Monnet wrote in his *Mémoires* in 1976, "Europe will be forged in crises, and will be the sum of the solutions adopted for those crises". Europe and Western liberal democracies are facing existential challenges. We must not lose momentum. It is time to raise the bar, develop ambitious responses and build a stronger European Union able to protect freedom and democracy in this new brave world.