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## The Treaty of Lisbon, the European Parliament Elections, and Europarties: A New Playing Field for 2014?

**Abstract:** *At the mid-term of the European Parliament's 2009–2014 legislative session, two relatively recent developments have re-opened the discussion on the prospects for an increased role of Europarties in the 2014 elections to the European Parliament. The first concerns a proposal that Europarties nominate their own candidates for the President of the European Commission, whereas the second suggests creating a transnational EU constituency, from which a small percentage of Members of the European Parliament will be elected. This paper critically reviews these developments, both by surveying the past record of Europarties and the challenges that they will face in the event these innovations would be implemented. It is argued that while limited competition between the candidates for President of the European Commission is to be welcomed, the creation of a pan-European constituency would elevate the expectations of the role of Europarties to a level which many of them will simply not be capable of dealing with.*

Under what conditions should we expect political parties at the EU level to develop? This key question has always stood at the centre of academic and political discussions concerning party politics at the EU level, mainly in relation to the elections to the European Parliament (hereinafter also sometimes referred to as the 'EP'). Very often the weaknesses of Europarties<sup>1</sup> are attrib-

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<sup>1</sup> The term 'Europarties' is used in this article to mean transnational, extra-parliamentary federations of national political parties from several EU Member States, united by political affinity. These organizations are therefore not identical with political groups in the EP, although they closely cooperate with one another, being a part of the same political family. The two biggest and most well-known Europarties are the European People's Party (EPP) and Party of European Socialists (PES). See generally: S. Hix, C. Lord, *Political parties in the European Union*, Basingstoke 1996.

uted to the specific patterns of political representation at the EU level.<sup>2</sup> In particular, one of the key points is that, unlike national election results, the European electoral contest does not lead to any change in the composition of the European Commission, which goes some way toward explaining the lack of interest on the part of the voters. A proposed solution to change this state of affairs is to make the nominations for some key EU posts dependent on EP election results, and by doing so create room for an increased role of Europarties. Another proposal on the table is to create a transnational constituency, from which a percentage, albeit a small one, of the Members of the European Parliament (MEPs) will be elected. In this scenario, Europarties will become key players to coordinate the election efforts with regard to the transnational constituency. In either case however, the first question which arises is: how likely are these proposals to be implemented?

Two relatively recent events have woken up the hopes of Europarties for better days. The Treaty of Lisbon (in force since 1 December 2009) takes the first step toward linking the nomination of a candidate for President of the European Commission with the results of European Parliament elections. And the Duff report, adopted by the European Parliament Constitutional Committee on 1 February 2012 as a motion for an EP resolution, calls for, among other proposals, the creation of a pan-European constituency from which a small percentage of seats will be elected (presented in more detail below). However, the fact that the Duff report also ran into strong opposition from among the MEPs, even pro-European ones, speaks volumes about the still difficult and contested role of Europarties. So, in the event the above-discussed proposals are not implemented, what can be expected from the Europarties in the upcoming EP elections of 2014? This question will form the core of this paper.

The paper is organised into three parts. In the first part the role of Europarties in general and in the electoral arena in particular is characterised by looking at the systemic obstacles that hinder their full development. In the second part, in order to set up a benchmark a review is conducted based on a comparison of the role of the Europarties in the EP elections, focusing on the most recent European Parliamentary election of 2009. In the third part, the two most important and recent innovations and proposals that aim to institutionalise the role of Europarties within the EU political system and EP elections are reviewed. Finally, the paper discusses the actual prospects for Europarties in the 2014 EP election, taking into consideration selected challenges and opportu-

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<sup>2</sup> For a recent discussion, see: L. Bardi, E. Bresanelli, E. Calossi, W. Gagatsek, P. Mair, and E. Pizzimenti, *How to Create a Transnational Party System*, Brussels 2010, retrieved from [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/afco/dv/etude-departement-thematique\\_/etude-departement-thematique\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/afco/dv/etude-departement-thematique_/etude-departement-thematique_en.pdf) (last visited 01.07.2011).

nities which they will need to cope with. Due to space considerations, the usual reviews of the second-order thesis and the overall characteristics of the European Parliament elections are omitted.<sup>3</sup>

The paper begins on a slightly pessimistic tone:

## 1. The electoral irrelevance of Europarties

While it would be an exaggeration to claim that Europarties do not bring added value, or that the national parties do not need a European party affiliation, the fact is that the role of Europarties in the elections to the EP to date has been very insignificant, to say the least.<sup>4</sup> Not only do they not present lists of candidates, but even the so-called Euromanifestos that they adopt are rarely used by their own national member parties. The reasons for this state of affairs can be divided between external factors (depending on the EU institutional environment) and internal factors (depending on the Europarties and their member parties themselves). Three of these factors shall be examined in turn.<sup>5</sup>

First, one of the biggest systemic problems is the lack of a typical ‘government and opposition’ dynamic at the EU level. There is no government to be toppled, nor opposition to be elected into office to replace them. The nomination and ultimately the election of the President of the European Commission and the nominations of commissioners do not depend on the outcome of EP elections, but on the consensual decisions of the national governments. In fact, there is not a single EU office which depends directly on the results of EP elections, a situation that might be too difficult to explain to most EU citizens. Not only does this state of affairs limit the electoral relevance of Europarties, it generally hampers the development of an EU party system, an issue which will be examined in more detail later in this paper. Overall, in these conditions, even if some Europarties (but by no means all of them) would like to structure the political conflict along the left-right spectrum, the institutional environment makes it extremely difficult to do so.

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<sup>3</sup> See generally: *The 2009 Elections to the European Parliament*, ed. J. Lodge, Basingstoke 2010; see also A. Trechsel, *How Second-Order were the European Parliament Elections 2009?* in: *The 2009 Elections to the European Parliament – Country Reports*, ed. W. Gagatek, Florence 2010, p. 3–11.

<sup>4</sup> For a review of the state of the art in the field of transnational party politics, see: S. Van Hecke, *Do Transnational Party Federations Matter? (...and Why Should We Care?)*, “Journal of Contemporary European Research” No. 6(3)/2010, p. 395–412.

<sup>5</sup> For an elaborate analysis, see: S. Bartolini, *Restructuring Europe: Centre Formation, System Building, and Political Structuring between the Nation State and the European Union*, Oxford 2005, Chapter VI; W. Gagatek, *European Political Parties as Campaign Organizations. Toward a greater politicisation of the European Parliament elections*, Brussels 2009.

Secondly, these elections are not really 'European', because in fact we have to do with a number of national electoral contests that produce a European result, i.e., ultimately determining the political composition of the European Parliament. However, in each country different sets of issues are dealt with during the election campaign, and in almost every case these are national, rather than European, issues. The 2009 election campaign had a chance to slightly alter this situation, even if the opportunity was only thanks to the sudden and unexpected economic crisis that struck almost all EU member states at the same time, thus becoming a common election issue in every state. But the interpretation of, and proposed solutions to, this economic crisis had in almost all cases a national colouring.<sup>6</sup> How then in such conditions could it be possible to conduct an even moderately unified pan-European campaign?

Thirdly, this phenomenon explains one of the reasons why the national political parties are so reluctant to use the common programmatic documents developed by their respective Europarties. In general, the national political parties, even those most pro-European, largely prefer to keep Europarties at a distance, with their role limited to the coordination of Brussels-based activities rather than in the arena of domestic politics, particularly with regard to matters of such high stakes as elections. This is one of the reasons why most EU citizens know next to nothing about the existence of Europarties. The other one is a lack of interest in the national media about the EU in general and Europarties in particular.<sup>7</sup>

This brief review has demonstrated that both external and internal factors influencing the patterns of trans-national party politics in the EU makes a breakthrough for the Europarties very difficult. Now it is worth taking a closer look at the most recent case of the role of Europarties during the 2009 elections to the European Parliament.

## 2. The 2009 election as a benchmark

If we try to draw a general picture, it can be shown that during the 2009 EP election campaign Europarties struggled with the same difficulties as in the past, such as the inherent inapplicability of their election manifestos, a lack of name recognition among voters, and last but not least, the lack of a classical govern-

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<sup>6</sup> J. Lodge, *op.cit.*, Chapter I.

<sup>7</sup> C.H. de Vreese, E. Lauf and J. Peter, *The Media and European Parliament Elections: Second-rate Coverage of a Second-order Event?* in *European elections & domestic politics: lessons from the past and scenarios for the future*, ed. W. van de Brug, C. van der Eijk, Notre Dame 2007, p. 116–130.

<sup>8</sup> For a general introduction to these themes, see: S. Hix, C. Lord, *Political parties...*, *op.cit.*; D. Hanley, *Beyond the Nation State: Parties in the Era of European Integration*, Basingstoke 2008.

ment and opposition dynamic at the EU level.<sup>8</sup> It is worth examining separately, however, how the Europarties tried to overcome these three challenges.

Regarding the electoral manifestos, there were two observable patterns in attempts to make these manifestos more relevant.<sup>9</sup> On the one hand, the European Liberal Reform and Democrats Party (ELDR) decided to adopt a very short manifesto, amounting to only three pages. This strategy was motivated by the conviction, shared by the ELDR leadership, that today's voters will not take the time to read long manifestos, and it is better to offer them a more accessible document. However, other Europarties attempted to go in a different direction. The Party of European Socialists (PES) was perhaps the most visible in its attempt to increase the relevance of its manifesto. Rather than focusing on the length, the PES leadership identified two main deficiencies of these manifestos in the past. First, not only did they tend to be based on the lowest common denominator, but also they were totally uncompetitive. So PES decided that their manifesto for 2009 must be, first, much more concrete, and second, much more competitive. The result was a list of seventy-one measures, and the manifesto was written as a very competitive, British-style type of electoral document.<sup>10</sup> The EPP did not pick up the gauntlet, being aware that the outcome of the election is not decided in Brussels, but in the Member States. Indeed, EPP Secretary General Antonio López-Istúriz recognised the limits of EPP activities resulting from the lack of a common European constituency and a real transnational political debate. In an interview with the *EU Observer* held in early 2009, he acknowledged that 'we are producing a common programme, but in the end, it's about national campaigns. [All] we can do, is to be a service provider for national campaigns with European ideas'.<sup>11</sup>

As far as the lack of name recognition is concerned, before the 2009 elections the EPP commissioned a Gallup survey which was to test its name recognition among Europeans. The results clearly confirmed what could have been expected – that in virtually every EU Member State the name recognition of the EPP was minimal, and in many cases non-existent.<sup>12</sup> The same could surely be said with regard to other European political parties. Given their limited resources, they could not run a profile-building campaign in even one Member State. Moreover, their own websites are still run in maximum two languages

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<sup>9</sup> I discuss this in greater detail in W. Gagatek, *European political parties...op.cit.*, Chapter III.

<sup>10</sup> Party of European Socialists, *People First: A New Direction for Europe. PES Manifesto*, Brussels 2009, retrieved from [http://elections2009.pes.org/files/u1/ManifestoBook\\_EN\\_Online.pdf](http://elections2009.pes.org/files/u1/ManifestoBook_EN_Online.pdf) (last visited 30.06.2010).

<sup>11</sup> V. Pop, *EU conservatives accuse left of 'agit-prop' over economy*, "EU Observer", 23.01.2009, retrieved from <http://euobserver.com/9/27457> (last visited 10.02.2010).

<sup>12</sup> Personal communication from an EPP insider, Brussels, June 2009.

(mostly French and English). And thirdly, their own member parties are usually rather reluctant to stress these transnational links. For example, with regard to the EPP, only three national member parties actually referred to the EPP logo in their campaign literature (French UMP, Greek ND and Cypriot DISY), and ELDR insiders admit that their logo was used more often on the websites of the candidates than of the parties. Unless their respective national member parties begin to mention their transnational, partisan links, not much can be expected to change with regard to the low name recognition of Europarties among the overall European electorate.

With regard to campaigning, almost all Europarties focused their activities on the extensive use of social media (Facebook, Twitter, etc.). The reasons for this were simple: it did not infringe on the field of national politics as an area of interest of national member parties and, compared to other campaign tools, was relatively cheap. A few Europarties, particularly the largest ones, organised a number of election conventions, in Brussels and elsewhere in EU member states. The EPP established its so-called 'Tell Barroso' initiative, which consisted of a simple on-line questionnaire regarding the future of the EU. Through the activities of its foundation, the Centre for European Studies, the EPP invited Europeans to express their views about what the EU should be doing directly to President Barroso. PES decided to extend its electoral activities beyond Brussels, and organised a few conventions in the Member States. It was also very active in preparing various electoral materials for its member parties, such as the 'election kit'. The European Green Party tried to mount the most integrated campaign of all mainstream Europarties, characterised by its ambition that its transnational programme to be used by Greens all over Europe. The Greens nominated five 'ambassadors' that were to travel across Europe and present the Green view(s). This however did not work out in practice, as these ambassadors were mostly pre-occupied with their own national campaigns to the European Parliament.<sup>13</sup>

In sum, one could observe a mix of traditional services provided by the Europarties to their national member parties, including organising seminars for campaign managers and producing electoral gadgets, an extensive use of the social media and Internet campaigning, and a few campaign novelties.

The biggest and most important difference between the 2009 campaign and previous campaigns lies perhaps in the intensity of political confrontation between the two main Europarties. This directly relates to the question of the personalization of EU politics and the future nomination of Europarty candidates for the post of President of the European Commission. Here again PES

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<sup>13</sup> W. Gagatsek, *European political parties...*, op.cit, p.41–53.

presented the most far-reaching approach, which could be subsumed into what the literature refers to as the politicisation of EU politics.<sup>14</sup> In short, the PES leadership came to the conclusion that one of the biggest deficiencies in EP elections in the past has been its division into strictly pro- and anti-European camps, with the former usually uniting all mainstream parties (regardless of their ideological profile), and the latter usually grouping the extreme or Eurosceptic parties. In the opinion of the leadership of PES, this dynamic had to be reverted: instead of solely focusing on the pro- and anti-European issues, Europarties should also clearly distinguish themselves on the left-right political spectrum. As PES Secretary General Philip Cordery has argued since 2004, this is the way to make voters aware that the choices they make in the EP elections will be the same as those in the national and regional elections, i.e. between the left and the right, and that it matters which political family has the majority of seats in the EP and has the right to nominate a candidate for the President of the European Commission.<sup>15</sup> Thus the campaign strategy of PES was to vehemently criticise not only the EPP, but also its main national leaders, such as Angela Merkel in Germany or Nicolas Sarkozy in France. Its whole campaign was driven by the need to criticise the then-existing state of affairs, for which, in the opinion of PES, the centre-right was responsible, and to contrast it with the proposal of the socialist ‘family’. For example, the PES manifesto argued that the choice that European citizens had to make in June 2009 was a ‘choice between a progressive European Union where Member States work together in the interests of all the people of Europe, or a conservative European Union which leaves our future in the hands of the market’.<sup>16</sup> The Greens adopted a similar strategy, being even more combative by running the election under the motto ‘Stop Barroso’. Their manifesto contained a strong criticism of the ‘dominant neoliberal ideology in Europe’, and correspondingly of ‘the neoliberal majority in the European Parliament, the Council, and the European Commission’<sup>17</sup>

The EPP responded in its manifesto (adopted after the PES and the Greens’ manifestos were issued) that its positions were fundamentally different from those of both the socialists in Europe, who ‘see the financial and

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<sup>14</sup> See especially: S. Hix, *What's Wrong with the European Union, and How to Fix it*, London 2008.

<sup>15</sup> P. Cordery, interview with the author, Brussels, 12.01.2009.

<sup>16</sup> Party of European Socialists, *People First...*, op.cit.

<sup>17</sup> European Green Party, *A Green New Deal for Europe. Manifesto for the European election campaign 2009*, Brussels 2009, retrieved from [http://europeangreens.eu/fileadmin/logos/pdf/manifesto\\_EUROPEAN\\_GREENS.pdf](http://europeangreens.eu/fileadmin/logos/pdf/manifesto_EUROPEAN_GREENS.pdf) (last visited 28.06.2010.).

economic crisis as a chance to push their age-old agenda of nationalisation, protectionism and permanent deficit spending', and from the positions of 'market fundamentalists who believe that markets alone should rule the world'.<sup>18</sup>

The existing political reality deprived the PES leadership of any hopes that its combative campaign strategy at EU level might bear electoral fruits: although the PES manifesto, strongly critical of the conservative policies symbolised by José Manuel Barroso, was supported by all PES member parties, three PES-affiliated EU governments – Portugal, Spain, and Britain—openly supported Barroso even before the European Parliament election, casting doubt on the unity of the socialist family, at least as far as this matter was concerned. In the end the very disappointing election results of the socialists deprived them of any legitimacy to think about proposing the Commission Presidency.

This is where the Europarties are at the moment, after the 2009 elections. Their weaknesses, both from the external perspective (depending on the EU institutional environment) and internal perspective (concerning the internal politics within the Europarties and their national members), have been pointed out. They have made some effort to show their relevance to the voters and to the national political parties, but they are far from having convinced their member parties that they are important to them and that the overall advantages of strongly correlating their activities with those of their Europarty outweighs the costs. Are there any chances for better days ahead for them? What are their solutions to the above deficiencies, problems and failures? Before moving to these questions, let me first discuss in detail the two above-mentioned institutional innovations, starting with the nomination of a candidate for President of the European Commission.

### **3. The institutional and electoral innovations**

In order to provide a more direct link between the European Parliament election results and the nomination of the candidate for President of the European Commission, the drafters of the first, non-ratified, Treaty establishing a Constitution for Europe came up with the idea that the candidate should be selected from among the political family that, based on the election results,

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<sup>18</sup> European People's Party, *Strong for the People. EPP Election Document 2009 (adopted by the EPP Congress, Warsaw, 29–30 April 2009)*, retrieved from [http://www.32462857769.net/EPP/e-PressRelease/PDF/08-05-2009%20EN-ELECTION-DOC-FINAL\\_copy\\_2.pdf](http://www.32462857769.net/EPP/e-PressRelease/PDF/08-05-2009%20EN-ELECTION-DOC-FINAL_copy_2.pdf) (last visited 28.06.2010).



created the largest political group in the EP.<sup>19</sup> This concept was finally elaborated in Art. I–27 of the Treaty establishing a Constitution for Europe, and a few years later copied verbatim into the Treaty of Lisbon. Thus, Article 17(7) of the consolidated version of the Treaty on European Union (TEU) states 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 Declaration on Article 17(6) and 17(7) of TEU, which forms a constituent part of the Treaty, specifies that the European Council and the Parliament are ‘jointly responsible’ for the process leading to the nomination and election of the President of the European Commission. This declaration also defines the term ‘appropriate consultations’ contained in the first sentence of Article 17(7) TEU. These consultations should be held between the European Council and the European Parliament prior to the decision of the European Council nominating a candidate, and focus on the backgrounds of the candidates for President of the Commission. It is important to take note of the very interesting provision contained in Article 17(7) TEU specifying the solution in the event the Council’s proposed candidate does not obtain a majority of votes in the European Parliament. This, indeed, is a breakthrough, because the Member States in fact have agreed that the Parliament can reject the candidate, for example if there is a counter coalition against the official nominee. The consequences of this provision will be discussed later in this article.

Moving on to the question of creating a transnational constituency, it should be noted that this proposal has been in the air for more than fifteen years, being first mentioned officially in a 1997 EP report drafted by Georgios Anastasopoulos. In that report, the EP proposed the election of 10 per cent of MEPs from a transnational constituency, at that time envisaging the creation of such a constituency from 2009 onwards. However, not only is this a very

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<sup>19</sup> See: M. O’Neill, *The Struggle for the European Constitution: A Past and Future History*, London 2009, Chapter VI.

politically-sensitive issue, but also one requiring an amendment to Article 14 TEU and to the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage.<sup>20</sup> In other words, it requires unanimity among the Member States. This goes a long way towards explaining why for so many years no agreement has been reached concerning the introduction of this innovation. The most recent report on the matter, drafted by liberal MEP Andrew Duff and adopted on 1 February 2012 by the EP Constitutional Affairs Committee as a motion for an EP resolution, contains a number of proposals to make these elections more interesting. By way of motivation for the proposal, it notes in recital H that ‘popular recognition of Parliament’s democratic function remains limited, political parties at the European level are still in the early stages of development, electoral campaigning remains more national than European, and media reporting of Parliament’s proceedings is irregular’. One of the solutions is to elect ‘some MEPs on pan-European lists, considering that this would impart a genuine European dimension to the campaign, particularly by entrusting a central role to European political parties’.<sup>21</sup>

Toward this aim, the report proposes to elect 25 MEPs (roughly 3.2 per cent of the total EP composition) from the transnational constituency comprised of the entire territory of the EU. Each voter would be enabled to cast one vote for the transnational list in addition to their vote for the national or regional list. Pan-European lists would be composed of candidates drawn from at least one third of the Member States, and are expected to be gender-balanced. Seats would be allocated without a minimum threshold in accordance with the D’Hondt method.<sup>22</sup>

During the discussions concerning this report, two issues have created the most controversy. First, Euro-deputies cannot decide whether these 25 MEPs should be elected additionally or out of the total number of MEPs. This is of

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<sup>20</sup> Decision 76/787/ECSC, EEC, Euratom of the representatives of the Member States meeting in the Council relating to the Act concerning the election of the representatives of the Assembly by direct universal suffrage; OJ L 278, 8.10.1976, p. 1–4 as amended by Council Decision 93/81/Euratom, ECSC, EEC amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC, EEC, Euratom of 20 September 1976; OJ L 33, 9.2.1993, p. 15–15 and Council Decision 2002/772/EC, Euratom of 25 June 2002 and 23 September 2002 amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC, EEC, Euratom; OJ L 283, 21.10.2002, p. 1–4.

<sup>21</sup> A. Duff, *Second Report on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976 (2009/2134(INI))*, doc. ref. A7-0027/2012, recital V, available at: <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&mode=XML&reference=A7-2012-27&language=EN>

<sup>22</sup> *Ibidem*, Article 2.

course related to the very important and sensitive issue of distribution of seats among the Member States. Although the first version of the Duff report, adopted by the EP Constitutional Committee in April 2011, called for the election of an *additional 25* MEPs from the transnational constituency, the rapporteur himself tabled an amendment calling for the election of 25 MEPs *out of the total number* of MEPs.<sup>23</sup> However, since MEPs could not agree on this issue, the solution adopted in the second Duff report was to remain silent and leave the issue open to further negotiations among the Member States.<sup>24</sup>

Secondly, in the very first draft report adopted by the EP Constitutional Affairs committee on 5 November 2010, the proposal was to create ‘a preferential semi-open list system (whereby votes are allotted either to the party list or to individual candidates within a list); and seats were to be allocated in accordance with the Sainte-Laguë method’.<sup>25</sup> But in the version of the report adopted by the EP Constitutional Affairs Committee in April 2011 we find a call for the closed list proportional system and the D’Hondt method, without a minimum threshold. Such an amendment might be questionable from a number of viewpoints, but for sure it would strengthen the role of European political parties, who would have full control over who would be given winnable seats. Finally however, in the most recent, second Duff report of 1 February 2012, there is no reference to the list system, although the D’Hondt method without a minimum threshold has been maintained. The explanation for this change is similar to the one provided above: the MEPs could not agree on the issue, and the solution was to postpone the decision on the list system until negotiations with and between the Member States.

Having discussed both the current record of the Europarties in electoral arena, and having presented the main proposals designed to strengthen their institutional importance, we can now move to a discussion of the prospects for the 2014 elections, taking into account the practicalities related to these institutional innovations.

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<sup>23</sup> A. Duff, *Report on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976 (2009/2134(INI))*, doc. ref. PE 440.210v04-00, retrieved from <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&mode=XML&reference=A7-2011-0176&language=EN> (last visited 02.07.2011).

<sup>24</sup> Art. 2 of the *Second Report on a proposal...*, op.cit.

<sup>25</sup> A. Duff, *Draft report Proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976*, doc. ref. PE440.210v03-00, Brussels 2010, retrieved from <http://www.europarl.europa.eu/sides/getDoc.do?type=COMPARL&mode=XML&language=EN&reference=PE440.210> (last visited 01.07.2011).

## 4. The prospects for the 2014 elections

As of the moment of updating this paper (written in July 2011 and updated in March 2012), it seems almost certain that the transnational constituency will not be established by the time of the 2014 elections. Apart from the important fact that this report has encountered many problems on the road to its adoption by the European Parliament, it also requires a Treaty change, which means a long process of intergovernmental negotiations, which are quite unlikely to be completed in the time remaining. Secondly, until the date of the 2014 elections, and quite likely even a few months later, we will not see whether any Europarty will indeed come up with its own candidate for President of the European Commission. Nonetheless, even in the light of the above considerations the practical aspects of these two innovations remain relevant and should be discussed. Thus this part of the paper focuses on the pros and cons of these proposals directly for Europarties, and examines the difficulties they will need to overcome.

### 4.1. A partisan candidate for President of the European Commission?

At first glance, it would seem to be an ideal scenario for the major Europarties if they could each come up with their own candidate for President of the European Commission. Not only might the citizens become more interested and even engaged in their activities, more importantly Europarties would become highly relevant to their national member parties. However, the list of practical problems concerning the organization of this process is quite long. It is easy to identify at least four obstacles to processing the nomination of a candidate by Europarties:

1. *The two-hat syndrome.* It is much easier for an opposition than for the government party to agree to support a partisan, transnational candidate. History demonstrates that many party leaders, when they become Prime Ministers, forget about their affiliated links with their Europarty and begin thinking only through the lenses of the national interest. It is therefore quite likely that it will be much easier to come up with a candidate and – even more important – to support him until the election, for the Europarty which will be likely to win the elections and which at the same time will have the majority in the European Council. In practice, if the EPP continues to be represented by about 60 per cent of EU Prime Ministers and Heads of State, and if, say, a few months before the election it will be quite likely to win the EP elections as well, then this should ensure that they will indeed come up with a candidate prior to the polling day, as they did in 2009. This line of reasoning makes the situation of the PES rather pessimistic. While it might come up with a candidate, it is not clear

whether all, and particularly the governing socialist parties, will support him or her in the intergovernmental negotiations. The most difficult to convince will be the British and Spanish PES Member Parties, which do not seem to be very happy with the idea of politicising the European Commission.

2. *The national unity syndrome.* Can you imagine an opposition party voting against the nomination of his or her fellow country citizen from the governing party running for President of the European Commission, or vice versa? While everything is possible, in many EU member states EU affairs are perceived of as a matter of national interest and unity, rather than a field for partisan conflict. Hence usually when a candidate from one Member State has a chance to be elected into a top EU position, all political parties from that state will support him or her, willingly or not. And while it would be less problematic if, for example, the Luxembourg Socialist Workers' Party defected from the PES candidate and instead supported the EPP one, in the case of the largest five EU member states such an eventuality could undermine the whole process.
3. *The former Prime Minister syndrome.* For both PES and especially for the EPP, it is expected that a candidate for the job of President of the European Commission should be one of the current or former EU Prime Ministers. However, can you imagine a current Prime Minister who decides to run for the nomination of a Europarty and risks putting him or herself at risk of a possible failure to obtain the nomination? Would any such candidate agree to be scrutinised by some non-elected representatives of Europarties? What successful politician would decide to run for the nomination without being certain that his or her political party will win the elections and will have the right to propose a candidate to the European Council? Once again, the political family likely to form the largest political group in the EP after the election is in a much more comfortable position to run an effective nomination process.
4. *The democratic and transparent mode of selection.* How should the nomination process itself be organised? Should it be a primary modelled on the US system, or one taking place in a closed room? How should the programme of the candidate be decided upon? Should it be formulated by the party leaders of a Europarty congress? These are very difficult questions which divide political parties not so much across an ideological, but rather a national, spectrum. Hence they are common to all Europarties. Above all, the key problem has to do with the typically consensual mode of work of most Europarties, which would be very difficult to apply if there were more than one candidate running for the nomination. On the other hand, such internal competition between, for example, two candi-

dates supported by two internal camps, may leave scars on the fragile unity inherent in Europarties. And since they do not have any means to discipline their members, this factor makes it more likely that some national parties may not stand by a finally selected nominee, and instead support one from another political family. On the other hand, unless there is a debate about the candidate within the national member parties, and unless the process itself is transparent, then the 'ownership' of the candidate and the whole issue of his or her nomination will be decided in non-transparent, closed Brussels' circles.

Given the above analysis, and taking into account insiders' views from both the EPP and the PES, it seems quite paradoxical that the party which is in the best position to actually run an effective nomination process (EPP) does not seem to be interested in the issue, whereas the one that has the theoretically more difficult ground (PES) has planned a very thorough and far-reaching process for selection of their candidate. We will need to wait until late 2013 to see in which direction their activities will develop.

#### **4.2. Campaigning in a trans-national constituency**

There are two main trends noted in the contemporary literature on political campaigning which shed interesting light on the possibilities of transnational campaigning in the EU.<sup>26</sup> On the one hand, there is a growing body of literature that argues that campaign practices have converged across countries. This is due in large part to the growing use of modern communication technologies, but also concerns the diminished role of party members and the heightened role of professional campaigners. In other words, parties no longer rely on members for their campaigns, but instead increasingly use external consulting and the advice of professional campaigners. Running an election campaign and winning an election should be, more or less, about the same in all democratic systems. If in fact this is the case, this would be a good sign for Europarties for two reasons. First, almost none of them (except for a quasi-membership of PES activists) have a grass-roots membership, and hence cannot rely on a core group of active voters to support them. Second, if the cross-national variety of campaign practices is low, it makes the transnational campaigning easier.

However, the second trend noted in the literature argues the opposite. The 2009 European Parliamentary election indicated that, far from waning, the cross-national variety determines current campaign practices to a large

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<sup>26</sup> See generally: D.M. Farrell, P. Webb, *Political Parties as Campaign Organizations* in: *Parties without partisan: political change in advanced industrial democracies*, ed. R.J. Dalton, M.P. Wattenberg, Oxford 2002, p. 129–153; *Political Marketing: A Comparative Perspective*, ed. D.G. Lilleker, J. Lees-Marshment, Manchester 2005.

extent.<sup>27</sup> Across European democracies, we observe a large number of persistent differences, both of a legal, political and cultural nature, which stand in the way of convergence and trans-nationalisation. These national differences may concern restrictions on political campaigning (for example, with regard to the use of paid advertisements), restrictions on party financing (with regard to the acceptable donations), and last but not least, be rooted in a political culture (whether, for example, a national political culture favours door-to-door campaigning or not). If this is the case, it makes the future prospects for transnational campaigning difficult.

Elsewhere I described two possible scenarios for Europarties in the event transnational constituencies are ever introduced.<sup>28</sup> The first is more radical: Europarties will become relatively independent campaign players. The Euro-manifesto will be still adopted commonly by the national member parties, but the campaign strategy and its realisation with regard to the transnational constituency will be carried out by Europarties, with only a little help from their national counterparts. This would result in a greater focus on the so-called EU issues, and room for direct competition with other Europarties. At the same time, the national parties would continue to hold their own campaigns for the national EP seats, although in this case they would need to highlight their transnational affiliation in a more apparent manner. The effect would be what Andeweg has called a split-level party system, in which the national party system and a European one will co-exist, with two different, although connected, sets of parties.<sup>29</sup> However, apart from obvious political obstacles, such a change would require a massive increase of subsidies allocated to Europarties. Suffice to say that the EPP's budget for 2011 amounts to slightly more than 7 million euros and PES's to 4.7 million euros, out of which the biggest share is spent on day-to-day party functioning. Certainly this will be not enough to run a campaign in even in a few Member States, let alone the whole EU. This scenario assumes that the national differences in political campaigning do not stand in the way of organising a unified pan-European campaign for the transnational seats.

In the second scenario, there will be a decentralised campaign for the seats in the transnational constituency, run by the national member parties in each Member State. This would mean that even if there are some common themes and slogans, each national campaign will bear a national flavour, adapted to the specific national political context. Most importantly, in this scenario

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<sup>27</sup> W. Gagatek, *Campaigning in the European Parliament Elections* in: *The 2009 Elections to the European Parliament – country reports*, op.cit, p. 13–19.

<sup>28</sup> L. Bardi *et al.*, op.cit, Chapter III.

<sup>29</sup> R. Andeweg, *The reshaping of national party systems*, “West European Politics” Vol. 18(3)/1995, p. 58–78.

a greater effort would be required from the national, rather than European, parties. The latter could, for example, prepare a list of themes, options and tools; in other words continue to be a service provider to the national member parties, who for their part will have to choose a few of these services and use them in their national campaigns for the transnational seats. This scenario is more suited to a conclusion that the EU member states are not yet ready for a unified political campaign for the transnational seats.

There is of course a possibility that there will be other scenarios or some divergences in the two outlined above. However, both of them are based on an assumption that, indeed, there is a willingness at least on the part of the Europarties to go in the direction of the transnational lists. This, however, cannot be assumed, for at least two reasons. First, even the leadership of very pro-European parties, such as PES, do not seem to believe that the transnational seats are a priority. Rather, they believe that the key lies in the personalisation of the nomination for President of the European Commission.<sup>30</sup> Indeed, a survey of MEPs carried out by the European Parliament Research Group Survey reveals that almost half (47.1 per cent) of MEPs surveyed in 2005 were opposed to the establishment of the transnational constituency, with all Danish and Estonian MEPs being against, together with a large majority of Polish (94 per cent) and British (87 per cent) naysayers.<sup>31</sup> On the other hand, 58 per cent of MEPs surveyed in 2010 agree or strongly agree that the President of the European Commission should be elected by the EP, rather than nominated by the national governments, whereas 29 per cent neither agree nor disagree (based on the replies of 172 respondents). This data indicates that the two institutional innovations discussed in this paper are not equally supported by the MEPs.

It seems, furthermore, that it is a mistake to assume that the creation of a pan-European constituency would make the road toward stronger Europarties easier. It may well be quite the contrary. While space considerations do not allow for an elaborate analysis, as a way of summary it can be noted that the creation of a pan-European constituency may in fact elevate the expectations of the role of Europarties to a level which many of them will simply not be capable of dealing with. The number of challenges that they would face is likely to surmount their capabilities as organizations, and also open up a Pandora's box of problems that so far have been hidden from the limelight. On the other hand, these reforms would be an important step to create a common structure of competition and lay the foundations for a future EU party system,

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<sup>30</sup> Personal communication to the author, Brussels, June 2010.

<sup>31</sup> D.M. Farrell, S. Hix and R. Scully, *EPRG MEP Survey Dataset: 2011 Release*, retrieved from <http://www2.lse.ac.uk/government/research/resgroups/EPRG/MEPsurveyData.aspx> (last visited 26.07.2011.).



in which Europarties will compete for a democratically accountable European executive and transnational seats. While this is a very distant prospect, it does not mean we should cross out the possibility of an indirect route towards competition at the European level, by which for example the major Europarties nominate a candidate for President of the European Commission prior to the EP elections.

## Conclusions

This paper started from a review of the factors that make the development of Europarties very difficult. However, there are two other groups of factors which further complicate their prospects. One is the trend, visible already for a number of years, in which parties lose both their members and their support among the citizens.<sup>32</sup> Another is the political and institutional crisis which struck the EU as a result of the immigration flows in 2011 and the risk of bankruptcy of some eurozone Member States. Overall, the concepts of both ‘party’ and ‘Europe’ are in defensive positions. And if the political crisis in the EU becomes even more acute, the chances for a greater role for Europarties will likely diminish.

Nevertheless, there is a chance that in 2014 we will witness for the first time at least a limited competition between the candidates of the two main Europarties for President of the European Commission. It all seems to depend whether PES will manage to unite around a single candidate. If they do, the EPP will be under pressure to choose its own candidate as well. The controversies and challenges that concern this development have been discussed in this article, together with the development of a list the important questions that must be answered. How such candidates will indeed ‘campaign’ is an even more complex problem, due to the divergence of national traditions of campaigning and different national expectations of whether Europe needs a partisan candidate, and if so, how he or she should campaign for the job.

It is a common misconception both among the experts and political elites to assume that the key to the development of Europarties is that they become independent, sovereign, or in some other way disconnected from their national member parties. In reality even the Europarties themselves do not see such a development as appropriate and useful. Hence we can expect that if any electoral role for the Europarties is ever to be developed, it will still involve to

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<sup>32</sup> I. Van Biezen, P. Mair and T. Poguntke, *Going, going, ...gone? The decline of party membership in contemporary Europe*, “European Journal of Political Research” No. 51(1)/2012, p.24–56.

a large extent the engagement of the national member parties. Europarties can certainly gain greater visibility in 2014, but this development does not depend only on them, e.g. how effectively they develop their communication tools, but also and maybe even mostly on the national political parties, especially with regard to the extent to which they will emphasise their transnational links. This observation highlights the limitations to the Europarties' capabilities to carry out independent political campaigns, and it indicates the boundaries of their campaign involvement. If nothing changes in this respect, there will be no new playing field for the Europarties, despite the changes introduced by the Treaty of Lisbon.