



# **The European Union and the Choice of the President of the Commission**

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**Abstract:** Despite the ‘*Spitzenkandidaten* procedure’ was adopted in 2014, in 2019 the European Council broke with this method returning to a more intergovernmental process in the choice of the President of the European Commission. Many authors believe that the ‘*Spitzenkandidaten* method’ was fundamental to assure the legitimacy of the supranational institutions. However, this paper argues that this outcome is not surprising, as it results from the balance between the supranational and national institutions that coexist in the EU. To explain the argument this paper ask the following research questions: (1) What are the differences between 2014 and 2019 that may explain this evolution? (2) What does this process tells us about the political nature, the prospects of evolution, and the concepts of legitimacy and democracy of the European Union? The paper will unfold as following: in the first section it analysis the theoretical elements that explain the likelihood of change. The next three sections it will look at the empirical elements – independent variables – that changed the balance of power of the European political parties and towards member-states leading to this outcome. Those elements are (1) new perspectives of powerful political leaders; (2) new institutional balances within the European institutions; and (3) the new distribution of power in the European Parliament.

**Keywords:** Spitzenkandidaten, European elections, President of the European Commission, intergovernmentalism, institutional balance.

**Resumo:** Apesar de em 2014 ter sido seguido o “método de *Spitzenkandidaten*”, em 2019 o Conselho Europeu rompeu com esse procedimento regressando a um processo mais intergovernamental na escolha do Presidente da Comissão Europeia. Muitos autores acreditam que o ‘método de *Spitzenkandidaten*’ é fundamental para garantir a legitimidade das instituições supranacionais. No entanto, este artigo argumenta que esse resultado não é surpreendente, pois resulta do equilíbrio entre as instituições supranacionais e nacionais que coexistem na UE. Para explicar o argumento, este artigo faz as seguintes perguntas de pesquisa: (1) Quais são as diferenças entre 2014 e 2019 que podem explicar essa evolução? (2) O que este processo nos diz sobre a natureza política, as perspectivas de evolução e os conceitos de legitimidade e democracia da União Europeia? O artigo está apresentado da seguinte forma: na primeira seção analisa os elementos teóricos que explicam a probabilidade de mudança. As três seções seguintes abordam os elementos empíricos - variáveis independentes - que mudaram o equilíbrio de poder dos partidos políticos europeus e dos Estados-membros, que levaram a essa alteração. Esses elementos são (1) novas perspectivas de líderes políticos poderosos; (2) novos equilíbrios institucionais nas instituições europeias; e (3) a nova distribuição de poderes no Parlamento Europeu.

**Palavras-chave:** *Spitzenkandidaten*, eleições europeias, Presidente da Comissão Europeia, intergovernamentalismo, equilíbrio institucional.

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## Introduction

The process of choosing the President of the European Commission was quite different in 2014 and 2019. The procedure of the *Spitzenkandidaten*<sup>2</sup> took place for the first time in 2014. However, in the following electoral cycle, the European Council dropped the new method returning to the intergovernmental process of decision making. Ursula von der Leyen was not the candidate previously appointed by the European political family with more votes, or any other family, for the matter.

This development may have surprised many, especially those who believed in the importance of a closer connection between the choice of the President of the Commission and the election for the European Parliament as a way of reinforcing democracy and legitimacy of the European Union (Bellamy, 2010; Hix, 2008,2015; Hix and Høyland, 2011; Maduro, 2012; Thomassen, 2009), or, putting it differently a way of reducing the so-called ‘democratic deficit’ of the European institutions (Føllesdal and Hix, 2006; Weiler et al., 1995).

However, as suggested previously, before the European Parliament 2019 elections, the success of the *Spitzenkandidaten* method in 2014 was mostly due to elements such interests and balance of power among the institutions of the European Union and not a substantive change in the nature of elections (Sampaio 2018, 2019). Essentially, the aggregated numbers had similar patterns with the former elections: low electoral participation, loss of votes in the incumbent parties and in the mainstream parties, larger percentage of votes in the less representative parties at the national level. This means that, despite the introduction of the *Spitzenkandidaten* method in order to enhance participation, the results were poor, and the electoral results did not deviate from the standard interpretation. The European Parliament elections are overall second order elections (Christiansen, 2016; Hobolt, 2014; Reif and Schmitt, 1980; Schmitt et al, 2015).

The voters do not vote to elect the President of the European Commission. The post-electoral surveys show that at the level of the individual electoral behavior, the impact of the candidates was quite reduced. Only 5 per cent of the respondents said that the choice of the President of the Commission influenced their vote (they could point out three reasons). Therefore, the element “President of the Commission” is among the less

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<sup>2</sup> German term meaning ‘lead candidates’ that became generally used to designate candidates presented by European political parties for the position of President of the Commission in elections to the European Parliament of 2014.

important very far away from the more significant ones, even if the respondents were able to choose three different reasons (Eurobarometer 2014). As a matter of fact, it is not a surprising conclusion due to the lack of interest among the population. Despite the highlights on the media regarding «the world premier of the debate among the candidates to the presidency of the European Commission», the audiences were low, even compared with the national candidates' debates<sup>3</sup>.

Therefore, the innovation of presenting the so-called 'lead candidates' did not lead to an increase of electoral participation. On the contrary the participation rate decreased slightly compared to 2009<sup>4</sup>. There was a wider politicization of the 2014 election. But the reasons were, on the one hand, matters related with the economic and financial crisis and the rising power of the European Union in those issues (Magalhães, 2016). On the other hand, were the increase of importance of Eurosceptic or anti-system political parties (Hobolt and de Vries, 2016). Several studies tried to analyze the causes of this politicization. And most of them concluded that the introduction of the *Spitzenkandidaten*, attempting to increase the electors' interest, did not create differences in electoral behavior, or in the nature of the elections.

The question underneath is that the national space continues to be the political spaces of reference. Even though the decision-making center lays increasingly in the European Union, the political system is quite different than the political systems of each Member-State. To begin with, the population does not vote in European political parties, and there is no European public space to allow a sufficient relationship between the voters and the parties, a necessary condition to structure the party system.

However, at the institutional level, the innovation of 2014 had great influence in the choice of the President of the Commission. Therefore, the more appropriate approach to explain this question, the change operated between the 2014 and the 2019 elections, is the new institutionalism coupled with the theory of institutional rational choice (Pollack, 2007, 2009; Tsebelis, 2002; Tsebelis and Garrett, 2001).

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<sup>3</sup> In Portugal, the debate organized by Eurovision, and broadcasted by the specialized public channel RTP Informação. Only 6800 people watched (Sampaio, 2018:220). In Germany, for instance, in the national elections of 2013, 17.7 million attended the debate among candidates while only 160.000 (less than 1 per cent) watched the debate for the European elections of 2014. (Maier et al., 2017).

<sup>4</sup> 42,60% of electoral participation in 2014 and 43,00% in 2009, in line with the evolution of decreasing of participation since the first elections in 1979 (61,99%). However, it is important to note that the number of member-states increased significantly, and the participation rate is variable according to Member-States. But this does not change the lack of attention for the *Spitzenkandidaten* (Sampaio, 2018:236-239).

## A matter of balance of institutional powers

Who gets to choose the President of the European Commission? According to the Treaty of the European Union:

*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.<sup>5</sup> (emphases added)*

There is no reference whatsoever in this excerpt – or in any other part of the treaties – to the presentation of pan-European lead candidates for president of the European Commission. However, the passage and the fundamental documents of the EU are sufficiently opened in this matter not to be violated both by the process of choice of Jean-Claude Juncker in 2014 and Ursula von der Leyen in 2019. What seems to be unopen to interpretation is that the power belongs to the European Council and the European Parliament. This requires coordination between the two institutions and, if that coordination does not work, it could lead to the blocking of decision making.

The ‘momentum’ of the *Spitzenkandidaten* in 2014, was mainly due to the European Parliament reiterated and persistent practice of extending its powers, using every institutional opportunity to consolidate informal practices into substantive powers (Moury, 2016; Reiding and Meijer, 2018). Their natural accomplices were the political parties equally interested in present ‘lead candidats’ and even the European Commission that recognized an opportunity to increase its legitimacy and increase the power of its President<sup>6</sup>.

Despite the fact the European Council detained the formal monopoly of presenting a name to the European Parliament, in 2014, the political atmosphere was not favorable to counter the *Spitzenkandidaten* procedure. Several analyzes suggest that it would be very difficult for the leaders of the European Council to derail a method that many of them had already pledged in their European political parties and that had already been

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<sup>5</sup> Consolidated version of the Treaty on European Union, Article 17, n.7.

<sup>6</sup> As the former President of the European Commission, José Manuel Barroso, told in an interview to the author of this article, the *Spitzenkandidaten* procedure was a way to answer the vocal and permanent criticism of the Eurosceptics to the ‘unelected bureaucrats’, while reinforcing the authority of the President in a College of Commissaires with 28 members (Sampaio, 2018: 351-363).

announced publicly (Dinan, 2015; Sampaio, 2018)<sup>7</sup>. Conversely, both the political parties and the European Parliament were uncompromising in their position. In the end, the presentation of candidates by the political parties was crucial both in the European Parliament position and within the leaders of the European Council (Braun and Popa, 2018)<sup>8</sup>. The majority of the leaders of the European Council did not want to contribute to for a stalemate situation where the European Parliament would vote against the appointed name. And they did not want to be perceived as approving something that was not what was promised to the voters<sup>9</sup>. As a consequence, the process of 2014 transferred greater power to the Parliament, in what the European Commission pointed as a quest for protagonist of the parliamentary institution.

Considering what happened in 2014, it was natural that both the political parties and the European Parliament were motivated to repeat the process of choice of the ‘lead candidat’ again in 2019. It is, however, important to take into account that the process was never formalized. In the meeting where Jean-Claude Jucker was approved in 2014, the European Council established that it would analyze the method of nomination of the President as soon as ‘the new European Commission was effectively constituted’<sup>10</sup>. That analysis never took place. As such, the method used in 2014 was neither consolidated nor formally rejected by the European Council. If on the one hand it would be natural that the European Parliament, the European parties and the European Commission would make everything on their reach to avoid what would be considered a step back, on the other hand, the European Council was not formally attached to the process.

Three months before the election, the European Parliament approved a resolution where it defended forcefully the method of the *Spitzenkandidaten*, affirming that any name advanced by the European Council who had not previously run for elections would

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<sup>7</sup> In an interview with one vice-president of the EPP the author of this article learned the way as this structure and the previous meetings to the European Council contributed to the final position of the leaders, especially Angela Merkel’s position. In an op-cit interview with José Manuel Barroso, the former President of the Commission underlined the pressure the German media made for the institution to follow the method already announced to the voters. This was also an important element for the final decision of the German Chancellor.

<sup>8</sup> Simultaneously different and telling of the weakness of the *Spitzenkandidaten* procedure is the position of national political parties (those who truly run for election). For instance, Braun and Popa observe that, despite the fact that the European political parties’ commitment in the presentation of the lead candidates, most of the national parties did not pay much attention to the *Spitzenkandidaten* in their electoral programmes (Braun and Popa, 2018).

<sup>9</sup> Note that in a opposite position from Angela Merkel and other leaders, David Cameron did neither support any candidate nor belonged to any political party that has done so.

<sup>10</sup> European Council Conclusions, 26th and 27th July 2014 (Available at: [www.consilium.europa.eu](http://www.consilium.europa.eu).)

not be elected by the European Parliament<sup>11</sup>. The Commission also urged the European parties to present their candidates in a timely manner. In the preparation of the European Council of February 23rd, 2018, the Commission made a set of proposals for the elections, including the repetition of the experience 2014 of the *Spitzenkandidaten*<sup>12</sup>. Following this logic, the major European parties presented their candidates several months before the elections<sup>13</sup>. However, the European Council declared it was not bind to this process, declaring there was no automatism connecting the election results with the choice of the Commission President. Furthermore, it was not willing to abdicate of its power of nominating the future President<sup>14</sup>.

In this context, after the elections the two institutions with power to decide in the issue had very different positions. if in 2014, the interest of the Council failed to prevail, the story was quite different in 2019. In the end, the elected was Ursula von der Leyen, nominated by the European Council and elected by the European Parliament, despite not having been a *Spitzenkandidat*.

This begs the question: What changed for this to happen? Once more, the answer lays in the institutional balances. Even if, paradoxically, for the first time since 1979, there was an increase in ballot turnout in most of the Member-States<sup>15</sup>.

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<sup>11</sup> 10 «(...) 4. Warns that the European Parliament will be ready to reject any candidate in the investiture procedure of the President of the Commission who was not appointed as a ‘Spitzenkandidat’ in the run-up to the European elections». European Parliament decision of 7 February 2018 on the revision of the Framework Agreement on relations between the European Parliament and the European Commission (2017/2233(ACI)) ([https://www.europarl.europa.eu/doceo/document/TA-8-2018-0030\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0030_EN.html) ).

<sup>12</sup> 11 “A Europe that delivers: Commission presents ideas for a more efficient European Union”. [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_18\\_743](https://ec.europa.eu/commission/presscorner/detail/en/IP_18_743)

<sup>13</sup> 12EPP - Manfred Weber (CSU, Germany), chair of the EPP group in the European Parliament; PES -Frans Timmermans (PvdA, Netherlands), Commission’s First Vice-President; AECD- Jan Zahradil (Civic Democratic Party, Czech Republic) MEP; ALDE announced that, instead of nominating one lead candidate, it would designate a ‘team of liberal leaders’ for the campaign: European Green Party - Ska Keller (Bündnis 90/Die Grünen, Germany) and Bas Eickhout (GroenLinks, Netherlands). European Left Party - Violeta Tomič (Levica, Slovenia) and Nico Cue, (former Secretary-General of the Belgian Metalworker’s Union).

[www.europarl.europa.eu/RegData/etudes/BRIE/2018/630264/EPRS\\_BRI\(2018\)630264\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/630264/EPRS_BRI(2018)630264_EN.pdf)

<sup>14</sup> «There is no automaticity in this process. The Treaty is very clear that it is the autonomous competence of the European Council to nominate the candidate, while taking into account the European elections, and having held appropriate consultations», Declaration of Donald Tusk, President of the European Council in the end of the informal meeting of February 23rd, 2018. (Available at <https://www.consilium.europa.eu/en/meetings/european-council/2018/02/23/>).

<sup>15</sup> From 42,61% in 2014 to 50.66% in 2019, an increase of 8,05%. Data available at <https://www.europarl.europa.eu/election-results-2019/en/turnout/>

## **New perspectives of powerful political leaders**

One of the elements that contributed for the new model in 2014 was the position of some political personalities, starting with the *Spitzenkandidaten* presented by the main parties<sup>16</sup>. Jean-Claude Juncker, someone very-well known in the European political environment, took advantage of this opportunity, in particular in what concerns the miked-mindedness of the European Parliament. But the defeated candidate also played a significant role in the choice of his opponent. Martin Schultz was one of the more vocal advocates of the *Spitzenkandidaten* procedure and the first to formalize his candidacy (Reiding and Meijer, 2018). In the end, the fact that he kept his position as President of the European Parliament made the negotiations to assure the majority vote in Juncker much easier (Sampaio, 2018)<sup>17</sup>. Guy Verhofstadt was also an asset in this process. A well-known federalist, ALDE's leader would defend the essence of this new method until the election took place (something that would change dramatically in 2019, as we will see further on). The *Spitzenkandidaten* of 2019 would not have the same sort of magnetism.

Someone who also had great importance in the 2014 process was the British Prime-Minister, David Cameron. He was a forceful opponent to the *Spitzenkandidaten* method in general, and to the election of Jean-Claude Juncker in particular. But his efforts towards his colleagues at the European Council were unsuccessful<sup>18</sup>. And, paradoxically, they seem to have been counterproductive, working as the 'glue' among the leaders – including Angela Merkel – who did not want to be seen as Eurosceptic or betraying their promise to the voters, therefore, supporting *Spitzenkandidaten* procedure. Finally, Cameron forced a vote in the President of the Commission that ended up being the first where the choice was not unanimous. But the votes against Juncker came only from the United Kingdom and Viktor Orbán's Hungary.

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<sup>16</sup> EPP Jean-Claude Juncker; PES Martin Schulz; ALDE Guy Verhofstadt; European Green Party José Bové and Ska Keller; European Left Party Alexis Tsipras.

<sup>17</sup> The defeated candidate in 2019, Franz Timmermans, did not support his opponent Manfred Weber in any moment.

<sup>18</sup> In declarations right before the first meeting of the Heads of State and Government after the elections on May 27th, 2014 in Brussels, the Prime-Minister of the British Government, David Cameron, stated: "we need an approach that recognizes that the institutions in Brussels became too big and too bossy. It is up to the Member-States to decided whenever is possible, and the EU to make decision only when necessary. The next President of the Commission must accept this fact», 27th May 2014" <https://www.bbc.com/news/uk-politics-27583545>



One of the changes that had an important influence in the transformation of the process in 2019 was the position of the President of France. Emmanuel Macron's arrival to politics not only impacted the French political system, but also influence the correlation of power in the Parliament and the European Council, namely in what concerns the *Spitzenkandidaten*. His repeated opposition to the selection through this method contributed to reinforce the European Council position of wanting to preserve its power of autonomy to nominate the President of the Commission. His reiterated opposition to the choice of the President of the Commission through this method contributed both to reinforce the position if the European Council in what concerned preserving its power of indicating someone with no conditions and the admission of Macron's party in the European Parliament and the alliance it established with ALDE was determinant for ending the necessary majority at the European Parliament to impose the *Spitzenkandidaten* to the European Council.

Macron explored with success the lack of enthusiasm and consensus in the European Council around the mane of Manfred Weber. His partnership with the Liberals and Democrats helped to reach the stated goal of not repeating the 2014 method. ALDE and its leader, Guy Verhofstadt, changed their position from 2014 to 2019. The decision was justified with the disappointment regarding the non-approval of transnational lists. But strategically they were also seeking the possibility of presenting a solution that could lead to general compromise.

### **New institutional balances within the European institutions**

It is true that the President of France is a very important political actor in the framework of European decision-making, and Macron was eager to take advantage of his position of prestige at the European landscape. But it is also fair to say that he found a particularly good moment to reach his goals. In fact, the institutional balances between those who defended and opposed the *Spitzenkandidaten* method changed between 2014 and 2019. First, the European Council. If in 2014 the President of the Commission was not chosen by the European Council by consensus, in 2019 the Heads of State and Government had, as a whole, a much less favorable view of the *Spitzenkandidaten* (including, as already suggested the President of France). The composition of the European Council was much more diverse in 2019, as the EPP and the PES were not able

to get the absolute majority of the 28 Heads of State and Government; the contingent of the parties aligned with the Liberal Democrat family overcome the European Socialists and it had almost as many leaders as the EPP.

In the end, the European Council knew his strength to make its position count over the European Parliament was much greater this turn. However, it resulted in a sort of compromise. Ursula von der Leyen was a Council choice but two of the executive vice-presidencies were attributed to Franz Timmermans and Margrethe Vestager – two of the former *Spitzenkandidaten*. This compromise satisfied the larger political families of the European Parliament and was also a way of making a small compromise over the *Spitzenkandidaten*<sup>19</sup>. But, as some analysts have noted, this change of affairs can also be regarded as an interference of the European Council over the power of the President of the Commission in choosing the European Commissionaires<sup>20</sup>.

### **The new distribution of power in the European Parliament**

According to the Treaty, the President of the European Commission is chosen by the European Parliament, that approved a resolution stating it would not accept nominations of candidates that had not been previously presented as *Spitzenkandidaten*. However, the composition of the European Parliament also changed dramatically in 2019 in a way that the majority that used to support the *Spitzenkandidaten* was defeated. If in 2014 the EPP was not able to get the majority of the seats, in 2019 the sum of the seats of the EPP and the S&D was not enough to get half of the hemicycle.

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<sup>19</sup> Vestager was part of the seven names of ‘Team Europe’ da ALDE, debating with the ‘designated Spitzenkandidaten’ during the campaign, getting in a position of a possible compromise solution.

<sup>20</sup> In a conference at Instituto de Estudos Políticos da Universidade Católica Portuguesa, in May 28th, 2021, the former President of the European Commission, José Manuel Barroso, and MEP and vice-president of the EPP Paulo Rangel underlined this point.

**Political groups in the European Parliament, Constitutive sessions in 1/7/2014 and 2/7/2019, except for ENF (2015)**

Political Groups	2014		2019			
EPP <sup>21</sup>	29,43%	221	24,23%	182	<b>-5,20%</b>	<b>-39</b>
S&D <sup>22</sup>	25,43%	191	20,51%	154	<b>-4,92%</b>	<b>-37</b>
ALDE (2014) / Renew Europe (2019) <sup>23</sup>	8,92%	67	14,38%	108	<b>+5,46%</b>	<b>+41</b>
Greens/EFA <sup>24</sup>	6,66%	50	9,85%	74	<b>+3,19%</b>	<b>+24</b>
ENF (2015) / ID (2019) <sup>25</sup>	4,93%	37	9,72%	73	<b>+4,79%</b>	<b>+36</b>
ECR <sup>26</sup>	9,32 %	70	8,26%	62	<b>-1,06%</b>	<b>-8</b>
GUE/NGL <sup>27</sup>	6,92%	52	5,46%	41	-1,46%	-11
EFDD (2014) <sup>28</sup> / not registered (2019)	6,39%	48	(5,59%)	(42)	<b>(-0,8%)</b>	<b>-6</b>

While in 2014 the sum of the two larger political groups was of 411 seats in 751 MEPs (54, 86 per cent), in 2019, only 336 seats (44,74 per cent) were attributed to those groups. Conversely, the Liberal-Democrats, now empowered by Macron's party

<sup>21</sup> Group of the European People's Party (Christian Democrats): following a well-known conflict, on 3/3/2021 the Hungarian party of Viktor Orban announced the withdrawal from the EPP, representing a reduction of 13 MEPs.

<sup>22</sup> Group of the Progressive Alliance of Socialists and Democrats in the European Parliament: Lost 10 seats after the departure of the Labour Party.

<sup>23</sup> Renew Europe group: was created in 2019 as a result of the agreement between the ALDE and the REM by Emmanuel Macron, which contributed with 21 seats. With the leaving of the British Liberal Democrats, it lost 17 seats.

<sup>24</sup> Group of the Greens/European Free Alliance: lost 11 seats with the leaving of the UK Green Party.

<sup>25</sup> Europe of Nations and Freedom/ Identity and Democracy: in 2015, the Europe of Nations and Freedom was formed, under the leadership of Marine Le Pen. In addition to the National Front, included parties such as the Dutch Party for Freedom and the Northern League. In 2019, it was renamed Identity and Democracy.

<sup>26</sup> European Conservatives and Reformists Group: with the departure of Conservative Party, it lost 4 places.

<sup>27</sup> Confederation Group of the European United Left - Nordic Green Left

<sup>28</sup> Europe of Freedom and Direct Democracy Group: this group was led by Nigel Farage of the UKIP and another important member was the Five Star Movement. With the departure of the United Kingdom from the EU and of the new Brexit Party of Nigel Farage, the parties that constituted this political group did not register again as such.

recovered their traditional third place with 108 seats (14,38 percent) becoming essential for the pro-European political families to form a majority necessary to elect the President of the European Commission. As such, due to a more fragmented European Parliament, with the two major parties weakened, the power and political will to impose the *Spitzenkandidaten* vanished.

### **The choice of the President of the Commission and perspectives on democracy and legitimacy of the EU**

The analysis of these two processes leads us to privilege the importance of the institutional perspective in the process of choice of the President of the Commission in comparing to the very little relevance of aspects regarding the electoral behavior.

The sequence of the process that in 2014 attributed more powers to the European Parliament did not evolve into a «new parliamentarism» that would entitle the EP to have a greater say in the course and decision-making of the European Union. As Andrew Moravcsik (1998, 2018), who theorized liberal intergovernmentalism, and other observers note, even in times of crisis, intergovernmentalism has been preponderant. The nuances of the different types of intergovernmentalism and the ways the supranational institutions relate to one another are still under theoretical debate, however very few observers reject the idea that the intergovernmental method of decision making is becoming more and more relevant (Seemts and Zaun, 2021).

As such, some authors argue that the fact that 2019 did not repeat the *Spitzenkandidaten* formula should not be regarded as failure of the EU democracy, but as a pragmatic consequence of the disputes and balances of power of the European institutions (Wierzchowska, 2021).

However, the analysis of these matters and their developments, arises the question if the application of democratic national instruments to the European Union is the more accurate path. The European Union is still a union of democracies and not a federal or supranational democracy. There is no change in the nature of the elections or the Union in the sequence of the change in the process of choice. And there is no reason to believe that something of that sort will happen in the coming years<sup>29</sup>.

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<sup>29</sup> An article published recently with data from eight European countries (panel election study conducted for the RECONNECT project in Austria, Denmark, France, Germany, Hungary, Italy, Poland, and Spain) recommends caution regarding the idea of European election per se can raise satisfaction on democracy in

In descriptive terms, the European Union is not a democracy as the national political systems are. And it should not be either in what concerns prescription. The so-called ‘democratic deficit’ of the European Union can not be solved without paying attention to the diversity of the Member-States and their voters as well as to its intergovernmental level. Therefore, besides the legitimacy of the national governments and of the European Parliament, it is necessary to put together a number of aspects related to results (output legitimacy), processes transparency (throughput legitimacy), the creation of new mechanisms and the reinforcing of the existing ones that allow both a wider participation at the national level, namely of the national parliaments, and the development of a political culture of flexibility, including differentiated forms of integration in certain areas, and a policy of consensus in constitutional matters in order to accommodate the interest of the minorities and the majorities.

## **Conclusions**

From the point of view of the electoral behavior and the nature of elections, *Sptizenkandidaten* method was not able to prevail as a democratization mechanism, capable of reinforcing the EU legitimacy without being contested. What made it viable in 2014 was the effect at the level of institutions and the several actors. But the change is not written in the Treaties, been subject to interpretation and the balance of power within and between the European institutions.

In 2019, there was a ‘comeback’ of the European Council and the intergovernmentalism in the process of choice of the President of the European Commission. Paradoxically, this happened precisely in the elections where the abstention decreased in most of the Member-States. However, what really mattered was the institutional power that chose to preserve the intergovernmental predominance in the choice of the President of the European Commission.

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the EU. (Plescia et al., 2021). The literature on democratic theory and on ‘winner-loser gap’ point robustly in the direction of crating further satisfaction in the national democracies among those who participate in elections, especially among those who support the winner parties or became part of the government. In this study, the authors test this effect of legitimation at the European level, isolating the results of its effects in those who affirm having exclusive national identity. When testing the theories mentioned above in the context of the European elections of 2019, they see a small positive correlation both in those who participated in the elections and those who voted in winner parties, except for those who express lack of European identity or identify only with their national identity. As such, in a larger debate over democracy and legitimacy of the European Union, the authors note that despite the winners or voters’ attitudes have similar political effect of those verified in the national elections, it does not have a significant impact in the general population, taking into account the low levels of electoral participation.

Besides the importance of this approach that takes into account the interests of the institutions, this episode reminds us how small is the blanket that tries to cover the supranationalism appeal and simultaneously the preservation of the intergovernmental power and Member-States sovereignty. Applying to the EU democratic legitimization mechanisms similar to those of nation-states did not have the intended results. The distinctive, hybrid, complex, and constantly mutating nature of the EU demands a permanent and flexible balance among several legitimacies.

#### References:

- Braun, D. and Grande, E. (2021). “Politicizing Europe in Elections to the European Parliament (1994–2019): The Crucial Role of Mainstream Parties”. *Journal of Common Market Studies*, 1-18.
- Braun, D. and Popa, S.A. (2018). “This time it was different? The salience of the Spitzenkandidaten system among European parties”. *West European Politics*, Vol. 41, No. 5, 1125–1145.
- Christiansen, T. (2016). “After the Spitzenkandidaten: fundamental change in the EU’s political system?”. *West European Politics*, 39 (5), 992-1010.
- Dinan, D. (2015). “Governance and Institutions: The Year of the Spitzenkandidaten”. *Journal of Common Market Studies*, 53, 93–107.
- Eurobarometer (2014). 2014 *Post-Election Survey, European Elections 2014, Analytical Overview*. (<https://www.europarl.europa.eu/>).
- European Parliament (2018). *European Parliament decision of 7 February 2018 on the revision of the Framework Agreement on relations between the European Parliament and the European Commission (2017/2233(ACI))* ([https://www.europarl.europa.eu/doceo/document/TA-8-2018-0030\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0030_EN.html)).
- Føllesdal, A. & Hix, Simon (2006). “Why there is a Democratic Deficit in the EU: A Response to Majone and Moravcsik”. *Journal of Common Market Studies*, 44(3), 533-562.
- Gattermann, K. (2020). “Media Personalization during European Elections: the 2019 Election Campaigns in Context”. *Journal of Common Market Studies*, Volume 58. Annual Review pp. 91–104.
- Hix, S. (2008). *What’s wrong with the European Union and How to fix it*. Oxford: Polity
- Hix, S. (2015). “Democratizing a Macroeconomic Union in Europe”. In O. Cramme e S. Hobolt (Ed.), *Democratic Politics in a European Union Under Stress*. Oxford, Oxford University Press, pp. 180-198.

- Hobolt, S. & De Vries, C. (2016). “Turning against the union? The impact of the crisis on the Eurosceptic vote in the 2014 European Parliament elections”. *Electoral Studies*, 44, 504-514.
- Hobolt, S. (2014) “A Vote for the President? The Role of Spitzenkandidaten in the 2014 European Parliament Elections”. *Journal of European Public Policy*, 21 (10), 1528–40.
- Korski, D. (2016). “Why we lost the Brexit vote”. *Politico, Europe edition* (<http://www.politico.eu/article/why-we-lost-the-brexit-vote-former-uk-prime-minister-david-cameron/>).
- Maduro, M. (2012) “A New Governance for the European Union and the Euro: Democracy and Justice”. Policy. Paper 2012/11 European University Institute, Florença: Robert Schuman Centre for Advanced Studies. <http://cadmus.eui.eu/handle/1814/24295>
- Magalhães, P. C. (2016). “From ideology to performance: Austerity and government defection in the 2014 European Parliament elections”. *Electoral Studies*, 44, 492-503.
- Maier, J. et al. (2017). “This time it’s different? Effects of the Eu rovision Debate on young citizens and its consequence for EU democracy – evidence from a quasi-experiment in 24 countries”. *Journal of European Public Policy*, DOI: 10.1080/13501763.2016.1268643.
- Moravcsik, A. (1998). *The Choice for Europe: social purpose and state power from Messina to Maastricht*. New York: Cornell University Press.
- Moravcsik, Andrew (2018). “Preferences, Power and Institutions in 21st-Century Europe”, *Journal of Common Market Studies*, 56:7, 1648–74.
- Moury, C. (2016). *A democracia na Europa*. Lisboa: Fundação Francisco Manuel dos Santos.
- Plescica, C., Daoust Jean- François and Blais, A. (2021). “Do European elections enhance satisfaction with European Union democracy?”. *European Union Politics*, Vol. 22(1) 94–113.
- Pollack, M. A. (2007). “Rational Choice and EU Politics”. In K. E. Jørgensen, M.A. Pollack & B. Rosamond (Eds.), *The Handbook of European Union Politics*, Nova Iorque: Sage, 31-55.
- Pollack, M. A. (2009). “The New Institutionalisms and European Integration”. In A. Wiener & T. Diez (Eds.), *European Integration Theories* 2nd ed. Oxford: Oxford University Press, 125-43.
- Rei, K. and Schmitt, H. (1980). “Nine second-order national elections – A conceptual framework for the analysis of European election results”. *European Journal of Political Research* 8(1): 3–44.

- Reiding, H. and Meijer, F. (2018). “This time it’s different’ – the European lead candidate procedure of 2014 and its historical background”. *Parliaments, Estates & Representation*, Vol. 39, No. 1, 64–79.
- Sampaio, N. (2018) *Democracia e Legitimidade na União Europeia: A escolha do Presidente da Comissão Europeia*. Doctoral dissertation, Instituto de Estudos Políticos da Universidade Católica Portuguesa, pp.386. <https://repositorio.ucp.pt/>
- Sampaio, N. (2019). *Eleições na União Europeia*, Lisboa: Fundação Francisco Manuel dos Santos, pp. 109.
- Schmitt, H., Hobolt, S. and Popa, S.A. (2015) “Does Personalization Increase Turnout? Spitzenkandidaten in the 2014 European Parliament Elections”. *European Union Politics*, Vol. 16, No. 3, pp. 347–68.
- Smeets, S. and Zaun, N. (2021). “What is intergovernmental about the EU’s ‘(new) intergovernmentalist’ turn? Evidence from the Eurozone and asylum crises”. *West European Politics*, Vol. 44, No. 4, 852–872.
- Thomassen, J.J.A. (Ed.) (2009). *The Legitimacy of the European Union after Enlargement*. Oxford: Oxford University Press.
- Tsebelis, G. (2002). *Veto Players. How Political Institutions Work*. New York, Princeton and Nova Jersey: Russel Sage Foundation & Princeton Universty Press.
- Tsebelis, G. and Garrett, G. (2001) “The Institutional Foundations of Intergovernmentalism and Supranationalism in the European Union”. *International Organization* 55 (2), 357-90.
- Weiler, J.H.H., Haltern, U.R. and Mayer, F. (1995). “European democracy and its critique”. *West European Politics* 18(3): 4–39.
- Wierzchowska, A. (2021). “Disamantling of the Spitzenkandidaten mechanism after the 2019 European elections - failure of EU democracy or political pragmatism?” *Online Journal Modelling The New Europe* No. 35 / 2021.