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# The Rise and Fall of the Spitzenkandidaten in the European Union

MA thesis



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## **Abstract**

The Lisbon Treaty brought about many changes to the EU, one of them being the mechanism for appointing and electing the President of the European Commission. Article 17(7) TEU, first, implies that the European Commission should take in consideration election results, when proposing a candidate, and, second, the article states that European Parliament shall elect the proposed candidate. Because of the changes to the procedures and roles both institutions have in the overall process, the European Parliament used it as an opportunity to introduce the Spitzenkandidaten logic ahead of the 2014 EP elections. The Spitzenkandidaten process is a procedure in which political parties of the EU, prior to the EP elections, nominate a lead candidate for the European Commission president post; based on the election results, candidate from the political party that won the majority in the elections would then be chosen by the European Council and approve by a vote in the European Parliament.

The purpose of this master thesis is to examine the Spitzenkandidaten process in light of supranational and intergovernmental approaches to democracy and legitimacy in the EU, and to explain why the Spitzenkandidaten logic was followed in 2014 and why it was abandoned in 2019. It seeks to compare both events in order to better understand the differences in election outcomes. The Spitzenkandidaten process is still relatively new therefore, the aim is to further the empirical research on the topic, especially in comparing both cases and why they produced different results, despite following the same mechanism.

**Keywords:** Spitzenkandidaten; lead candidate; European Union; EP elections; intergovernmentalism; supranationalism; democracy; legitimacy; process-tracing

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## List of Abbreviations

ALDE	Alliance of Liberals and Democrats for Europe
AECR	The Alliance of European Conservatives and Reformists
EFA	European Free Alliance/The Greens
EFDD	Europe of freedom and direct democracy Group
EGP	European Green Party
EP	European Parliament
EPP	European Peoples Party
EU	European Union
GUE/NGL	European Union Left/Nordic Green Left
IGC	Intergovernmental Conference
MEP	Members of European Parliament
S&D	Group of Progressive Alliance of Socialists and Democrats in the European Union
TEU	Treaty of the European Union
UK	United Kingdom

## Introduction

The Commission president is arguably the most powerful position in the European Union, being the head of the body solely responsible for initiating legislation in the EU. The Commission President is responsible for allocating portfolios to the college of Commissioners and setting the day-to-day political agenda for a five-year term. In many ways the Commission President has similar functions to a prime minister in most EU member-state, yet the process in which they are appointed is not. Up until 2014 the process of nominating the Commission President had been overshadowed with criticism on the lack of transparency and, in some cases, of back door deals in the European Council. Despite the European Parliament taking part in the process through the approval of the nomination, primary role was still with the European Council and the negotiations amongst the heads of member states. Following the changes in the Treaty of Lisbon of 2009, a shift in the election of the EU Commission president was introduced.

Article 17 (7) in the Treaty on European Union introduced provisions that have changed and impacted not only the election of the EU Commission president but also the pre-election processes during the last two EP election periods. The Article reads as follows: *„Taking into account elections to the European Parliament and after having held 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”* (EU-lex, Article 17(7) TEU). Based on the interpretation of this article, the Spitzenkandidaten process was created.

The Spitzenkandidaten process, introduced after the Lisbon Treaty before the 2014 EP elections, is a procedure in which political parties of the EU, prior to the EP elections, nominate a lead candidate for the European Commission president post; based on the election results, candidate from the political party that won the majority in the elections would then be chosen by the European Council for the voting in the EP. Through this new process a direct link between the outcome of the EP election and the President of the European

Commission would be made, giving more democratic legitimacy to the Commission and its President, as it implies that the choice has been made by voters. By making such a connection, the predicted result is an increased accountability of the Commission towards the EU's citizens, a more transparent selection process that would directly address some of the democratic deficit arguments raised by academics and political figures in favour of a more integrated EU.

The aim of this thesis is to examine the Spitzenkandidaten process in light of supranational and intergovernmental approaches to democracy and legitimacy in the EU, and to explain why the Spitzenkandidaten logic was followed in 2014 and why it was abandoned in 2019. Despite the overall expectation that the Spitzenkandidaten processes would be followed in 2019 EP elections, after it was successfully implemented in the 2014 EP elections, the reality did not live up to initial expectations. This thesis argues that lack of support towards the lead candidates nominated by EU-level parties for the 2019 elections by original supporters of the Spitzenkandidaten process in the European institutions, followed by pressures from opponents, contributed to the abolishing of the Spitzenkandidaten process in 2019.

To answer the research question, this thesis consists of two main parts - the theoretical and empirical section – and is structured in three main chapters. The theoretical chapter provides an overview of the intergovernmental and supranational integration theory debate on legitimacy and democracy in the European Union. First, the goal is to highlight key assumption both intergovernmentalism and supranationalism have about what the EU is and who the main actors are. Due to the unique institutional framework the EU has both intergovernmental and supranational bodies influencing the decision-making process. Whereas intergovernmentalism emphasizes the role member States and the role of intergovernmental bodies such as the Council of the EU and the European Council, supranationalists pay attention to the increasing role of supranational institutions – the European Commission and the European Parliament. Second, the theoretical chapter discusses supranational and intergovernmental approaches to democracy and legitimacy in the EU. Because the Spitzenkandidaten process has been associated with alleviation of democratic deficit in the EU by providing a direct link between the outcome of the elections

and the exercise of executive powers, both intergovernmentalism and supranationalism give a theoretical context to the arguments of the proponents and opponents of the Spitzenkandidaten process.

The empirical part provides an analysis of the Spitzenkandidaten process and events related to it and is divided into two parts. The first chapter examines the Treaty changes leading up to the introduction of the Spitzenkandidaten process. The chapter shows the gradual increase of powers of the supranational institutions of the EU and gives context to the events leading up to the introduction of Article 17(7) TEU and its interpretation. The second chapter examines 2014 and 2019 EP elections in the context of the Spitzenkandidaten process. The analysis traces the process, starting from the selections process of lead candidates by the EU-level political parties, their role in elections campaigns and finishing with the post-election analysis on key institutional actors, the European Council and the European Parliament, directly involved in the appointment of the Commission president. The concluding section summarizes the findings and elaborates on their relevance and implications.

## 1. Intergovernmental and supranational approaches to EU democracy and legitimacy

It has long been questioned what the main factors behind the continued integration of the EU are, and more so, who are the main actors involved in the decision-making process. Theoretical approaches to studying European integration range from neo-functionalists in the 1960s who believed that integration was mainly the result of the spill-over effect to intergovernmentalism which emphasized the role of national governments and their willingness to integrate based on shared interests, to theories and approaches emphasizing the role of supranational institutions of the EU and their increasing influence in integration and decision making.

Because the Spitzenkandidaten is not an isolated process, involving only one of the EU institutions, but rather all three main institutions, representing both intergovernmental and supranational aspects of the EU decision making, in order to explain why the process was followed in one elections but not in the other, it is important to understand how the two dominant approaches to EU integration and decision-making view the process. In the context of EU democracy and legitimacy then, the Spitzenkandidaten raises the question, whether the EU should be seen as more of a supranational democracy, drawing parallels with national political systems and how elections outcomes determine the formation of the government. Proponents of a more supranational EU will therefore support the Spitzenkandidaten, as their vision does not seek to limit the role of supranational institutions, whereas those who oppose a supranational democracy in the EU will be more likely to also oppose the introduction of the Spitzenkandidaten process.

This chapter will begin by providing an overview of the main tenets of supranationalism and intergovernmentalism, focusing on the theories' account of how integration occurs as well as who the main actors in the decision-making process are. It will then continue by giving a more detailed explanation of each approach in relation to EU democracy and legitimacy and how these two key concepts can be explained by both approaches. This will provide the basis for explaining that stances of the major actors in the EU on the Spitzenkandidaten process.

## 1.1 Supranationalism

Supranationalism, whilst not one of the grand theories of European integration, is still a well-known and recognized approach explaining the process of EU integration, comprised of a variety of theoretical traditions all of which have a common underlying understanding: that member states and their heads of government are not the sole decision makers holding all the power, with no limitations (Simon Hix, 2011, p. 17). Especially in the context of strengthening decision making on the EU level and giving more power to its supranational institutions, supranationalism emphasizes the role institutions like the EC and the EP have in policy making, influencing the direction of integration cooperation.

When it comes to European integration, the notion that governments may not be completely in control was already developed by neo-functionalists, who, as mentioned before, explained integration as a results of spill over-effect, under the control of institutions at the time and not necessary because of the will and initiative of member states. Whilst this view has been challenged, the assumption that member states are not all-powerful re-occurred the more Europe integrated. Scholars like Alec Stone Sweet and Wayne Sandholtz (1997), explain that: „[...] we view intergovernmental bargaining and decision-making as embedded in processes that are provoked and sustained by the expansion of transnational society, the pro-integrative activities of supranational organizations, and the growing density of supranational rules. [...] these processes gradually, but inevitably, reduce the capacity of the member states to control outcomes” (pp. 299-300). A similar view is taken by Simon Hix who explains that supranational institutions are not just *mere agents* of member states: „[...] the rules governing decision-making in the EU shape policy outcomes, sometimes in the way governments can predict and at other times in ways they cannot predict as easily”. The common thread amongst both is the idea of unintended consequences that come from the process of integration and cooperation and a supranational level. Although the concept of unintended consequences has been linked to historical institutionalism (Pierson, 1994), it is still helpful in explaining the key arguments of supranationalism and how they have been redefined. Whether intended or not, with time, institutions have become more independent, resourceful and capable.

The above arguments about unintended consequences and agendas pursued by supranational institutions are especially relevant when discussing the direction of European integration in areas that are not clearly defined by Treaties or other Regulations and policies, like EU legitimacy. Relying on the argument that EU institutions are not mere *agents* of member states and thus the EU itself is not just an international organization, by acquiring more power and independence the EU is now trying to emulate national politics of its member states (Decker&Sonnicksen, 2011; Menon&Weatherill, 2007). Furthering the supranational assumptions that the EU is not a typical international institution and its institutional bodies are becoming increasingly independent, a direct form of legitimacy based on liberal-democratic standards could then be applied. Because the argument is that the EU is trying to emulate national politics on the supranational level and not replace them, the argument is that an indirect form of legitimacy is no longer sufficient on its own, and applying aspects of a direct form of legitimacy, under the supranational assumptions, would strengthen the EU.

One argument in favour of a direct form of legitimacy comes from the fact that EU: „[...] is the source of authoritative rules and allocations which impinge directly on citizens, and which require *their* acknowledgment of them as authoritative and binding” (as cited in Beetham & Lord, 1999, p. 13). Even though there are still competencies in which the EU has a supportive role, with the scope and influence EU decision making has on the everyday lives of the people, adapting a direct form of legitimacy, in which citizens display their support, would solidify the authority in continuing its work. A second argument relates to the previously mentioned understanding that supranational institutions are not mere agents of the member states. With the Commission exercising the executive power in the EU, it is important to emphasize that despite being nominated by respective member states, the College of Commissioner along with its President is politically independent. When considering that the Commission exercises independence and is not accountable to national governments, making the Commission more accountable towards the citizens has become more relevant. All this is to say, that there are aspects of the EU that call for direct forms of legitimacy under the supranational approach to integration, because the role that

supranational institutions play in the integration process and the decision-making process go beyond the legitimation of MS.

It was previously established that a direct form of legitimacy under supranational assumptions is applicable to the EU as we know it. David Beetham identifies performance, democracy and identity as the three main aspects of liberal democracy relevant to the EU (Beetham & Lord, 1999, p. 22 - 23). The approach of supranationalism in regard to EU democracy has been through a democratic deficit lens by assessing shortcoming and failures in current democratic representation and what ought to be done. The possibility of a democratic deficit in the EU had been identified already in 1997 by David Marquand, who predicted that by transferring more competence to the EU level without strengthening parliamentary scrutiny at the European level, such outcome is very likely (as cited in Meny, 2002, p. 8). Nevertheless, it should be noted that the academic literature does not provide a clear definition of democratic deficit and rather presents an extensive academic debate. Simon Hix has consolidated these views and presented five main arguments of why there is democratic deficit: first, European integration leading to an increase in executive powers and decrease in national parliament control; second, EP being too weak; third, there not being a democratic electoral contest; fourth, EU being too distant from voters and lastly, there being a gap between policies citizens want and get (Hix, 2005). In this context it is assumed that the EU as an entity on its own should become more democratic and transparent, beyond the initial institutional framework. Over time four of these arguments have seen improvements and have even been dismissed by Simon Hix himself (Hix, 2008), leaving the lack of democratic electoral contest as the missing element in EU democratic politics.

The arguments explaining why there is a democratic deficit in the EU stem from the fact that, over time, with the expansion of the EU and the institutional setup, some democratic practices had been developed. Hix notes that in respect to the procedural aspects of democratic theory, *government by the people for the people*, the EU meets the requirements, because:

„A basic requirement of the treaties is that the member states must be representative democracies, have free and fair elections, and promote freedom of expression and association. Citizens are represented in the Eu’s institutions: directly in the European

Parliament, and indirectly in the Council and Commission. Citizens are free to stand in European Parliament elections, and these elections are free and fair” (Hix, 2008).

The shortcomings come from the substantive side of democracy and the beliefs that there is a need for competition among political representatives and their views on policy agenda, because: „Contests for control of the executive and over the policy agenda enable citizens to identify the winner (who form the government) and the losers (who become part of the opposition) (Hix, 2008). Political competition is essential to democratic processes because they allow for citizens to make a choice between different policies and the direction in which the Union should integrate. By determining winners and losers of policy outcomes, the public is then able to hold the executive power accountable.

Before the Lisbon Treaty, S. Hix (2008) already proposed a scenario in which there can be contest for the Commission president during the 2009 EP elections, providing a possible *cure* for the existing democratic deficit in the EU. Even without treaty reforms, through the political commitments and organised actions, it would still be possible for European political parties to initiate contest politics:

- First, most of the political groups should nominate a single candidate they believe should be the next Commission president;
- The candidates then would proceed to present their political manifestos on a variety of issues, with a distinctive and clear policy agenda;
- The candidates should embark on *a speaking tour through Europe, visiting most member states* in order to gain supporters;
- Shortly before the elections, the EP would invite the nominated candidates to participate in a live debate with introduction speeches and questions;
- After the elections, taking in consideration the make-up of the new EP, probabilities of securing a majority in both the European Council and the EP and following inter-institutional decision- making one of the nominated candidates takes the Commission president position (Hix, 2009, p. 160 -162).

The open contest should also attract more media attention and increase media coverage, exposing more and more citizens to the candidates and their visions. If all these events are in place before the elections, the expectation would be, that the voter recognize the *European* aspect of the elections, and vote for the best candidate, as opposed to the long-standing assumption that EP elections are second-order elections. This scenario makes a distinct link between EP election results and the exercise of executive power, thus making the Commission accountable to the EP.

As mentioned above, supranationalists seek for the EU to develop a democracy on its own. Whilst the EU is not going to become a nation-state or even a federation in the near future, the traditions of parliamentary democracy should still be relevant in attempts to find a model of democracy and legitimacy that fits the EU (Verhey & Claes, 2008). More so, there is no supranational democracy against which the EU could be judged, and over time there have been repeated comparison between the EU and a nation state, whether positive or negative. The legitimacy and accountability debate have already established that for the EU to be democratic, in a supranational model, the Commission should be not only independent but also accountable to the people, and that should be achieved by making the Commission politically responsible to the Parliament (Lenaerts & Verhoeven, 2002). The Spitzenkandidaten process attempts to address these issues and after the Lisbon Treaty allows for a more concrete actions to be taken in the direction of democratic politics.

Therefore, within the theoretical framework, supranational institutions such as the European Commission and the European Parliament should be in favour of the Spitzenkandidaten process, creating an environment in which it is possible for nominated candidates to compete amongst each other and present their political manifestos. More so, as the European Parliament is a key actor in the process, having veto power over the Commission president nomination, its commitment to the election of the lead candidate of the party that won the elections is decisive.

## 1.2 Intergovernmentalism

An entirely different view has been established by intergovernmentalism, one of the prevailing theoretical explanations for European integration that was developed by Stanley

Hoffmann in the 1960s as a response to neo-functionalism and its shortcomings and revised by Andrew Moravcsik in the 1990s as liberal intergovernmentalism. Both intergovernmentalism and liberal intergovernmentalism has been central to the understanding and study of European integration, especially adding to the examination of major Treaty changes.

First and foremost, intergovernmentalism, as defined by Stanley Hoffman (1966) centres around the nation–state being the main international actor, that is driven by its national interests. The choice to integrate, S. Hoffmann argues, follows three principles – national consciousness, national situation and *nationalism* (p. 867-869). All three aspects are central in explaining *why* and *how* nation – states would cooperate in an international setting. Issues in which integration happens, all are determined by states and their willingness to cooperate among themselves with the expectation of *delicious juice* or *finer synthesis* (p. 882). Using the analogy of a blender mixing together diverse product, Hoffmann argues that in areas where integration happens, diversity is welcomed, however, in areas that are of key importance to the national interests it is not, and nations prefer to have control and certainty. The logic then sufficiently explained the economic integration of 1960's when the theory gained its prominence and not in areas like security and defence.

Elaborating on the intergovernmental assumptions by S. Hoffmann, A. Moravcsik developed liberal intergovernmentalism in which the central argument is that:

„[...] European integration can best be explained as series of rational choices made by national leaders. These choices responded to constraints and opportunities stemming from the economic interests of powerful domestic constituents, the relative powers of each state in the international system, and the role of international institutions in bolstering the credibility of interstate commitments” (Moravcsik, 2009, p. 18)

Few central assumptions of liberal intergovernmentalism are derived from this argument. One, similarly to the ideas of Stanley Hoffmann the power lies within states and their national leaders and the idea of integration is still largely assumed with economic area. Where Moravcsik slightly shifts away from Hoffmann's ideas is in the assumption that national leaders make rational choices opposed to those purely based in national interests. This is why

liberal intergovernmentalism assumes that some sovereignty has been delegated to the international institutions. Second, states have relative powers among each other, that they can exercise in order to influence one another, which in turn allow for bargaining to happen on an international level. And lastly, the approach argues that international institutions are designed to *bolster the credibility of interstate commitments*, thus making them mere agents acting in the interests of member states. Largely focused on explaining the major Treaty changes, the development of liberal intergovernmentalism puts a lot of emphasis on a rationalist framework in explaining cooperation of states in an international environment. Any integration that happens in the EU is a result of national preference formation, interstate bargaining and institutional choice to delegate decision-making to the international institutions (p. 24).

Given that for intergovernmentalists the European Union and its institutions are mere agents of the member states, the question of EU legitimacy is rarely a concern. Intergovernmentalism subscribes to the idea that the EU is an international organization, in which member states cooperate amongst themselves, rather than assuming that the EU itself has become an equal actor. In this respect, an indirect form of legitimacy, applicable to international organizations, is most suitable. This is because there is no direct link between the people and the institutions on the supranational level, rather: „[...] the legitimacy of the EU derives from that of its member states, as it is also dependant on them and their legitimacy for the implementation of its policies and the enforcement of its legislation (Beetham & Lord, 1999, p. 13). Moravcsik (1993, 2002) also emphasizes the importance of previously agreed upon agreements, or in the case on the EU those would be the Treaties, that have been accepted and ratified on a national level by all members. Those Treaties have clearly stated the rules by which the political system should be governed, the source of legitimacy embedded in its representatives. More so, two of the main EU institutions, one being the European Council and the other being the EP, consist of politicians elected through democratic elections. Yet the importance lies within the democratically elected governments in the European Council because they impose the most important constraints on everyday EU legislation are involved in appointing top EU positions and the national representatives,

ministers and other officials act upon the instructions of national governments, therefore, constantly affirming the legitimacy of the EU (Moravcsik, 2002, 612). Within the institutional framework of the EU, intergovernmentalists believe, that the model of indirect legitimacy is adequate and does not require additional measures to be taken in order to ensure the legitimacy of the EU.

The previous subchapter explains why supranationalists believe that there is democratic deficit in the EU, however, the intergovernmental approach opposes all critiques on democratic deficit because:

„Constitutional checks and balances, indirect democratic control via national governments, and the increasing powers of the European Parliament are sufficient to ensure that EU policy-making is, in nearly all cases, clean, transparent, effective and politically responsive to the demand of European citizens” (Moravcsik, 2002, p.605).

Especially the EP should no longer be considered too weak, since it has obtained the status of a co-legislator in a wide range of policy areas and the ordinary legislative procedure has become the general rule for passing legislation. For intergovernmentalists, the above arguments point out why there is no ground for the debate on democracy and legitimacy deficit. All institutions, in their current capacities, *act upon* powers assigned to them in the Treaties. Only because of the cooperation between the Unions’ member States and their acceptance of created policies by implementing and enforcing them on national level, is it possible for the Union to exist and its supranational institutions to function. Further the treaties impose several constraints on EU policy and possible arguments of EU gaining a ‘superstate’ status in which the need for more democratic politics would be necessary. Even from an administrative point of view, Moravcsik points out that the EU implements only few of its own regulations, because the EU employs fewer people than a modest European city, the tasks of legally and administratively implementing the regulations are left to the national parliaments and administrations (Moravcsik, 2002, p.609) This makes the effectiveness of EU policies to be dependent on national administrations, and even with the procedures in which national governments can be held accountable, the notion that nothing can be done without their compliance is still relevant.

In response to the arguments that there is a need for democratic electoral contest, Moravcsik argues that: „[...] EU tackles issues which are not salient enough for voters to participate – for instance – in ‘European elections’(Moravcsik, 2008). He further emphasizes that by enforcing ‘European elections’ this would in turn the right of the minorities. Recent trends in EP election outcomes have re-enforced the ongoing arguments that they are mere second-order national contests, in which national political parties compete on national issues. Taking in consideration Moravcsiks’ arguments against the issues EU tackles and the lack regulatory power the EU has along with other treaty constraints, contest politics would not alleviate EU democracy.

Taking in consideration the intergovernmental assumptions of the EU legitimacy as well as the existing balance of powers among its institutions, the expectation is that the European Council would not only oppose the suggestion that the nominated candidate of the winning party in the EP elections automatically becomes the proposed EC president candidate, but that the procedure would be undermined by national governments, seeking to influence the process.

## 2. Research design

This thesis will analyse the Spitzenkandidaten process during and after the 2014 and 2019 European Parliament elections, using process-tracing methods. Process-tracing methods as tools of research are relatively novel and the existing literature does not yet provide a common definition for this tool. However, over the years, it has become more common to use the tools of process-tracing in small *n* analysis, studying the causal mechanisms of and providing explanations to particular historical outcomes (Bech & Pedersen, 2013; Crasnow, 2017; Lorentzen, 2016). Further, process-tracing methods understand causal mechanisms as: „[...] attempts to identify causal process- the causal chain and causal mechanism – between an independent variable (or variables) and the outcome of the dependent variable” (George and Bennet 2005, 206-7, as cited in Beach & Pedersen, 2013). Because the goal of this research is to analyze and explain an outcome of a particular phenomenon or event, process-tracing has been chosen as the appropriate tool.

In process-tracing there are three different variants of tools – theory-testing, theory-building and explaining- outcome process-tracing. The first two types base their research, as expected, on theory, either testing whether the theorized causal mechanisms were present in a particular case or, from empirical evidence of a particular case, attempting to generalize applicable conclusions (Beach, 2013, p. 3). When it comes to explaining–outcome process-tracing, one of the key differences from the theoretically oriented ones, is the emphasis on a *particularly puzzling historical outcome* with the goal to craft a *minimally sufficient explanation* (Beach, 2013). Spitzenkandidaten process itself is very distinctive to the European politics, and has taken place only twice, in both cases having had very different outcomes. Again, because a key aspect of this thesis is to explain the reasons behind the variations of those outcomes, and because neither intergovernmental nor supranational theoretical approaches specifically address the Spitzenkandidaten process, providing clearly defined causal mechanisms, from the existing variants, explaining–outcome process – tracing is the most suitable one.

When attempting to explain a particular outcome of an event, within the explaining–outcome process–tracing, the goal, as mentioned before, is to have a minimally sufficient explanation, unlike the two theory-centric methods, where the goal is to either test whether a theorized causal mechanism is in place and or to build a theory showing a causal mechanism between two variables, that can later be generalised (Beach & Pedersen, 2013, p. 12) Case-centric research aims to analyse a particular outcome or an event, therefore having systematic, theory based mechanisms are not the goal and, due to the tailored approach, are also harder to generalise afterwards. Because of this a key aspect of this type of process tracing is the inclusion of non-systematic (case-specific) mechanisms or events that: „[...]enables us to capture actor choices and the contingency that pervades historical events” (Beach & Pedersen, 2013, p. 36).

There are two paths that can be used, in order to reach a sufficient explanation of an outcome – deductive and inductive. In a deductive path method the process is similar to the one of theory testing: „where an existing mechanism is tested to see whether it can account for the outcome” and the inductive one: „[...] working backwards from the outcome by sifting through the evidence in an attempt to uncover a plausible sufficient causal mechanism that produced the outcome” (Beach & Pedersen, 2013, pp. 19-20). The previous theoretical chapter discussed the supranational and intergovernmental approaches to EU democracy and legitimacy. In the context of supranationalism aspects of democratic deficit Simon Hix argued that a key element to EU democracy would be contest politics for the Commission president position (Hix, 2009). From there the author proceeded to outline a possible scenario for 2009 EP elections and the elections of the Commission president. Whilst the scenario is not a developed theoretical framework, because it reflects the Spitzenkandidaten logic, creating the link between the actions of institutional actors and who becomes the Commission president, a deductive path method will be used following the logic developed by Simon Hix.

In the deductive path, it is first necessary to determine causal mechanism that would craft a minimally sufficient explanation of an outcome. In order to conceptualize causal mechanisms, it is necessary to describe them as: „[...]series of parts of the mechanism. Each part is composed of entities that engage in activities” (Beach & Pedersen, 2013, p.39) Based

on this formulation of causal mechanism, this thesis will follow the logic proposed in the Figure 1. The goal is to apply the facts of the case in order to craft a minimally sufficient explanation for the outcome of the elections.

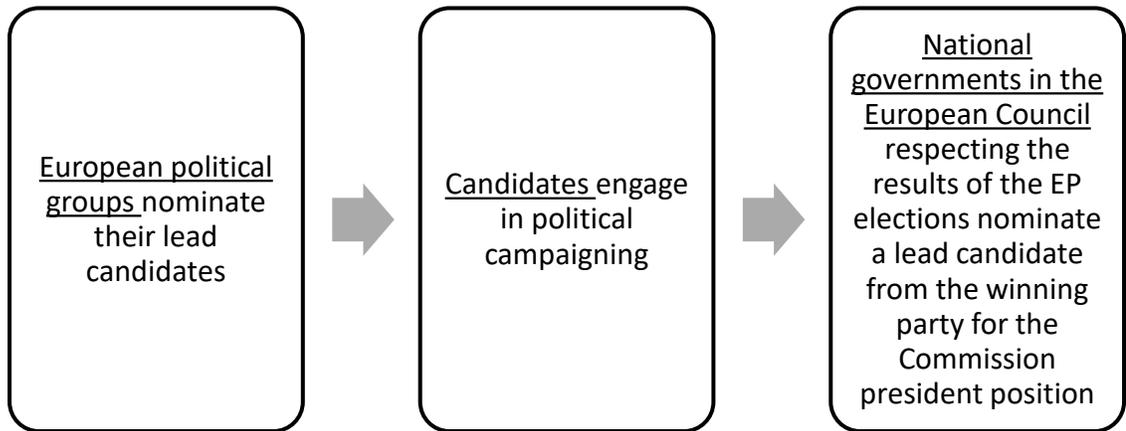


Figure 1. Causal mechanism explaining the Spitzenkandidaten process. Source: Authors own elaboration

In this research a variety of primary and secondary source will be used, that help to understand the Spitzenkandidaten process in the context of European Parliament elections. Primary sources, such as official party documents, manifestos, session documents, briefings and Treaty texts, will give insight into the institutional organization and politics of the Spitzenkandidaten process. These documents have a high validity and relevance to the research. Where it will be necessary, official statements by political leaders or EU institution representatives or lead candidates themselves will be used to give a political context to the theoretical assumptions of support and opposition of the Spitzenkandidaten process.

Additionally, to provide the political context to the actions of involved actors, like political party groups and EU institutions and heads of states and governments, a variety of secondary sources will be used. Those will include books, journal articles, press releases, as well as articles from online sources. Due to the nature of this research and the use of social media in the EP election political campaigns, it is necessary to use digital and media sources. Additionally, to give a more comprehensive insight into the development of the events and the process, other research and academic sources are needed, as this research cannot carry analysis of all aspects of EP elections. To ensure the validity and reliability of online media

sources that report on EP elections and the Spitzenkandidaten, this thesis will rely on independent online publishers like the EUobserver and EURACTIV or Politico Europe and the Brussels times, as commonly used sources of information on EU politics. To ensure their relevance only articles mentioning the Spitzenkandidat, process, the lead candidates themselves or EP election process will be selected.

### 3. Treaty reforms leading up to the Spitzenkandidaten process

The 2014 EP elections saw the introduction of the Spitzenkandidaten in which European level political parties, ahead of the elections, would choose a candidate for the office of the President of European Commission. The process is relatively new, however, the introduction has been gradual and largely dependent on the growing role of the European Parliament. A similar position has also been adopted by academics who have emphasized this belief of Spitzenkandidaten not being a sudden grab of power by the European Commission and European Parliament (Christiansen, 2016). Context of intergovernmental and supranational debate of European integration provides a lot of insight to the reasons why some revisions, such as the Spitzenkandidaten, are met with more criticism than others. Ahead of the 2019EP elections the clashes between the supporters of a more intergovernmental and supranational Europe intensified, challenging the understanding of where and with whom the political authority lies in the European Union. This section will provide insight into the rising role of the supranational institutions of the EU, emphasizing the treaty basis for the Spitzenkandidaten process and how it came to be as well as giving overview on the positions of various institutional actors and their positions towards the Spitzenkandidaten after the Lisbon Treaty. First this chapter will introduce the debate on parliamentary control over the executive power in the EU, how it was expanded over time and what it means in the context of inter-institutional cooperation and decision making. Second, the chapter then goes on to take a deeper look into actual Treaty changes, that were first introduced in the Constitutional text, and lead to the introduction of Article 17(7) in the Lisbon Treaty.

#### 3.1. Debate on parliamentary control over the executive in the EU

The Spitzenkandidaten process in principle follows the mechanisms used in parliamentary democracies in which the executive is accountable to the Parliament. Change in the way the President of the Commission is chosen comes as a result of subsequent revisions made to the powers of the EP in relations to the control over the executive branch. The EP did not exercise any form of power over the executive branch, until the Treaty of Rome (1958), when the motion of censure was first introduced. The provision allowed for the Parliament to remove

the Commission as a whole by a double-majority vote (Hix, Noury G., & Roland, 2007). It allowed the Parliament to fire the Commission, should to vote pass. Nonetheless, it still did not give the Parliament any control over the process of who would become president of the Commission nor the Commission as a whole. Under the Treaty of Rome, the Commissioners were appointed by Heads of State and Governments in the European Council as was the President and Vice-Presidents. It was only with the Treaty of Maastricht Treaty (1993) that it was required for Parliament to be consulted before the nomination of the Commission president (Tilindyte, 2019). Up until then the terms of the Parliament (five years) and the Commission (four years) differed, making it politically impossible for the Parliament to have any say in who becomes President of the Commission as it would happen before the new Parliament takes office or is elected. After the alignment and synchronization of the terms, it allowed for the Parliament to be consulted (Crego, 2019, p. 2) because the new Commission would be selected after the EP elections and the formation of the new Parliament. Until the early 1990s, assigned powers to the EP in the Treaties were expanded gradually and in minor ways, however, the first direct elections of the Parliament in 1979 were significant for many reasons, one of them being that it gave the Parliament a source of legitimacy independent from its national governments and parliaments, and linked them to the vote of the people (Hix, Noury G., & Roland, 2007). This in turn formally minimized the influence of those national governments over the work of the Parliament. After the elections the parliament initiated an informal vote of confidence on each Commission, this in turn created a practice where succeeding presidents of the Commission would present their programs to the EP (Hix, Noury G., & Roland, 2007). Whilst politically the European Council still acted unilaterally, the informal vote demonstrated the establishing independence of the Parliament from national governments. The initial stages of institutional framework emphasize the intergovernmental nature of decision-making process in the EU, but some researchers note that the practices of the EP where often: „[...] always being ‘one step ahead’ of the Treaties” (Tilindyte, 2019, p. 2). For a long period of time, the key role in all aspects regarding the functioning of the Union laid with the European Council and both the EP and the Commission had a supplementary role, but without the initiatives of informal procedures it is likely future revisions would not have been possible.

As mentioned, EP gained significant role in appointment process of the Commission and its president only with the Maastricht Treaty (1993). When it came to the President of the Commission nominee, the member States could nominate a candidate only after consulting EP and additionally, the Parliament would vote to approve the Commission as a body (Poptcheva, 2014). Again, referring back to the idea of the Parliament being ahead of the Treaties, shortly after the ratification of the Maastricht Treaty, EP interpreted: „[...]its right to be consulted on the nomination of the President candidate as a right of formal veto” (Hix, Noury G., & Roland, 2007, p. 15). This interpretation presented both the European Council and future President nominees with politically conflicting options. The member states could ignore the veto of the Parliament, since the Treaty still left the decision in the hands of the European Council, but because of the simultaneous changes to decision making, the executive power needed the support of the Parliament. Jacques Santer commented on this matter saying that if the Parliament would not endorse him, he would not accept the position, for „[...] the Commission President would not be able to govern without the support of the parliament” (Hix, Noury G., & Roland, 2007, p. 15). The increasing role of the EP after the first EP elections saw a change in perceptions of political authority and source of legitimacy in the EU. This change was reassured in 1999 when the Santer Commission resigned ahead of a possible motion of censure being passed due to institutional crisis across the EU: „A fundamental shift in the balance of power of the European union’s institutions has now taken place. The parliament, acting in the name of democratic accountability, has now ended the life of an unelected commission” (Walker, 1999).

The institutional crisis provoked the conversation of democratic deficit and transparency problem in the EU, making it a central issue. The informal practices of EP regarding the appointment of Commission president nominee were made permanent with the Amsterdam Treaty (1999). The Treaty specifically establishes the notion that the President has to be approved the EP (Treaty of Amsterdam art. 158(2); Hix, Noury G., & Roland, 2007), therefore giving the veto powers to it, as asking for approval means recognizing the possibility of disapproval. Within a six-year period, EP role evolved from being supportive, of what the Heads of State and Governments decided, to having a voice of influence and

Treaty recognition to back it up. Even so, the decision was largely influenced by the member State governments because, as Treaties recorded, the European Councils decision should be made by common accord or unanimity, allowing space for political persuasion and bargaining favouring the European Council. „In practice, if the prime ministers who backed the Commission in the European Council could persuade the MEPs from their parties to back the Commission in the parliament, then unanimous agreement in the European Council would almost certainly mean majority support [..]” (Hix, Noury G., & Roland, 2007). This certainly reinforces the long-lasting notion of backdoor deals and lack of Transparency the European Council decision making has, coinciding with the democratic deficit debate of early 2000’s in the EU. The Niece Treaty (2003) changed the procedure of how member States choose the president of the Commission, instead of unanimity it was not necessary to have only qualified-majority (Hix, Noury G., & Roland, 2007). Whilst it did not address the transparency issue of the decision making, it made it possible for the EP to have more influence on the European Council in the consultation process of the president, rather than MS influencing the MEPs.

Nonetheless it should be emphasized that despite the changes the system certainty did not emulate a parliamentary model, because the underlying understanding was, that European Council still choose the candidate and even with the consultation process and the approval necessary by the EP, the incentives came from MS governments. What has been discussed before was logical institutional development based on institutional practices as well as reactions to the changing inter-institutional relationships. The next subchapter will focus on the substantial changes to the manner in which the Commission president would be chosen, based on ideas set in motion in the proposed Constitutional Treaty.

### 3.2. Treaty changes: from the Convention on the Future of the Europe to the Lisbon Treaty

Before the adoption and ratification of the Lisbon Treaty and subsequent changes influencing political processes simultaneously with the 2004 enlargement, a Treaty Establishing a Constitution for Europe formation was in process. The Constitution was meant to replace all existing Treaties with one text, clearly identifying the aims and scope of the Union as well

as its institutions and powers assigned to them. Whilst the ratification of the Constitution failed, some of the ideas were still prominent afterwards and were used to launch the 2007 IGC spell this out which led to the adoption of the Lisbon Treaty.

### 3.2.1. Convention on the Future of Europe

The vision for the Constitution was based on declarations adopted during the Belgium Council presidency in Laeken. In a declaration on the future of the European Union a central issue that was addressed was democratic challenges facing Europe. In that declaration, adopted by Heads of State and Governments few points were made:

- The first direct election of the EP has *made Communities democratic legitimacy stronger*, acknowledging that up to that point it had lain only within the European Council
- Construction of a *political Union* has begun, initiating cooperation on policies beyond the single market
- The institutions of the Union *must be brought closer to its citizens*
- The Union *needs* to become more democratic, more transparent and more efficient (European Union, 2001, p. 19-21).

In respect to the debate surrounding democracy and legitimacy, few aspects of the declaration are compelling. One, the wording used to describe the underlying issues and ways in which the Union should move forward. The words such as *need* and *must* imply a common understanding in respect to the future of integration amongst the Council members, and as such, the inclusion of provisions increasing democratic practices and legitimacy of supranational institutions, in the EU, should not be viewed as unexpected. Two, there have been arguments against increased democracy and legitimacy of EUs institutions because of its regulatory nature i.e., it is not a distributive nor political (Moravcsik, 2002; Majone, 2005), which is contrary to the position member state governments at that time. Lastly, it is the idea of institutions being brought closer to its citizens, which directly influences the institutional composition transformation. With that in mind, the goal of the new institutional design would have been:

„[...] to produce stable basis for what might then be called a ‘European government’, [...] It implies rather well specified principles to identify the respective powers of the Union’s institutions, the connections between them, and the relative distribution of powers between Union and member state institutions” (Wallace, 2003).

Following the question raised in the Laeken Declaration, a Convention on the Future of Europe was launched with a goal to produce a draft text. Consisting of more than 200 members, amongst them, Heads of State or Government, members of national parliaments, MEPs, the Convention produced the draft treaty (Laursen, 2008). During the Convention period, MS had the opportunity to make contributions on various issues addresses in the Treaty, before the IGC. As was done by the contribution of Benalux countries (**CONV 457/02**), the Franco – German contribution (CONV 489/03) and UK – Spain contribution (CONV 591/03). In two cases the Convention contributions supported and advocated in favour of renewed proceedings in electing the Commission president, acknowledging the need to strengthening the institutions. The constitutional text understandably attracted a lot of attention, especially with relation to the Constitutional aspect of it. Two points can be made here. One, the quintessential part of the IGC process and Treaty ratification is that the Governments are responsible for the Treaty. Two, the constitutional text itself was *a Treaty* and not a *constitution*, thus reflecting the institutional aspect of the Union. Results of the draft Treaty that later on would be the foundation to the Constitutional Treaty text therefore merged the compromises made between the MS in both intergovernmental and supranational approaches to the Union (Laursen, 2008).

### 3.2.2 2004 IGC and Constitutions for Europe

Following the adoption of draft Treaty during the Convention, Intergovernmental conference was launched in October 2003 to discuss the draft treaty establishing a Constitution or Europe. The Treaty establishing a Constitution for Europe identified several principles on the democratic life of the Union. Related to the democracy and legitimacy debate, Article I-46 clearly defined representative democracy principles as the basis for the functioning of the Union. Emphasizing the link between the people and the Union that would be represented by a representative democracy. More so, the Constitutional Treaty spells out a clear link between

the Commission as a body and its responsibility to the Parliament in Article I-26 (8), therefore giving the necessary political means for the Parliament to exercise authority over the Commission and its work, making it accountable.

Ensuing months of meetings under the Italian and Irish presidencies, by legal experts, ministers, Heads of State or Government, EU institutions and working groups, the final version of the text was agreed upon by Heads of State or Government on 18 June 2004 in Brussels and signed 29 October of the same year. In this text, in regard to the President of the Commission, the Article clearly states that: „Taking into account the elections to the European Parliament and after having held the appropriate consultation, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission” (Treaty Establishing a Constitution for Europe, 2004, art. I-27). And just as in the Treaty of Nice, MEPs elect the proposed candidate by a majority in the Parliament. Should the candidate fail to gain a majority of votes, the European Council shall propose a new candidate, who still shall be elected by the European Parliament. Even though the Treaty does not directly call for a set of candidates, nominated by transnational political parties to compete for the nomination, there are implications of direct accountability and increased authority of the Parliament to interpret the clause in such a way.

It is important to recognize the significance the Constitutional text had and the principles it set out not only because they later on influenced the Treaty of Lisbon, but also because the substance of those changes at that time were agreed upon by MS governments. Moreover, whilst the Constitutional Treaty was not ratified, it implied a common understanding on central issues regarding the future integration of the Union, amongst necessary to address in light of the enlargement process, reached amongst most involved actors in EU politics.

### 3.2.3 Lisbon Treaty

Following the defeat on ratification of Constitutional Treaty, the Treaty of Lisbon (2007) was adopted, as a replacement of the Constitutional Treaty text with Treaty revisions to previous texts. After: „[...] a period for reflection, clarification and discussion [...]” (Council, 2005), the new Treaty still contains many of the principles drafted in the Constitution text. As have been shown previously, developments in the appointment mechanism for the Commission

President and the undergone changes in the Lisbon Treaty should be reviewed in a broader context of continuous changes over time.

After the failure of the Constitutional Treaty, the Lisbon Treaty has provided the pivotal changes in strengthening the link between EP and the nomination of the head executive of the EU (Tilindyte, 2019; Commission, 2018; Poptcheva, 2014). The revision reads as:

„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” (Article 17(7) Treaty on European Union (TEU)).

As it shows, the wording in this particular matter had not changed, in comparison to the text agreed upon years earlier. More so, it should be argued that the principles of compromise between the intergovernmental and supranational approaches to the EU should have been even more prevalent. Therefore, the understanding of the necessity to strengthen the Commission in principle should have stayed the same.

Taking in consideration Article 17(7) TEU, the Lisbon Treaty does not explicitly define the process in which the nominee of the winning political party in the elections becomes the President. It does however make a clear link between the EP election to the election of the Commission President, which prompted: „[...] ‘creative’ or ‘expansive’ treaty interpretation by the EP” (Tilindyte, 2019, p. 3) . Before the Treaty of Nice, the Parliament had only approval claims over the nominee, and whilst there was still the possibility of disapproval, the connotations that come with the word elect have put different emphasis on the role the EP now has. The attached Declaration on Article 17(6) and (7) TEU clearly states that: „[...]the European Parliament and the European Council are jointly responsible for the smooth running of the process leading to the election of the President of the European Commission”. This in turn created a complex situation, altering the relationship between the EP and European Council in the particular matter; enhancing the role of the EP and bounding the EC (Dehaene,

2009, p. 11). Thus, going against the principles established or nominating someone the Parliament does not support would be politically challenging. The Lisbon Treaty made it more challenging for the European Council to overlook the EP in the decision making, not only by emphasizing possibility of a veto, but also linking the election results to the selection of Commissions President.

### 3.3 After Lisbon: institutional struggles over Spitzenkandidaten process

Taking in consideration the different roles EU institutions had had in the European Commission President's selection process, it is important to note how the Lisbon Treaty impacted the institutional dynamics in the decision-making process. EU decision making and cooperation is carried out on two - the supranational and intergovernmental – levels, each represented by different institutions. With each institution serving specific purposes and having sometimes contradicting goals, this subchapter will discuss different positions of key actors of the EU and their interpretation of Article 17(7) TEU after the Lisbon Treaty and before the 2014 EP elections.

The process of developing the Spitzenkandidaten process had been lengthy. Beyond the institutional changes, the first nomination of a party candidate happened in 2009, during the EPP Warsaw Congress , when José Manuel Durão Barroso was nominated in anticipation of the Treaty of Lisbon (Commission, 2018). Even though J. Barroso did become the Commission President no direct correlation between the previously mentioned events and the Spitzenkandidaten process, as we understand it now, can be made because the nomination did not see any political contests or Europe-wide debate. It does however give context to the the speech given by then Commission President J. Barosso. During the 2012 State of Union Address, the Commission President called on European political parties to participate in the process, strengthening the political aspects of the Union:

„An important means to deepen the pan-European political debate would be the presentation by European political parties of their candidate for the post of Commission President at the European Parliament elections already in 2014. This can be done without Treaty change. This would be a decisive step to make the possibility of a European choice offered by these

elections even clearer. I call on the political parties to commit to this step and thus to further Europeanise these European elections” (Commission , 2012).

This was further supported by the European Parliament with a 22 November 2012 resolution on the election to the European Parliament in 2014 (P7\_TA(2012)0462) in which European Parliament gives support to the process, encouraging European political parties to nominate a candidate with the expectation that those candidates would then have a leading role in electoral campaigns. The following two years saw close cooperation between both the EP and the Commission in advocating for the lead candidate nomination, arguing on its role on the political legitimacy of the institutions, and close ties in representing the will of the people.

Following the 2012 EP Resolution and public support for implementing the Spitzenkandidaten process, a clearly opposing view was taken by the European Council and especially the then President Herman Van Rompuy. In 2012 the European Council President argued that following the process would create disappointment in advance because the competences associated with the position do not justify the *huge legitimacy* given to them, stating that it would require the Commission itself to have more powers (Gotev, 2012). The two years leading up to initiation of the process did not display institutional struggles over the process besides the dismissal of it by the European Council President. Possibly resulting from lack of trust that the process would be followed through, 2014 pre-election period showcased even higher tensions among previously mentioned supporting institutions and the European Council President Van Rompuy as well as other MS leaders.

There are two key assumptions about the Spitzenkandidaten and its role in European politics. One, it creates a link between the executive and the elections, two, it alleviates the existing democratic deficit. The former, as discussed before, is linked to the pre-election process whereby European political parties nominate a lead candidate for the position of the Commission President’s office. The latter is concerned with the attempt to create a link between the executive power to the EP elections, where the European Council would in fact follow the proposed process. It should be emphasised that political party groups represent different political views within the European Union. Just as there are competing views on European integration in the academic world, the same can be said about the politics within

the EP. Political groups of the EP are affiliated with European political parties, consisting of various national parties in Europe, who operate on a transnational level. Each political party therefore creates alliances based on common ideas and values, once elected to the Parliament, MEP's group based on those political affiliation, rather than nationality. With that being said, the pre-election period holds a lot of importance, as not only the results should mirror the opinions of the voters about the EU, but the executive branch of the EU should work towards the same vision. And that can be achieved only if the voters know who becomes the head of the executive, and if there is a link between the elections and the nomination of Commission President's office.

There are several reasons in support of the Spitzenkandidaten process where it does not threaten the overall role and influence of the MS. For one, Article 10 TEU defines EU's system as a *dual legitimation*, therefore, intergovernmental institutions by default are key to the functioning of the Union. Second, it should be emphasized that it is the MS who agree on the text and ratify Treaties and as long as this power is not changed, MS will hold power in the way EU works. More so, as was argued before the Constitutional Conference and Lisbon Treaty, the Treaty of Nice already provided enough legal basis for the Parliament to pursue a nomination for Commission President office, with enough political cooperation across EP political groups (Hix S. , 2008). Therefore, route to the Spitzenkandidaten and the institutional changes are not as surprising or imposed as some might argue. Exactly how the Spitzenkandidaten process translates to the EP election process will be detailed below.

## 4. Spitzenkandidaten in European Parliament elections in 2014 and 2019

Spitzenkandidaten has become an integral part of the pre-election period for the past two EP elections. First implemented during the 2014 elections, the 2019 EP election period attracted equally as much attention, having both politicians and academics uncertain whether or not the process will hold up and the nominated candidate from the winning party will become the European Commission President. The following chapter will examine key aspects of the Spitzenkandidaten process by analysing positions of key institutional actors involved in the only two European Parliament elections this process has been implemented. This chapter will first examine the 2014 EP elections and the success of the Spitzenkandidaten process. The following subchapter will follow the election of Jean-Claude Juncker to the position of the President of the Commission, starting with the nomination process amongst all participating political parties, to examining how the process played out and what impact it had in the political campaigns and continuing with the post-election overview. It will then follow the 2019 EP election process in the context of the Spitzenkandidaten. Using a similar logic as the 2014 election analysis, this chapter will seek to showcase the events and positions of key institutional actors that lead to the failing of the process.

### 4.1 2014 EP elections

The following chapters will track the Spitzenkandidaten process during the pre-election process of selecting the lead candidate, how political parties choose to nominate the candidates, how they differed from one another, also analysing key positions of involved actors before and after the elections on the process, and taking note of what has been said afterwards. This chapter look at the events that paved the way for a pan-European campaign for the European Commission's President's office for the 2014 elections period and became the result of years of political change and institutional power dynamic.

#### 4.1.1 Nomination of Spitzenkandidaten

2014 EP election took place from 22 to 25 May, with all 28 MS participating. With a slogan: *this time it's different*, the EP started a campaign promoting not only the increasing role of the Parliament in decision making (“The Power to Decide”, 2013.; Commission, 2013; Tilindyte, 2019), but also implied that the voter would have a: „[...] clear say in who takes over at the helm of EU government” (Parliament, n.d.; Commission, 2018). This was the first time ever where all major political parties nominated a candidate for the European Commission Presidents’ position. Whilst the process of nominating the lead candidate did not guarantee that the European Council would follow through with the nomination, the political groups implied the candidate put forward by the winning party would have the necessary majority for election in the Parliament (Commission, 2018). This subchapter will introduce the political groups that choose to participate in the process of selecting a lead candidate and their choice, showcasing ways in which nominations can happen.

Five political parties nominated candidates for the President of the Commission ahead of the 2014 European Parliament elections. Each political group was responsible for nominating a candidate, accordingly to their individual party mandates, before the elections and Europe-wide political debates started. Jean Claude-Juncker was the proposed candidate for EPP, Martin Schulz was the choice for S&D, Guy Verhofstadt for ALDE, Alexis Tsipras for European Left, and EFA/the Greens put forward two nominations – Ska Keller and José Bové (Tilindyte, 2019). Two political parties – ACRE and EFDD- chose not to participate in the process (Comission, 2018).

Party of European Socialists (PES) guidelines for nominating a lead candidate in 2014 were adopted by the PES Council in 2011. PES Resolution on the guidelines establishes general principles on the nomination process, criteria for the candidate, the decision-making process as well as a timetable of the selection. The nominations was opened in October 2013, to: „[...]ensure both the awareness of the candidate and the efficiency of the campaign,” and closed within a month (PES Resolution, 2011). According to the Resolution, the candidate needs to be nominated by a PES member party and supported by 15% of PES member parties or organizations. Martin Schulz was the only candidate approved and put forward for the

nomination, therefore the election on March 1<sup>st</sup> did not have any competition; elections resulted in a 91.1% support, 0.5% voted against and 8.4% abstained from a vote (PES, Summary of Decisions of the 1st PES Election Congress, 2014). Despite the high support amongst the Conference members, the UK Labour party opposed the nomination on the basis on clashes over visions on European integration, arguing that Schulz's vision on the EU was too federalist (Vogel & Kroet, 2014; Watt, 2014). With the principles that the Spitzenkandidaten represents, previous points lead to question the cohesiveness of opinions within the group and ability to agree to a party manifesto representative of a common vision. More so, this raises the question whether the manifesto is representative of what the Commission Presidents' vision of the EU future is, or just a middle ground for pan-European party politics. Additionally M. Schulz's nomination was opposed by the European Greens political Party by calling attention to the conflict of interests with his role as the EP's President with the Greens/EFA group calling for M. Schulz to resign (Greens, 2014). Several actions taken by M. Schulz were highlighted as unethical with him being both the lead candidate and the EP President. The choice certainly leaves an open question to the Spitzenkandidaten process and whether there should be more rules in place for who can and cannot become the lead candidate and be in the running for one of the highest-ranking jobs in the EU.

Internal regulations of the ALDE Party postulate the rules on the functioning of its bodies and order in which decisions are made. Considering the novelty of the process, ALDE Statutes did not provide rules for nomination and choosing of the top candidate. In a 2013 Resolution preliminary provisions were adopted, in which the final decision would be made during an extraordinary electoral Congress, in which the candidate has to achieve absolute majority (ALDE, EP Elections 2014 - procedures on nomination of common liberal top candidate(s), 2013). During the primaries of election campaign, two candidacies were put forward – Olli Rehn and Guy Verhofstadt. During the Party Electoral Meeting it was announced that Guy Verhofstadt would be the lead candidate for the Commission President's position, however, the decision came as a response to a divided Party. In a speech addressing the Congress, the President of the ALDE Party, Sir Graham Watson addresses the

division within the party and the support for either candidate: „The candidates themselves believed the results would be too close to call. They feared bruising contest, creating division in our ranks so they put aside their differences in the common interests” (Watson, 2014). This of course, raises questions about the nature of selecting the candidate, and how open the process should be amongst the political parties and more so, whether there should be uniform way to do it. Without a formal vote there is a possibility of backdoors, and while these were still the primaries, its overshadows the idea of transparency and democratic politics.

The selection process for the European Green Party differed from the rest of the political parties in many ways. In comparison to other political Greens had four candidates competing between themselves during the primaries – José Bové, Rebecca Harms, Ska Keller and Monica Frassoni (“Greens select four candidates”, 2013). Additionally, what set the primaries apart was the fact that two candidates would be chosen not by the members of the political party but by the people. Reflecting on the increasing criticism of EU institutions, EGP Co-Chair Reinhard Bütikofer explained that: „Our innovative e-democracy project promotes the idea of giving Europe back to the people. Greens don’t just talk about more participation and democracy, we are living it!” (“Four Contenders to Run”, n.d.). Greens primaries addresses some of the issues linked to the Spitzenkandidaten as a whole. In light of the democracy deficit debate, and the goal to create a link between EP elections and the voters, allowing the citizens to choose their candidate beforehand reinforces this link. More so the concept of e-democracy is certainly a forward-thinking approach, allowing to reach an arguably wider audience across the EU, thus giving the nominated candidates support other candidates did not have.

The nomination of a lead candidate from the European Left party came more in spite to the process and nominated leaders from the parties with higher popularity and representation in the Parliament. During a party congress in Madrid, the party nominated Alex Tsipras (Party of the European Left, n.d.). Unlike other European level parties, for the European Left, nominating a candidate for the position was certainly not the main goal, therefore did not attract a lot of media coverage or in-party decision making.

Unlike other European political parties, EPP can be considered as one of the pioneers of the process. Prior to the Constitutional Convention in 2004, EPP in their Congress document on a stronger Europe introduced an article 47 in which: „A candidate for the President of the European Commission should be proposed to the European Parliament by the European Council in light of the outcome of European elections [...] The European Parliament should give or withhold its approval by majority vote” (EPP, 2002). Process in which the candidate for President of the Commission is selected, is established in EPP’s statutes, where it states that such a decision is decided during Congress meetings (EPP, Statutes & Internal Regulations, 2015). Before the Dublin Congress, there were three candidates amongst the EPP group. Jean-Claude Juncker, Michel Barnier and Valdis Dombrovskis. Day before the Dublin conference, Valdis Dombrovskis withdraw its nomination, giving support to Juncker: „To achieve the best results EPP must unite its efforts to support Jean-Claude Juncker’s candidacy to EC President (Keating, Dombrovskis withdraws from EPP candidate race, 2014). Support to the candidacy of Juncker was also given by Angela Merkel and her Christian Democratic Union of Germany party (Watt, 2014). „Out of the 627 votes cast by the members of the Congress with voting rights, 382 voted for Jean-Claude Juncker, while Michel Barnier, the European Commissioner for the Internal Market and Services received 245 votes,” („Jean-Claude Juncker elected”, 2014).

Whilst most political groups indeed did name a lead candidate before the elections, no group was obliged to do so. As was discussed before, the Resolution by the EP and initiative taken by then Commission President J. Barroso, called for political groups to participate without any binding incentives. President of the ACRE political party, MEP from Czech Republic Jan Zahradil described the opposition as means of solidarity with those citizens who: „[...] never consented to be citizens of a deferral union,” comparing the process to a scheme where the Commission President would gain an artificial mandate for the people, even if most people have not heard of him („EU Conservatives call”,2014). This view showcases some of the criticism of the process itself and its limitations, however, this could only be confirmed after election surveys on the role of the Spitzenkandidaten would be done. Nonetheless, it is

important to acknowledge the existing criticism amongst European political parties and its politicians.

The practice of choosing a lead candidate for the EP election between the political parties during the 2014 elections reveals both the commitment of most parties in regard to the process, but also the shortcomings. The novelty of the Spitzenkandidaten undeniably was met with interests from both skeptics and supporters of a deepened EU integration. Whether or not heads of states or some EU politicians agreed with principles of the process, the motion was initiated. It is also worth recognizing the diversity in selecting Spitzenkandidat nominations, in some cases providing a transnational contest for the spot or allowing citizens to vote, as was the case for the EFA, or supporting an already nominated candidate by another party. In the context of a more parliamentary approach to EU politics, it is important to have a choice of at least two candidates who ideally represent various visions for the future of Europe.

#### 4.1.2 Role of Spitzenkandidaten in election campaigns

As has been mentioned before, the 2014 EP elections were unique in many aspects, introducing new practices, such as candidate debates, and changing election strategies, by introducing *faces* to the campaign. Lead candidates becoming a key feature of the pre-election process was meant to emulate the national election process in which political parties are predominantly represented by their prime minister candidates, their visions and positions on certain issues. This was in part meant to deal with the issue of second-order nature of EP elections, increasing turnout, and with the assumption that the lead candidate from the winning party becoming the President also tackling the accountability issue, argued by the supranational. All in all, the Spitzenkandidaten process was designed to bring Brussels closer to the voter.

To achieve set goals and create a link between the voters and the candidates, it was not enough to just nominate them. Key aspects of elections across the Europe were their campaigns. Due to the peculiarity of the EP election this process is not unison and EU wide in many instances. However, two key aspects of the evaluation process should be the

campaigns and their programs - whether there was a choice for voters to make when it came to policies - and exactly how prominent the candidates were and how they connected to the voters. In line with election campaigning, all political groups, even those without lead candidate nominations, did publish their manifestos in which they defined their political agenda and goals for the EU, providing different directions of integration and visions for European future. The more challenging goal was to deliver and communicate those programmes to the voters.

First and foremost, for the process to work, it is necessary for the candidates to reach an audience in order to create the necessary link and make them visible. The popularity of candidates and their visibility to the general public greatly differed based on several aspects linked to the unique nature of not only the EP elections but also the Spitzenkandidat process itself. There are couple of ways in which Spitzenkandidat could reach out to voters and present their political programs. At first, just as in any election, the introduction of Spitzenkandidat is the responsibility of political parties and their candidates, as it should be an indication of the commitment to the process. Secondly, it was the innovation of televised political debates between the candidates to debate topical issues and country visits by the candidates to allow voters to meet them and ask questions.

Following the commitments to nominate a candidate for the Commission President position, it was largely up to political parties and candidates themselves to create a connection with voters, to get the message across and call attention to the link between the vote and its consequences i.e., lead candidate of the winning party becoming the Commission President. Being that the European political groups can be compared to umbrella organizations to national parties, „[...] the success of the introduction of the Spitzenkandidaten system depends on national parties' decision to make the candidates visible to voters.” (Hobolt, 2014) Therefore, in cases where Spitzenkandidat was also linked to a national political party, they had an incentive to use them for their election campaigns. However, taking in consideration the scope of European Parliament elections, those are only few members in few countries. For the rest of the members and their political parties, such a campaign tactic would likely not work. The interconnected nature of EU political parties and national parties makes this

aspect of Spitzenkandidat complex. In an analysis by Daniela Braun and Tobias Schwarzbozl this aspect is looked at in the context of Facebook online campaigning in 13 member states. Their analysis show the attention Spitzenkandidat got in each political parties Facebook inline campaign two months prior to the election. The results are twofold. Whilst nominating a candidate indeed did increase the likelihood of using the Spitzenkandidat in election campaign posts, showing a strong effect of party affiliation, surprisingly, in comparison to the considerably high online activity, the percentage of mentions was actually low (Schwarzbözl, 2019). Overall such results present a lacking affiliation between national political parties and the Spitzenkandidaten process itself. Whilst the lead candidate has to present and advocate for their vision of Europe and all of its people, during the election campaign time that connection can be clearly missing as indicated above in the cases where political parties do not have a candidate nominated, and even a nomination does not guarantee a prominent role in the campaign process itself. Exposure and chance to learn about the existing ones is certainly limited. This of course is supposed to be addressed with the televised debates, discussed later on, however, the link between national political parties, European level parties and the affiliation to the Spitzenkandidat is an underdeveloped and complex part of the process itself that had a negative effect on Spitzenkandidaten role in election campaigns.

Secondly, a key aspect of 2014 election campaigning, that set it apart from any other year, was the introduction of televised debates. This was a new approach to European level politics with several intentions mentioned before, main one being, the chance for candidates to debate their political programs and consequently give voters a choice on EU's future. As has been mentioned before, for years, EP elections had been described by the second-order nature (Hobolt, 2014; Hobolt and Tilley 2014), in which voters vote on national issues rather than European issues. By introducing televised debates across all member states, the event set in motion a change in voters understanding of EP elections and allow voters to recognize the link between the elections and European issues.

All in all, there were nine debates during the two months leading up to the elections. Assessing the available information, the debates were mainly broadcasted in English, French

or German, targeting voters of lead candidate home countries. More so, the main contenders were also candidates from the leading political parties – Jean-Claude Juncker and Martin Schulz, facing one another on four occasion without other candidates (Juncker, n.d.). Despite the considerably large number of debates, most of them where not EU level organized, and only one debate saw all five main candidates face each other. Called the Eurovision Debate, the event took place on May 15<sup>th</sup>, shortly before the elections themselves. Being the first ever pan-European televised debate, there certainly was a high expectation and excitement for such an event. European Broadcasting Union (EBU) describe the event as broadcasting history that: „[...] will bring presidential nominees face to face in an unprecedented showdown to be aired on television and online” (EBU, Eurovision creates first ever live multi-channel televised EU Commission Presidential debate, 2014). EBU reported that at least 153 media outlets aired the debated either on TV, websites or few radio stations, and in total the media engagement on the social media platform Twitter gathered 112,595 tweets, using the #TelleUROPE (EBU, 2014). Before the elections, the EP led the Spitzenkandidaten process under the slogan *This time its different*, and a lot of emphasis was put on the use of social media and the televised debates and the possible reach of voters it offers. No real numbers on the actual views across Europe for the Eurovision debates are available, however, based on the social media engagement during the televised debated as well as the reported media coverage by the EBU, it is possible to argue that few million possible voters were reached during the elections week; an analysis by Marek Zaremba-Pike reported that there were more than three million tweets about the elections with more than million sent during the election week (Zaremba-Pike, 2014). Beyond the political agenda and the goal to elect the European Commission President, the 2014 EP elections expanded the ways in which political campaigns can be conducted. The assess preliminary impact that these campaigns and the lead candidate had on the elections, results of post-elections surveys can be used.

Based on a survey done by TNS Opinion for the EP and the EC, in regard to the prominence and visibility of campaigns and their influence on voting, when asked whether the voters remember any TV or other campaigns, encouraging people to vote, 65% of the 27 331 surveyed answered *yes*, and only 33% answered *no* (European Parliament, 2014, p. 118),

however, for the reason to vote, only 5% of all the voters responded that their reason was to influence by who becomes the European Commission President, similar results were given for elections campaigns and understanding of EU's role on everyday lives were also not recognized as influencing reasons for voting. (Ibid., p. 30). In a post-election survey by AEER in 15 EU countries reported that 15% had seen at least one TV debate, however, only 13.6% could name a candidate (as cited in Hobolt, 2014, p. 1534-1536). Taking in consideration that 2014 EP elections saw the lowest turnout ever: 42.61% (Parliament, 2014), it immediately leads to questions how does the Spitzenkandidaten process is able to influence the elections outcome. Whilst this thesis does not seek to analyse the results of the election turnout, the political context of the post – eurozone, Ukraine and Greek government-debt crisis and the rise of Euroscepticism should be taken in consideration when considering the influence of the Spitzenkandidaten process on the results as well.

Overall, the level of electoral campaigning and its scope for the 2014 EP elections was increasingly more European than in previous years. Starting from the deliberate actions by the Parliament, to the participation of political groups, use of social media and televised debates. Taking in consideration that 2014 was the first year in which there was such an opportunity and both EU institutions, political groups and to an extent national political parties worked together to ensure a change in the election process should be recognised.

#### 4.1.3 Post-election processes: the winner forms the coalition?

2014 EP elections took place from 22 to 25 May, across all EU member states. The previous subchapter touched upon the turnout and preliminary results on the impact that the elections campaigns and the Spitzenkandidaten process had on voters. The following table (Table 1) presents the final results and the distribution of seats in the EP, showing that EPP gained the most seats with only S&D coming in close second. Article 17(7) TEU only implied that the European Council should take in consideration election results when nominating the European Commission President candidate to the EP, however, based on the interpretation of the EP and the following Spitzenkandidaten logic, in line with the elections results, Jean-Claude Juncker, the nominated lead candidate by the EPP, should become the European Commission President.

Political party	Number of seats
EPP	221
S&D	191
ECR	70
ALDE	67
GUE/NGL	52
Greens/EFA	50
EFDD	48
NI	52

Table 1. European Parliament elections results. Source: <https://www.europarl.europa.eu/elections2014-results/en/country-introduction-2014.html>

After the EP elections, the European Council held its first meeting on 27 May, 2014 over informal dinner. Among various topics, the main one was European Elections and the outcome of them. Following the remarks of then President Herman Van Rompuy it was clear that the Heads of State or Government and the European Council were not keen on abiding the Spitzenkandidaten process. The released remarks referred to the Declaration 11 to the EU Treaty and the principle of consultation between the European Council and the EP on the election of the President of the EC (European Council, 2017).

Following the rejection of the *automatic* nomination of Juncker as Commission President, the European Councils position was to engage in consultation with the EP and look for possible compromises on who could take the position. Along with the UK other leaders from member states opposed the Spitzenkandidaten process, with the Swedish Prime Minister saying that the country never supported the idea and the interpretation of the Treaty is inaccurate (EUOBSERVER, 2014), even though Juncker and Angela Merkel come from the same political party, there was no clear support for the lead candidate, and the Chancellor implied that the political agenda can be implemented by others, not just Juncker (Pop, EU leaders decline to endorse Juncker, 2014). Following pressures from her own political party, however, the Chancellor gave her endorsement: „[...] I am now conducting all of my talks in spirit that Jean-Claude Juncker should become president of the European Commission” (Pop,

2014). The strongest public opposition came from the UK and its Prime Minister David Cameron, who opposed not only Juncker as a nomination but the Spitzenkandidaten process itself, with some sources reporting that the nomination of Juncker would speed the planned referendum in the UK on whether to stay or leave the EU (King, 2014; Pop, 2014). The probability of nominating Juncker as the next Commission President was met with a lot of opposition, largely due to the circumstances under which the nomination was proposed. The post-election inter-institutional decision making clearly portrayed the divide among the intergovernmental and supranational aspects of the Union, and the Spitzenkandidaten process faced a lot of criticism and opposition by the member states.

After a month of opposition by some Heads of State or Government, lead by the UK Prime Minister David Cameron, over time, majority had shifted in support for Jean-Claude Juncker to become the Commission President. Most prominently, the Germanies Chancellor Angela Merkel gave her support for the nomination and endorsed him as a candidate. During the meeting in the European Council, exactly a month after the first one, EU leaders choose Juncker as the candidate for President of the European Commission (European Council , 2014). After a vote by qualified majority, all but two Heads of State or Governments voted in favour of Juncker, and only UK and Hungary voted against the nomination (European Council, 2014). In line with the formal voting procedures, the nomination had to be accepted by the EP. On 15 July, 2014 the EP voted in favour of Jean-Claude Juncker as Commission President, with 422 votes in favour, 250 against and 47 votes abstained (European Parliament, 2014). Following Juncker's appointment a division of opinions was also visible in the EP. Support for Juncker came from the three largest EP groups, except for ECR, that made up the majority of votes in favour, ECR, voted against the nomination, in line with their pre-elections position in opposition to the Spitzenkandidaten process itself, and members of GUE and the Greens opposed the nomination based on policy disagreements (Keating, 2014). The final vote in the EP marked an unprecedented event in EP elections and established a clear link between the election results, the executive power in the EU.

Taking in consideration the results of the 2014 EP elections and the supposed success of Spitzenkandidat, the question of whether actual and long-term change was made was still to

be determined. Overall, academic articles (Braun and Schwarzbözl, 2019; Christiansen, 2016; Schmitt et.al., 2015; Hobolt, 2014) have concluded that no major change has been brought by the introduction of the Spitzenkandidaten to the European elections at the moment. This is first argued in relation to the low turnout 2014 EP elections saw because one of the incentives of Spitzenkandidat and personalized election campaigns was to increase the turnout of the elections, which in turn would increase the legitimacy of the new Commission as well as create a link between voters and the executive. Further, the actual effectiveness and role of social media had been questioned. Secondly, although, each political party did present their political manifestos, genuine choice between rivalry political programmes was not present (Christiansen 2016). This could be seen in the post-election surveys where political campaigning and the introduction of the Spitzenkandidaten were not among the main reasons for voting.

Despite the favourable outcome in regard to who became the European Commission President, the criticism the process received and the shortcoming that have been pointed out, set the foundation for the 2019 EP elections and the continuity of the process.

#### 4.2 2019 EP elections

Following the 2014 EP elections and the apparent success of the Spitzenkandidaten process, 2019 elections were met with a lot of anticipation, whether or not the European Parliament along with the support of the European Commission would succeed in safeguarding the process. Although the 2014 EP elections delivered on the expectations that the nominated lead candidate from the winning party in the EP elections would become the EC President, the process revealed several shortcoming and challenges brought by the intergovernmental and supranational set-up of the Union. Despite that, in early 2018 the European Parliament announced that the Spitzenkandidaten process cannot be overturned, and it would: „[...] reject any contender for EU Commission President who is not nominated as a “lead candidate” ahead of the 2019 EU elections” (European Parliament, 2018). The expectation was that the 2019 elections would consolidate the process and establish it as integral to the EP election process. Additionally, it was established that serving Commissioners could run for the

elections to the European Parliament, under certain pre-conditions, and be nominated for the lead candidate position without having to stop their duties as Commissioners (Ibid., 2018). Thus, it can be seen that before the 2019 EP elections, the Parliament was trying to establish the Spitzenkandidaten process as a norm and integral part of the EP elections process.

This chapter will provide a summary of the nomination process of the lead candidates by the political parties, as well as analyses the role Spitzenkandidaten played in the 2019 EP election process, with the aim of explaining why the process was not followed though and fell apart after the success of 2014 elections.

#### 4.2.1 Nomination of Spitzenkandidaten

As evidenced in the previous chapter, the 2014 election period and the nomination process of lead candidates greatly differed from each party, showcasing various ways in which a political candidate could become a Spitzenkandidat. In many ways processes set in motion during the 2014 EP elections can be compared to primaries, in which there is importance not only to who becomes the Spitzenkandidat but how the candidates have been chosen. Whilst this year saw the Spitzenkandidaten process being used for only the second time, and the nomination process could not be compared to a long-standing system, five ways of possible Spitzenkandidacy have already been identified (Julien Navarro, 2018). These ways of electing a lead candidate have been drawn from both the 2014 EP elections and other parliamentary states. The nomination process for the 2019 EP election lead candidates showed a change not only in party positions when it came to the process itself, but also the outcomes of the nomination, with some parties choosing to nominate more than two candidates and some abstaining once again. These processes will be identified in the following chapter.

Following the success of the 2014 EP elections, selecting the next Commission president candidate draw a lot more attention from media and public. In comparison to last time, EPP engaged in the Spitzenkandidat process earlier and saw an even more prominent pre-nomination competition along its party lines. The two main candidates for the nomination were Manfred Weber and Alexander Stubb. As was said before, the competition ahead of the nomination this time around was clearer and stronger with both competitors engaging in a

public campaigning. Despite being part of one political party group, both candidates had varying approaches and visions – M. Webers campaign described as perhaps more traditionalist and A. Stubb having a more current approach with emphasis on the next generations and what appeals to them (Fleming, 2018). With the endorsement of Angela Merkel, Manfred Weber won the vote of 492 party members versus the 127 votes for Alexander Stubb. Whilst the publicly there seemed to be a close competition, with A.Stubb gaining public support, for many observers the outcome did not come a surprise, with many media sources predicting such an outcome (Herszenhorn, 2018). Whether or not the choice for party members was clear beforehand, the decision surely shows party's supported vision of Europe at that time and challenges this process still needs to address.

During the 2014 election process, PES elected Martin Shulz as their lead candidate for the Commission president position, however, the choice was met with opposition within party lines and amongst other party groups, as mentioned previously. The rules governing the selection process for the 2019 elections were updated by the PES Presidency decision on 20<sup>th</sup> June 2018, where explicit principles and criteria were set out. Although the general criterion stayed the same to become a candidate, the potential candidate now required the support of 25% of PES full member parties and organizations as well as laid out a more detailed timetable of the selection, dedicating time for elections process campaigning in case of several candidates for the nomination (PES Resolution, 2018). In line with their set schedule in the PES Presidency decision, in 26<sup>th</sup> October 2018 two candidates were confirmed by the PES Common Candidate Working Group – Maroš Šefčovič and Frans Timmermans (PES, 2018). The campaign process was cut short, when only a week later Maroš Šefčovič announced his withdrawal to become PES' top candidate, leaving Frans Timmermans to become the top candidate by default. As reported, such a decision was made following the strong support shown to Frans Timmermans by the majority of social democratic national parties, and consequently also giving his own endorsement to Timmermans (Olander, 2018, Eder, 2018). Even though Frans Timmermans became unopposed for the top candidate nomination, the process in which the candidate was chosen still differed from 2014 elections, as the withdrawal of the bid by M. Šefčovič politically led. More so, F.Timmermans did not

hold a high ranking position within the EU institutions, not making his campaign compromised and decision making possibly biased. The official election and announcement of the top candidate happened on 8th December during the Party Congress (PES, 2018). The nomination was welcomed by the Party members, having a strong support.

Before the 2014 EP elections ALDE did not have procedures set in place for choosing their top candidate before the election campaign. After the 2014 elections, the Party modified its statutes where it permanently assigned the elections right to the Congress; consisting of all full, affiliate members hold the rights to elect a common top candidate(s) for the European elections (ALDE, 2016 <https://www.aldeparty.eu/sites/alde/files/00-Pages/10/alde-statutes-european-party2016-adopted1.pdf>). However, this process was not followed through. ALDE's selection process for the 2019 elections differed from that of 2014 elections and other political parties. For one, almost all national political parties nominated candidates or a list of candidates for the lead candidate nomination (ALDE, 2019), Second, instead of one candidate, on March 21<sup>st</sup> the Party confirmed a team of seven candidates – Margareth Vestager, Guy Verhofstadt, Luis Garicano, Katalin Cseh, Violeta Bulc, Emma Bonino, Nicola Beer - nominated by several member party leaders and Prime Ministers (ALDE, 2019). The decision was announced shortly before the event took place in which it was said that: „European values have never been so much at threat [...] These leaders will promote our vision for Europe's future, conversation after conversation, country after country” (ALDE, 2019). Taking in consideration past elections results, with two long term dominating political parties, and in the context of changing political dynamics in Europe, such a decision could be seen as an election strategy to gain more seats in the EP rather than have their lead candidate become the Commission president. This view is also implied by an ALDE spokesperson before the elections: „Our campaign is to, first of all, raise awareness about our project, the distribution of jobs will come later. We have seven candidates to defend our values, we don't want to enter an “only for the job” logic, we want to defend our ideas” (Eurasiatimes, 2019).

In 2014 EP elections, EGP chose an unusual approach to the lead candidate nomination by allowing citizens to make the choice through online voting. However, this process was

abolished for the 2019 EP elections and changed, now giving the decision-making powers of the candidate nomination to its Council/Congress. Procedure for 2019 Green leading candidates with all of its timelines was made available on the official web page. Similarly to other political parties, the decision was made at the end of 2018, during a Council meeting; just as in 2014 EP elections, the Greens selected two candidates – Ska Keller and Bas Eickhout (European Greens, n.d.). Although putting forward more than one candidate was not uncommon amongst parties in 2019 primaries, for EGP such a decision had been based on gender balance and equality, in line with their Manifesto and core values (European Green Party, 2019). More so, EGP was the one of only two political parties who had one of the nominees from 2014 Spitzenkandidaten process. Ska Keller was one of the nominees by during the 2014 and also 2019 primaries. Being one of the most visible members of the political party, such a choice, long term, can be beneficial, as for the voters and the public it might create a sense of continuity and stability.

Political alliance of the Greens in the EP, European Free Alliance participated in the nomination of a lead candidate for the first time during the 2019 EP election process. The nomination happened during the EFA General Assembly 7 May in Brussels, and resulted in the unanimous elections of the Catalan leader Oriol Janqueras, who at that time was imprisoned on accounts of rebellion (EFA, Oriol Janqueras elected as EFA LEad Candidate for European elections, 2014). The decision, that can be described as a political one, in the announcement was explained on the basis of self-determination rights. Despite its pledges to allow for their lead candidate to participate in the EU elections campaigns events related to it, like interviews and debates (EFA, 2014), it did not happen. Case like this does raise a question on what grounds should a lead candidate be nominated. Despite the political party arguing that exclusion of their candidate: „[...]undermines the normal political competition and weaken the democratic character of the campaign” (Ibid.), it can also be questioned whether nominating an imprisoned candidate, without securing the possibility of said candidate to participate in the campaign, by default undermines the process as a whole.

As one of the political parties that did not nominate a candidate during the 2014 EP elections, ACRE appointed the Czech MEP Jan Zahradil as their lead candidate at the end of 2018

(Brzozowski, 2018). Unlike most political party groups, the ECR does not have guidelines based on which the nomination is carried out. Before the official announcement the MEP had put himself forward and expressed the wish to become ECR lead candidate. Similar to ALDE motivation for participating in the process, in an interview J. Zahradil explained that he is not interested in the Commission President position and expressed concern over the interpretation of Article 17 arguing that the European Council should pick the nominee and it should not be limited to only the Spitzenkandidatens', he is however interested in making the European elections more attractive and bringing a different for the voters (Koreň, 2018).

Party of European Left was one of the parties that also nominated more than two candidates for the Commission President position during the 2019 EP elections. Nico Cue and Violeta Tomič were nominated at the beginning of 2019 at the Executive Board meeting of the Party of the European Left Party (EuropeanLEFT, n.d.). Unlike the practice of nominating a candidate in opposition to the process during the 2014 EP elections, 2019 saw a change in their approach to the political campaigning. In addition to the nomination of the two lead candidates, the political party developed a clear strategy and message to convey to the voters of how they see Europe and issues it is facing.

With respect to the goal of increased transparency in selecting the Commission president, to make it as one, the principle should be practiced from the very beginning. Meaning that the respect for a transparent decision making should start with the nomination process itself. However, both the 2014 and 2019 experiences showed that it was not always the case.

The primaries of 2019 EP elections show a change of tactics for many of the European political parties with many abolishing the one candidate or *only for the job* logic nomination as was described by an ALDE spokesperson. With some of the main political parties putting emphasis on the expected result of the nominee, others, whilst participating, departed from the expected end goal and rather welcomed the openness and publicity of the process itself. With high expectation by the supporters of the process and bold statements made by the Parliament itself, the nomination process in many instances lacked a clear connection to the Spitzenkandidaten process and in some cases transparency. Beyond participating, to get the desired result and continuity of the process, the message on the purpose of nominating lead

candidates and what ought to happen, has to be clear from the beginning and amongst all participating parties. Therefore, it was also important how political parties would use lead candidates in their political campaigns, for this reason next chapter will examine the role the Spitzenkandidaten played in political campaigns and how the process itself played out in the public.

#### 4.2.2 Role of Spitzenkandidaten in political campaigns

2014 EP elections and the introduction to the Spitzenkandidaten process created a blueprint for what to expect and look out for during the 2019 EP political campaigns. As political parties set out to gain seats in the new Parliament and possibly fill the European Commission presidents' position with their candidate, the process was following the same path to the one in 2014. Besides the nomination process, executed by most participating parties before the end of 2019, deliberate and calculated political campaigning started a month prior to the elections, with the another televised Eurovision debate set to take place a week before the actual elections.

First, when it comes to political campaigning during the EP elections, the complexity of the process has to be taken in consideration. Whilst the goal of the Spitzenkandidaten process is to have an automatic nomination for the Commission President position, based on the election results, the EP election also have to elect 751 MEP from all across the Europe. These seats are divided based on national lists, therefore the national influence still plays an important role. More so, with each political group nominating a limited number of candidates, the direct *use* of Spitzenkandidaten in party based electoral campaigning is restricted to only few. In other cases, it is up to national parties to inform their voters of the nominated Spitzenkandidat that is linked to their affiliate EU-level party and what exactly it means. However, politically it cannot be expected that political parties would run their election using a candidate unfamiliar or distant to the voters. The limited recognition of the Spitzenkandidatens has been a significant problem, used by the opponents of the process. This is why it is important for the lead candidates to find new ways to reach voters beyond their national party affiliation, participate in debates and to pay visits to other member states. Manfred Weber, Martin Schulz, ALDE and the Greens had designated web pages containing

information of events, main ideas and updates on campaign events across Europe, allowing for easy access and engagement with voters. Manfred Weber and Martin Schulz personalised pages offer information in all 24 official languages, thus putting in the effort to make the candidates truly accessible to citizens across all of Europe to the best of their abilities, with the limited resources and time. With the increasing role that social media and digital sources of information have in our lives, a lot of the candidates adjusted their campaign to fit this environment, with short, catchy phrases, in addition to physical campaigning.

Second, debates have a central role in any election process in order to have a fruitful competition amongst party leaders and their visions. During the 2019 EP elections three main events between the lead candidates were held. The first one was the Maastricht debate held on 29 April, 2019, with five of the seven nominated lead candidates – Violeta Tomič from Party of European Left, Frans Timmermans from PES, Bas Eickhout from the Greens, Guy Verhofstadt from ALDE and Jan Zahradil from ACER (The Maastricht Debate, n.d.). Because the candidate of European Free Alliance Oriol Junqueras by default could not participate, only EPP was not represented during this debate. It was the second debate was held on 3 May, 2019 the Florence State of the Union debate between four of the lead candidates – Ska Keller from the Greens, Frans Timmermans from PES, Guy Verhofstadt from ALDE and Manfred Weber from EPP (European University Institute, n.d.). Eurovision debate, broadcasted across Europe by the EP, is the concluding EU-level event in the political campaigning, a week before EP elections take place. Held on 15 May, 2019, the Spitzenkandidaten debate brought together all six lead candidates – Frans Timmermans, Manfred Weber, Margrethe Vestager, Jan Zahradil, Ska Keller and Nico Cué (EBU, n.d.). The debates attracted less media coverage than those during the 2014 EP election, and they provided little opposition in opinions. Despite the fact that the Eurovision debate hosted all lead candidates, except for one, with arguably different vision on the EU future and the Spitzenkandidaten process itself, little competition was detected (Zalan, 2019). Similarly, the first Maastricht debates did not generate a lot of contest among the candidates (Brzozowski & Radosavljevic, 2019), on the contrary, ideas of unity and solidarity and the need to work together were more prominent throughout the debates.

A key aspect suggested by many Spitzenkandidaten supporters are the opportunity for voters to have a choice for the European future. The televised debates are one way to reach current and potential voters, however, every year social media plays an even larger role in the elections, especially during the time of the televised debate. Part of the reason is the social engagement; a post online can have larger impact than a physical meeting with a limited amount of people. In an analysis on Twitter engagement and the use of hashtags generated specifically for the previously mentioned debates, the Florence debate attracted the least amount of attention, generating slightly less than 3000 thousand messages, with the Maastricht debate taking the second place and the Eurovision debate attracting the most engagement with almost 16 000 messages, using just the official hashtag (#TellEurope) (Castelli, n.d.). It should be noted that number reflect messages that used only the official hashtag and excludes messages containing other key words, related to issues discussed during the debates, for example, Brexit, climate change, economy. Because the official broadcasting page has not provided additional information on the engagement on social media platform, opposed to the 2014 EP elections, it can be assumed that the overall engagement had decreased.

One aspect in which the political campaign of the EP elections can be evaluated are the post-election surveys on the reasoning behind why citizens choose to vote. Based on a Eurobarometer survey, following the 2019 EP elections, when asked for the main reason to vote, the majority of voters still responded that a sense of duty they have as a citizens, is the main reason for voting, however, in comparison to 2014, 8% of voters (up by 3%) mentioned the influence on the choice of the Commission President candidate as a reason (Zalc, Becuwe, & Buruian, 2019, p. 44). Additionally, to the campaigns by the Spitzenkandidaten, the EP actively promoted the EP elections, trying to encourage citizens to across Europe to vote. When asked whether voters remember seeing messages of encouragement for people to vote, almost half (44%) responded with a *yes* (Ibid., p. 69). The results overall presented a positive attitude towards the EU by the citizens, and an increase in the belief that their vote matters (Ibid., 89), in addition to the highest turnout in years, the post-election surveys showed

positive changes in voters attitude and can be viewed in light of the changes to the electoral procedures and increased campaigning on EU-level.

#### 4.2.3 Post-election processes: the winner forms the coalition?

2019 EP elections took place from 23 – 26 May 2019 across all EU member states. Following the success of the 2014 EP elections, there was an expectation that because EU-level political groups participated in the nomination process, engaged in political campaigning and participated in EU-level televised debates, the same way it was done during the 2014 elections, it would present the same results. The following table (Table 2) shows the final election results and the seat distribution in the EP. In comparison to the 2014 elections, the three main political groups lost seats, with EPP losing almost 40 seats, making the EP a lot more polarised and harder for the two bigger groups to achieve majority. This was important, taking in consideration the opposition Juncker and the Spitzenkandidaten process faced in 2014 in the EP; whilst in 2014 the two bigger groups together were able to form an absolute majority, the 2019 EP elections had changed that.

Table 2. 2019 EP election results. Source: <https://www.europarl.europa.eu/election-results-2019/en>

Before the 2014 EP elections, the European Council was not very prepared to respond to the pressures by the EP and other supporters of the Spitzenkandidaten process. This time around, ahead of the informal dinner between Heads of State or Governments, the European Council had published an infographic on the elections of the European Commission President, in reference to Article 17(7) TEU, in which the aspect of consultation and joint responsibility between the European Council and the EP were emphasized (European Council, n.d.). The logic of the infographic was also referenced after the first informal dinner of Heads of State or Government on 28 May 2019 by the European Council President Donald Tusk. The same way the European Council did not automatically nominate the lead candidate of the winning party in 2014, was also the case in 2019. In his remarks after the dinner, Donald Tusk emphasized the same logic of the process as in the infographic, stressing the role the European Council has in the nomination process, without directly discrediting any of the lead candidates and recognizing that the candidate has to be supported in both the European Council and the EP (European Council, 2019). After the informal meeting it was revealed

that France, Spain, Portugal and Hungary all opposed the candidacy of Manfred Weber (Mount, 2019). This time around it was the French president Emanuel Macron who was the driving force behind the opposition of Manfred Weber as Commission President, and Angela Merkel on the other hand had shown her support for Weber (Zalan, 2019). The results of the elections play an important role in this situation, because Macron was representing the newly created political group Renew Europe (previously ALDE), that had gained seats in the EP, and Merkel's EPP on the contrary had lost seats and thus the political group was unable to form a strong majority to push for the nomination of Manfred Weber.

Despite the lack of support from the European Council, the Spitzenkandidaten process could have been influenced with enough support in the EP, even without the prospect of strong majority by the EPP. However, the candidacy of Manfred Weber was rejected by two major EP political groups – S&D and Renew Europe (ALDE) – that had supported Juncker the first time around, making his nomination to become unachievable (Michalopoulos, 2019). Following the rejection of Weber as a candidate by both the European Council and the EP, with no other suggestion, Frans Timmermans was considered as a possible nomination, ahead of the 2 July 2019 meeting. Despite opposition to the nomination in the EPP, the candidacy of Timmermans was supported by Angela Merkel and Donald Tusk, therefore having enough political backing to be considered as a possible candidate (Zalan, 2019). The consultation period displayed inter-institutional struggles over who would become the next Commission president. Any nomination other than Manfred Weber, even if it was one of the lead candidates, would be rejected by the EPP, but EPP own Weber was rejected in both the EP and the European Council.

On 2 July 2019 the European Council proposed Ursula von der Leyen to be the candidate for the European Commission President (European Council, 2019) after two day long negotiations on the next candidate for the Commission President position, the nomination came as a surprise (Barigazzi et.al., 2019, Karnitschnig, 2019). In a similar manner to all the previous, possible candidates for the European Commission President position, Ursula von der Leyen struggled to gain support in the EP. During a pre – election hearing with Ursula von der Leyen, the EP showed its dissatisfaction with her responses to their questions, lacking

clarity and concrete ideas (Zalan, 2019). The hearing shows one of the advantages that the Spitzenkandidaten process brings about, as each lead candidate enters the political campaigning with a policy agenda they want to achieve, and it is possible for the EP to question those plans beforehand.

After her nomination by the European Council, and the hearings, the EP voted on the appointment of Ursula von der Leyen on 16 July 2019, with 383 votes in favour, 327 votes in opposition and 22 abstentions, in a secret ballot, she was elected as the President of the European Commission (Baume & Herszenhorn, 2019). Despite the announced support by EPP, S&D and Renew Europe (Ibid., 2019), the nomination of Ursula von der Leyen did not have the same support that Jean-Claude Juncker did, indicating within group disagreements.

Following the appointment of Ursula von der Leyen, then Commission President Juncker said that he was the *first and last Spitzenkandidat* (EUOBSERVER, 2019). Despite the lack of trust that the Spitzenkandidaten logic will be repeated, there are still support for the process and the willingness to keep the introduced system. This is especially important in light of the announced Conference on the Future of Europe, where democracy is one of the central points of discussion. The issue of the Spitzenkandidaten was also brought up during the EP debate on the Future of Europe conference by Manfred Weber, one of last year's lead candidates (Rios, 2020). Because the Spitzenkandidaten process challenges the long lasting tradition in the nomination process of the EC President and challenges the role of the European Council along with the Heads of State or Government, making it a tradition the second time around would be a farfetched goal, considering the shortcomings the process faced in the first year. Rather than discrediting the process after its first failure and the second time of implementing it, the process should be closely followed during the next EP elections, and whether or not EU-level political groups will participate in the process and how will the EP and the European Council communicate.

### 4.3 Results

On the backdrop of previous analysis, it can be argued that the Spitzenkandidaten logic has not held up. With varying levels of support from EU-level political parties, MEP's and

national leaders, the initial assumption that the logic of the Spitzenkandidaten would be repeated, did not come true.

Besides the main goal of choosing the Commission president, the Spitzenkandidaten process had set out various expectations on possible consequences the implementation would have, such as, increased turnout, transparency in choosing the executive power and promotion of more democratic practices. In 2014 the results of new electoral procedures and the Spitzenkandidaten process brought about contrasting results. The outcome of the process was achieved and the lead candidate of the EPP became the Commission President, however, the nomination and election were met with strong opposition in both the European Council and the EP. Additionally, the turnout of the elections was the lowest yet, opening up the process to criticism on its legitimacy in respect to the low turnout, and whether or not the *people* chose Juncker. Taking into consideration all the above, it is clear, that the first ever Spitzenkandidaten process came with its successes and failures. Regardless, in comparison to previous years, all in all, the process in which the European Commission president was elected, had become more transparent.

In 2019, similarly to the first time the Spitzenkandidaten process was introduced, the results brought about contradicting results. Opposite to the 2014 elections, the outcome was not achieved and neither the lead candidate from the winning party nor any other lead candidate became the Commission President. Similarly, to the first time, there was strong opposition to the process by the European Council and more so than the previous time, from the MEP. Neither the European Council nor the EP wanted to give in on their positions towards the Spitzenkandidaten process. Even with some opposition towards Weber, the other political party groups were willing to support other lead candidates. In turn the European Council did not want to nominate Weber, especially with opposition it faced in the EP. Additionally, even though a lot more EU-level parties participated in the nomination process, their reasonings were not based on the competition for the President position but rather on the political campaigning associated with the process, and reaching out to the voters. Whether directly influenced or not, but the 2019 EP elections did have the highest turnout since 1994.

Additionally, in line with the 2014 elections, despite its shortcoming, the overall process of electing the Commission President was more transparent and accessible to the EU citizens.

## 5. Conclusion

The purpose of this thesis was to examine the rise and fall of the Spitzenkandidaten process. To answer the proposed research question, this thesis introduced two dominating European integration theories– intergovernmentalism and supranationalism - and their approach to democracy and legitimacy in the European Union. Both theoretical approaches not only dominate the academic debate on the European integration, but also represent the institutional set-up of the Union, in turn explaining the positions behind support or opposition of new proposals, like the Spitzenkandidaten process. Supranationalism points out the increasing role and independence of EU supranational institutions, emphasizing the belief that they are not mere agents of member states, therefore, institutions, like the EP and the EC would favour changes that aim to alleviate the democratic deficit in the EU. In turn, intergovernmentalism strongly believes in the importance member states play in the integration process, and the prevailing balance of power between the intergovernmental and supranational institutions of the EU. Because of the assumption that democracy and legitimacy is achieved in an indirect way through the member states, innovation like the Spitzenkandidaten process are not considerate as necessary and in fact should be opposed by institutions like the European Council.

Against the backdrop of the theoretical assumptions, this thesis introduced the chosen case-centric process-tracing research method in order to explain the results of the 2014 and 2019 EP elections. Because the goal of this thesis was to explain the outcomes of the previously mentioned EP elections and there is no other supranational institution or a *superstrate* against which the procedures of EP elections could be compared to, case-centric method was best suited. Explaining – outcome process-tracing takes stock of historically puzzling events and the Spitzenkandidaten process had taken place only twice, with different results. Using the deductive path of explaining-outcome process-tracing this thesis developed a causal mechanism and by applying the facts of the case to the case-specific causal mechanism, the goal was to craft a minimally sufficient explanation for the outcome of the elections.

In order to follow the Spitzenkandidaten process, it was first necessary to understand how the process was introduced and what were the initial positions of main actors involved. The Treaty changes that led to the introduction of the Spitzenkandidaten process were discussed in the third chapter of this thesis. The development of the appointment process gave a broader context of the gradual increase in powers of supranational institutions in the EU, especially the EP. The Lisbon Treaty was the determinative event to create a direct link between the EP and its role in the European Commission President nomination process. The empirical part provided an analysis of the Spitzenkandidaten process, during the 2014 and 2019 EP elections periods, examining the events related to the process as well as the positions of main involved actors.

This thesis set out to answer the question of why the Spitzenkandidaten logic was followed in 2014 and why it was abolished in 2019, despite the overall expectation that following its success in 2014, the 2019 elections would deliver similar results. The main results are:

- The 2014 EP elections were the first time the Spitzenkandidaten process was introduced and EU-level political parties participated in the nomination of a lead candidate for the European Commission President position. Despite strong opposition by UK Prime Minister David Cameron and initial lack of support by Germanies Chancellor Angela Merkel, Jean-Claude Juncker, EPP's lead candidate, was nominated and elected as the European Commission President, thus succeeding to produce a favorable outcome in line with the Spitzenkandidaten logic. The success of the process can be defined by its novelty and strong support by the EP, that subsequently influenced the heads of states of governments in the European Council.
- In comparison to the 2014 EP elections, despite the shortcoming in the process, the process was followed through and there was a lot more support for Jean-Claude Juncker to become the European Commission President, than it was for Manfred Weber, although both times followed the same procedures and engaged in similar activities. In order to explain the abolishing of the Spitzenkandidaten process, it was necessary to pay attention to the positions of main involved actors

both pre and post EP elections. Key elements, like the nomination of lead candidates themselves, were shadowed by doubt and lack of support for the outcome of the process by some EU-level political groups. Despite participating in the nomination process, the decisions were based on political interests rather than competition for the President position. Similar to the 2014 elections, there was strong opposition to the Spitzenkandidaten process by the heads of states of governments, and against the already weakened support in the EP, the process was abandoned.

- Despite abolishing of the process during the 2019 EP elections, it should not be assumed that the process itself has failed. Along with the expectation that the elections would produce the Commission President, additionally, the goal was to bring the elections closer to the voters, increase the declining turnout, and overall bridge the gap between what happens in Brussels and how that is reflected in the EP elections. Even though the link between the elections and who becomes the President of the EC was not established, 2019 elections saw the highest turnout in more than two decades. The post-elections surveys showed motivations behind voting that favoured the EU, with a slight increase of voters also choosing the appointment of the Commission President as a reason to vote. Whilst the end goal of the process was not achieved, the results of the 2019 elections presented positive changes in voter attitudes.

Because the EP elections take place every five years, and the Spitzenkandidaten process has taken place only twice, as has been elaborated before, whether or not the process is permanently abolished cannot yet be predicted. A more conclusive assessment could be done after the next EP elections in 2024, provided that EU-level political groups participate in the nomination of lead candidate. The shortcomings and successes of both 2014 and 2019 EP elections create a space for further academic research in examining inter-institutional balance of power, comparing the Juncker and President von der Leyen presidencies and how they interacted with the EP and the European Council respectively.

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