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Linking National Politics to Europe - an opposing argument

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Introduction and Summary

The European Union has been widely and extensively criticised for its lack of accountability, legitimacy and democracy. The European Commission, effectively the executive of the European Union, is no exception. Its President and Commissioners are unanimously nominated by the European Council (the Member States governments) and approved by the European Parliament. After the ratification of the Nice Treaty, the Council will vote by a qualified majority and the EP will have to give its assent. This puts the Commission President in an ambiguous situation of being the head of the European executive while being elected in an intergovernmental deal behind closed doors. This procedure can hardly be described as democratic. With the increasing competences of the EU and the increasing demand for democratic reforms, the idea of electing the Commission President has become a very prominent one.

Simon Hix in his recent article, *Linking National Politics to Europe*,¹ argues that the President of the European Commission should be elected by the national parliaments of the (current) fifteen EU Member States. Simon Hix has provided an excellent paper which makes a range of very important points, stimulating a much needed debate. In this paper, I argue against Hix's idea, suggesting instead that the European Parliament should elect the President of the European Commission.

Hix proposes that the lower Houses of the Member States should form an 'Electoral College'. Each of the lower Houses holds a different number of Electoral College Votes (ECVs). These ECVs are equivalent to the number of seats allocated to each state in the European Parliament (Article 190 EC). Therefore, Germany would have 99 ECVs, the UK 72 and Luxembourg 6.² The different national parliaments then vote on the Commission President. The total number of votes per candidate will be transferred into ECVs. So if 30 of the Luxembourg MPs votes on one candidate and the other 30 on his or her opponent, each would receive 3 ECVs. Finally, in his article Hix considers alternative election scenarios for the position of Commission President, such as universal suffrage, through the European Parliament or through a qualified majority vote in the Council (the Nice agreement), all of which he rejects.

I will argue that introducing an Electoral College will leave the power to elect the Commission President ultimately with the national governments and will not have the effect - desired by Hix - of transferring it to the parliaments. A look at the actual numbers involved in Hix's models will show that his scenario and an election by QMV in the Council are likely to produce the same outcome.

This article will first explore Hix's argument and critically examine Hix's main arguments. I focus on five core points:

- (1) the argument that the media will pick up on a Commission President election which takes place in national parliaments;
- (2) the argument that new checks and balances will be introduced since the Commission President, under Hix's model, would be more likely to be from a different political tradition than the majority of the Council;
- (3) the argument that the Commission President would be able to call on supporters from every Member State who would be accountable for their votes;
- (4) the claim that the manifestos of the candidates would be picked apart by the press across Europe; and
- (5) the claim that the proposal is the most simple and efficient one.

Secondly, it will argue that Hix's model will in effect produce the same outcome than the current (post-Nice) model does. The power to elect the President is in fact not transferred to the national parliaments but it stays with the government, and when the fifteen separate governments get together they effectively make up the Council. This is exactly the situation we have at the moment.

Thirdly, a brief summary will follow of why the Commission President should not be elected by the national parliaments of the EU Member States.

Fourthly, the argument is presented that the Commission President should be elected by the European Parliament. After a personalised European-wide election campaign with party front-runners as presidential candidates, the EP would have a mandate to elect the President. Furthermore, this model is very likely to increase public interest in and media focus on the European political process in general and the European Parliament election more specifically. Finally, a brief conclusion will sum up the article.

Comments on Hix's Arguments in *Linking National Politics to Europe*

Hix claims that electing the president via national parliaments would '[...] be covered in the national media because of their dominant focus on national parliamentary politics. [...] the debate would be about the actual policy direction of the EU, rather than whether or not the EU is a good thing.'³

These are effectively two arguments and will be dealt with accordingly. First, the President of the Commission is only elected/nominated every five years. A campaign in which candidates have to come forward with different policy agendas is clearly a good thing and would increase accountability at the European level. However, it has to be said that to discuss policy alternatives only every five years is not a sufficient improvement on the current situation, under which a clear deficit of public policy debate on the European level is apparent. There is a potential danger that the debates only really move to the forefront of media attention at the time of the Commission President's election. The fact that under Hix's proposal the President would be elected by fifteen different chambers means that the President would have to spend a lot of his or her time travelling in order to report to his or her supporters in the different houses. Not only would this cost a President time, which he or she might otherwise spend on actually 'getting on with the job'; it would also not necessarily stimulate a Europe-wide media coverage. It is not likely that *La Stampa* or *France 2* will make a headline story reporting that the President of the Commission has reported to the Finnish Parliament. Danish media coverage might be high when the presidential candidates appear in the *Folketinget*; yet a European-wide debate is not likely to spark from this. National parliaments will elect the President, and hence national issues will dominate the debate in the different Member States. Therefore, Hix's model is not likely to trigger the highly desired increase in media attention and public debate about policy choices in the European Union. In whatever way the Commission President is to be elected, the form of election should maximise media attention and possibly trigger a European-wide public debate. This is rather unlikely with a handful of speeches in the different national parliaments.

Second, Simon Hix argues that competition for the office (never mind the election mode) will produce a race between a centre-right and a centre-left candidate. This is highly likely to happen and it is very desirable at the same time. Already, national politics are traditionally divided along this cleavage as the government party and the leading opposition party are typically centre-left and centre-right respectively. Yet, this inference has a crucial implication: under Hix's model, the 'presidential debate' in the national parliaments will probably be reduced to government and opposition parties supporting the candidate of their respective political tradition. MPs would not choose the candidate better suited for the job as Commission President but simply the one with the same (or at least similar) political tradition.⁴ Additionally, Hix did not consider the likely possibility that a debate within national parliaments on European politics will probably be diverted onto national rather than pan-European issues. National politicians are elected to deliver national policies not European ones. It is not difficult to image the debate in a Member State's lower chamber turning into a traditional government vs. opposition confrontation over national issues rather than being a constructive discussion about European policy choices. It should not be forgotten that MPs' actions/speeches/discussion in the parliamentary area are always undertaken with (at least) one eye on the next election - or at least the latest opinion polls. It will therefore be extremely easy to divert the debate onto national issues, such as the Euro debate in Britain or the debate on the Snus chewing tobacco - which is exactly what Hix is really trying to avoid.

‘There would be new checks and balances in the EU [...] the head of the EU executive if more likely to be from a different political tradition than the Council majority.’⁵

What Hix seems to have in mind is a US style system of checks and balances where Congress (since the Reagan presidency more often than not) is of a different political colour than the President. Apart from France and Finland, there are no presidential systems in Europe. Therefore, the idea that the executive and legislative are ‘checking and balancing’ each other is not part of the wider European political heritage. Even in the case of a French co-habitation checks and balances are traditionally low. As seen during the Jospin-Chirac years, the Prime Minister was effectively leading the country under co-habitation, whereas during times when the President and Prime Minister are of the same political party, it is traditionally the President who leads the country. These underlying assumptions are clearly one of the factors driving the June 2002 French Legislative Election results. A checks and balances system similar to the one in the US is not in place. It is important to bear in mind that Europe is not familiar with the idea of a system of strong checks and balances between the legislative and executive. That is not to say that it is a ‘bad idea’ *per se*, but merely that it does not seem right to introduce a political system to the European Union which few in Europe are familiar with or can relate to. Any reforms made to the EU political and institutional order should try and bring Europe ‘closer to its citizens’. European countries have traditionally been governed by parliamentary democracies; the EU should reflect this.

Hix points to the fact that under the post-Nice procedure, the Commission President will be nominated by a qualified majority, it seems rather inevitable that the President will be of the same political tradition than the majority in the Council. Moreover, Hix assumes that under his proposal, under which national parliaments are to elect the President, it would be more likely that a majority would be found which supports a candidate not of the same political colour as the majority of EU Member States’ governments. This assumption is based on Hix’s proposed voting procedure which will be explained later in the essay.

However, Hix points out that European Parliament elections are regarded as secondary elections mostly resulting a victory of the opposition party in the different Member States. Therefore, the Council and EP are likely to represent majorities of opposing political orientation. This has been especially evident in the past two European elections. Therefore, if the European Parliament was to elect the Commission President, he or she would be of a different political colour than the majority in the Council. Because the EP and the Council are likely to be dominated by opposing political party groups (or party families) there is already an adequate system of checks and balances in place. And this system is as far as possible institutionalised through the conciliation committee, which is formed by the Council and the European Parliament under the co-decision procedure on an *ad hoc* basis as required. Why does Hix think another layer of checks and balances is needed? And how is his model actually adding another layer? The Council and EP are likely to be of a different political tradition, and consequently the Commission President (whether elected by national parliaments, the Council, the EP or even by universal suffrage) would inevitably be of the same political tradition as one of the two - assuming that the two ‘strong’ political traditions of centre-left and centre-right will always predominate. However, even the possibility of a ‘third case’ or third party scenario would mean that parties of different political tradition would hold majorities in the different institutions.

In addition, the cleavage in European politics is not only running between left and right as it does traditionally in the Member States’ national parliaments. On the European level, the most apparent cleavage is between pro- and anti-integrationists or between integration and intergovernmentalism. Voting behaviour in the European Parliament proves that the claim for classic party politics is almost absent. It is often the entire (traditionally more integrationist) House, which unifies (across traditional party lines) to vote against the (traditionally more intergovernmental) Council. The EP ‘... does not

have a permanent majority coalition and [its] party structures are not all-pervasive.’⁶ The current Convention on the Future of Europe is a classic example. MEPs are the most cohesive group of actors in the Convention and they work together across party lines to make the biggest impact possible on the outcome of the Convention.

The European Union does not currently lack an institutional system of checks and balances, or ‘interinstitutional balance’. The current system, with the Council and European Parliament being equal legislators under the co-decision procedure, produces a sufficient level of checks and balances. Moreover, it is crucial that whatever reforms and changes the European Union is going to undertake in the near future, its citizens should be able to identify with the institutional order of the Union. Its citizens will only support it if they understand ‘what it is all about’.

‘The Commission President would have supporters in every Member State, who would then be accountable for their votes for the incumbent President.’⁷

Achieving a situation whereby the Commission President can rely on visible support in the different Member States is highly desirable. This would make him or her accountable to those people who have voted for him or her. Hix is right to draw attention to this and indeed any future reform of the election process of the Commission President should improve the issue of accountability within the European institutional set-up.

Hix favours a model whereby the Commission President would be accountable to a body (or rather 15 different bodies) which is detached from the day-to-day political process of the European Union. Under Hix’s model, national MPs would vote for the Commission President, but due to their general detachment from EU politics in between the President elections, there would be no permanent link in terms of accountability between the two institutional layers. Nevertheless, a situation whereby the Commission President is relatively detached from his or her ‘constituency’ could be regarded as a positive situation. It would give the President more political freedom and flexibility to act. Yet, the Union needs to develop a political system which shows clear lines of direct accountability which can be traced back to its citizens.

A Commission President elected by an Electoral College consisting of fifteen different national parliaments would create another accountability gap. National parliaments are almost certain to change their political outlook over the five-year term of the Commission President. A substantial number of the MPs who elected the President under Hix’s model might have been voted out of office before the next Commission presidential election. Additionally, their departure from (or entrance into) office will be most definitely unrelated to the MPs personal behaviour during the election of the Commission President nor due to his or her personal work record. With 15 different national parliaments (and a potential 27 in an enlarged Union) a substantial change in the composition of these parliaments as a whole is inevitable. For example, if Jacques Santer had been elected by national parliaments in 1995 and had he secured the support of the majority of British MPs (then conservative like Santer), he probably would have lost the support of most British MPs after the 1997 general election and the arrival of Tony Blair’s New Labour government.

Hix suggests that accountability would be achieved by the fact that national parliamentarians can throw out the Commission President after five years in office if his policy choices and leadership-style were not according to his/her promises. Yet during the interim period national MPs could themselves be voted out of office and it is important to bear in mind that their re-election will most definitely not depend on whatever choice they made at the last Commission presidential elections. National elections focus by and large only on domestic issues.⁸ Therefore, introducing a system, which firstly makes the

Commission President draw on support in the different Member States and secondly makes him or her accountable for his or her policies is highly desirable. Taking these criteria into account, Hix's proposal does not seem to be the ideal solution. Under his model, the Commission President's (what I would call) 'performance pay back' is very low. Overall the linkage between the two institutional layers would simply be too thin. The President's support can decrease and his or her accountability can therefore be reduced without any direct relation to his or her performance in office. This is not a desirable solution for a future EU that aims to be closer and more accountable to its citizens.

'The manifestos of the candidates would be picked apart by the national press across Europe.'⁹

A contest between two or possibly three candidates would very likely provoke substantial media coverage and spread on interest in the elections of the Commission President across the population of the Member States. Media coverage of and public interest in electoral campaigns nowadays is mainly focused on personalised issues. Elections have become mostly a run-off between the incumbent government leader and the opposition challenger, rather than a discussion about policy choices and competing party manifestos. For example, in the UK the loss of the 2001 general election by the Conservatives was partly quite rightly blamed on limited public appeal of the party leader, William Hague. Similarly, the US presidential elections have seen this development, possibly since the first presidential candidate TV debate between Richard Nixon and John F. Kennedy in 1960. Two candidates 'fighting' each other on TV, in newspapers and on the radio are very appealing to the public. Indeed, it would bring the election much more into the public limelight than a debate dominated by party manifestos - and especially on the European level - detailed policy choices.

A personalised election would therefore be a great opportunity to stimulate public interest in the Union and to trigger a higher voter turnout. People are more likely to go out and vote for or against a certain candidate (see the recent second round French presidential elections) than they are to go out and vote for or against an additional 1p income tax. A personalised election campaign would be a great opportunity for the Union to gain the public interest and support it needs to achieve in order to be recognised as a legitimate political institution.

Hix's model provides, to a certain extent, this 'personalised' campaign. However, he limits it to a debate in the national parliaments, making it merely 'one debate among others'. If the respective chamber were discussing a different, domestically important, issue during the same day, the press might decide to give the domestic issue prime attention over the discussion about the future Commission President. This is not at all unlikely given that government normally sets the agenda. If the government decides not to give the debate on the Commission President a prominent place on the agenda, prime media coverage is not guaranteed. Also, in a system like the UK with strong party whips and huge government majorities, it will almost certainly be reduced to a simple exchange of well-orchestrated government and opposition statements. It is therefore highly likely that a partisan-dominated debate on the future President of the European Commission will take place rather than a free debate where MPs can depart from the official party line.

It has been argued above, that the election process should resemble the general 'European tradition'. The same should be true for the election campaign. Despite the focus given to party leaders during an election campaign, the campaign is still managed and run by their respective political parties. In Europe, it is political parties with their large financial and organisational capacity that organise and run national election campaigns. This is true in Europe much more so than for example in the US, where campaigns are run by individuals relying on their own funding and their own election team.

Personalising the election campaign does not mean moving completely away from programmatic politics. Political parties and their involvement in elections and government building are deeply rooted in the European political tradition. It would not be in line with this tradition to have national parliaments electing the Commission President, but it would be to give this role to the European Parliament.

People should be interested in and stimulated by European politics and European elections. Having a debate in national assemblies about a future European Commission President - who will not be institutionally linked with that national assembly - will not achieve that. Even if the parliamentary debate (with one or two presidential candidates attending the session) receives high media attention this attention is likely to decrease immensely over the next couple of days. It would be highly concentrated on one or two days in that particular Member State. A sustained campaign throughout the Union between two or three candidates is needed. Within any Member State and hence also at the European level, it is difficult to see how that can be achieved without the help of the capable campaign machinery of political parties. Due to the European political tradition it seems crucial to achieve a personalised election campaign, which is managed and organised by political parties.

‘Of all the proposals to involve national parliaments in the EU - such as allowing national parliaments to scrutinise EU legislation or creating a ‘second chamber’ of national MPs in the EU - this is the simplest and most efficient.’¹⁰

One of the major problems of the Europe political and institutional order is that it is too complicated. Voting procedures are generally a matter of advanced mathematics, and ordinary legislative procedures are more complicated than constitutional amendments in most liberal democracies. Qualified majority, conciliation committees, unanimity, consensus, vote allocations in the council, majority of states and majority of people: all these different factors and expressions mean nothing to most European citizens. The EU should not try simply to make the political process and institutional order more democratic and more accountable but should also attempt to make it simpler. How can people support or even properly criticise a political system (like the EU) without even understanding how exactly it procedures work?

Hix’s proposal is not one which will help make the European decision-making process less complicated. On the contrary, it will possibly increase the lack of interest in the European political process because it would add another institutional layer and another procedure, which is anything but easy for the ‘EU lay person’ to understand. Hix’s model involves an Electoral College spread over 15 countries and includes (in an EU-15) 4839 people, who would have altogether 626 Electoral College Votes (ECVs). However, that does not mean every MP has 0.1293 ECVs. The number varies considerably depending on how many European Parliament seats the respective MP’s country holds and how many parliamentary seats his or her national chamber has. Therefore, under Hix proposal, a Swedish MP’s vote would have 0.05 ECVs,¹¹ whereas a Dutch MP’s vote would be the equivalent of 0.17 ECV which is more than three times as many.

Hix is right when he demands that the voting procedure of the Commission President should include weighed votes; and the allocation of European Parliament seats springs to mind indeed. The votes of smaller states have to make an impact despite the vast majority of EU citizens living in only five Member States. But the system Hix suggests looks very complicated indeed because different countries have different numbers of MPs. Therefore, Hix model would bring the EU to a situation where single MPs in some Member States have a much smaller ECV than MPs in other countries, as the numbers above have shown.

Hix's claim that his model is the 'most efficient' might not hold if practicality and transparency are taken into account. The Treaty of Nice has been widely criticised for the confusing voting reforms of the Council it will institute if ratified. The system Hix proposes seems to be equally complicated and it is questionable whether European citizens would be interested in an election process from which they are excluded and where the functioning is complicated and difficult to understand. Again the argument has to be made that it would be a method of election (through an Electoral College), which is alien to the political culture of the EU Member States. In fact, it would be as if the *Länder* parliaments in Germany were to elect the federal Chancellor. And we should be reminded that in the US 'representatives' of the States make up the Electoral College, not members from the State parliaments. The Electoral College Men in the US have been elected especially to elect the President, for members of State parliaments have no mandate to do so. These Electoral College Men have a clear and straight forward mandate: to elect the US President, whereas MPs in the EU Member States' parliaments have not at all been elected with that kind of mandate. This goes back to the accountability and legitimacy gap referred to earlier on in this essay. Nevertheless, it can be argued that Hix's proposal is an efficient way to *include* national parliaments in the process. I am convinced that the reform process should foremost be about a proposal, which offers an efficient way to *elect* the Commission President. It has been argued that national parliaments should be more closely involved in European politics and Hix's proposal seems to deal with this issue more than with the question of how best to elect the Commission President.

One of the biggest problems the EU is facing today is its lack of transparency. Giving national parliaments a say in the European political process might increase transparency but reformers must ensure that this is done in a way which increases efficiency and legitimacy of the entire European political process. Any Commission President election should be straight forward, comprehensible and logical to every citizen. This would also add to Hix's idea of the President becoming a household name,¹² and it would increase the EU's profile and bring Europe closer to its citizens.

Therefore, Hix's model defeats the real object of any proposed reform of the EU along these lines, namely to make the EU more efficient and more accountable, and to make Europe's political process and institutional order easily understandable for its citizens.

Linking National Politics to Europe - a Different Conclusion

Examining the figures presented in the annexed table, one can argue that electing the Commission President via an Electoral College, consisting of national MPs, is very likely to produce the same outcome as a qualified majority vote in the Council - the procedure agreed on in the Nice Treaty. In other words, Hix's model is likely to result in exactly the same person becoming Commission President under the system, which he seeks to reform. Hence, Hix's model leaves the ultimate power to elect the president with the national governments, and therefore in effect - so far as they act together - with the European Council.

A qualified majority vote in the Council would need (after the ratification of the Nice Treaty) 169 votes plus an absolute majority of Member States and a 62% majority of the total of the EU's population. The Council itself is made up of national governments which themselves hold the majority in their respective national parliaments. Party blocks voting as a whole largely dominate voting procedures in national parliaments. Prior to the actual vote being taken in parliament, all party members agree which decision they, as a group, will support. This is often reflected in the votes cast splitting the parliaments, with the party in power supporting a decision and the opposition opposing it. The point is that MPs as a party (rather than as individuals) will either support or oppose it.

Hix's model suggests the likelihood of a run-off between a centre-left and a centre-right candidate for the position as Commission President. Therefore, MPs of a governing party (and its possible junior partner(s)) of any given Member State will support the candidate which is closest to its political tradition. The opposition might be spread across the political spectrum, with extreme left, liberal and extreme right parties. Yet it is very likely that they will abstain or vote for the candidate which is opposing the government's favourite. This voting pattern can be seen in the vast majority of votes taken in national parliaments. Any bill the government proposes will be rejected by all opposition parties, even if they act for different reasons. 'Opposition' frequently trumps ideology in such circumstances. So, there is no reason why this 'tradition' will not be kept in the case of a parliamentary vote on the Commission President.

If we now assume that a government holds about 55% of the seats in the national parliament we can calculate fairly easily whether a centre-left or a centre-right candidate is going to win Hix's Electoral College vote. Let us assume that 55% of every Member State's parliament will vote for the candidate politically close to the government party and the other 45% (i.e. all opposition votes) will be voting against the government (i.e. for the opposing candidate).

It is fairly simple to determine whether the centre-left or the centre-right candidate is going to make it to Brussels. With the current situation (after the Dutch and French elections), there is a majority of centre-right governments in the European Union. If we take the Council votes allocated in the Nice treaty, centre-right government would have 150 votes and centre-left governments 87 - the qualified majority threshold being 169 votes. Therefore, under the (yet-to-be-ratified) Nice-procedure it is very likely that the Council will appoint a centre-right candidate.

Under Hix's model, it would not be the Council which elects the Commission President but the fifteen different national parliaments, each with the number of Electoral College Votes (ECVs) equal to their country's seats in the European Parliament. However, the ECVs can be split between different candidates depending on whether different MPs vote for different candidates. Each candidate receives the same percentage of that country's ECVs as he or she gained in the parliament. It is not a 'winner takes it all' system.

If one assumes, as we have done above, that the government and therefore the government MPs¹³ (in any Member State) will support the candidate politically closest to it, with the opposition¹⁴ supporting the other candidate, the following result can be expected under Hix's ECVs model. The centre-right candidate will receive the support of all centre-right governments and the votes of those MPs opposing a centre-left government and vice versa. The centre-left presidential candidate will receive the support of the centre-left government MPs and the ones opposing a centre-right government. Considering the current outlook of national parliaments in the EU's Member States, the centre-left candidate will receive 262.5 ECVs and the centre-right candidate will win the contest with 272.5 ECVs.

Therefore, under the current (post-Nice) procedure, ten Member States representing 56% of the EU's population and 150 Council votes will favour a centre-right candidate. It does not seem much of a prediction to say that a centre-right candidate would win the race. Hix's proposal, which involves his Electoral College Votes, will produce the exact same outcome.

The importance behind this is that the power of electing the Commission President, in both cases, lies effectively with the national governments of Member States. In addition, under Hix's model it would be very likely that national governments will strike a deal in the Council about which candidate the government would like to see elected. As the governments hold the parliamentary majority in their respective countries, the vote (and indeed the entire parliamentary debate) in the chambers would be without any impact on the actual outcome, and would become symbolic gesture politics.

It is hard to believe that national governments will not try to influence parliament on such an important vote - indeed they will make sure that their party colleagues turn up and support 'their' candidate; especially in parliamentary systems such as the UK. The Council members in their position as government leaders, will decide in their inner circle which candidate to support, and the government (i.e. majority) party whips in the national chambers will make sure that their candidate will receive the formal approval of the parliamentarians. Hix's proposal is therefore one which leaves *de facto* the ultimate power with the national governments. The current election method and Hix's Electoral College model are likely to produce the same outcome. Hix's model is thus not 'bringing the national parliaments into the debate' but 'keeping the national governments in it'.

For a complete overview of the figures and calculations in this section, please refer to the Appendix.

The Argument so far - an overview

- National Parliaments have no mandate to elect the Commission President. The two institutional layers - Commission President and national parliament - are not linked. National Parliamentarians would give their votes once every five years and would otherwise not be much involved in EU activities. A debate every five years over EU policy choices is not sufficient. It does not sufficiently involve national parliaments and it certainly is not sufficient on its own to make the position of the Commission President a more legitimate and accountable one.
- During the term of a Commission President, national elections will take place and the outlook of national parliaments is likely to change considerably. The President is very likely to face a politically different Electoral College after his or her five years in office. He or she might lose his or her position due to the simple fact that different MPs (with a different political tradition and/or generally a different view on Europe) will cast their votes and not because the President has failed to fulfil his or her election promises. Therefore, a wide accountability gap is likely to occur.
- Personalised election campaigns are likely to stimulate greater public interest than mere programmatic discussions about detailed policy alternatives. It is therefore generally a good idea to have a contest for the post of Commission Presidency because this will personalise the debate much more than is normally the case in EU politics. Nevertheless, if the debate takes place primarily in national parliaments MPs are likely to be told by their respective parties which position to take and which candidate to support. The debate would therefore be reduced to an ordinary discussion between government and opposition with a predictable vote at the end.
- Any reform which the Union undertakes should bear in mind that the EU needs to be closer to its citizens. The decision-making process is too complicated and the institutional order is inherently ambiguous and incomparable to any national counter-part. Hix's proposal is likely to decrease rather than increase the interest of the general public in European affairs. It is adding another institutional layer and another complicated voting procedure. Most Member States (apart from Finland and France) enjoy a parliamentary democracy with the head of government being elected by parliament (which has a clear mandate to do so). Hix's Electoral College model is alien to the European political culture and therefore unlikely to find huge support in the European public. Yet another institutional procedure is surely not what the European public is looking for.
- Electing the Commission President by a qualified majority in the Council (as the Nice treaty foresees) is very likely to produce the same outcome (i.e. the same candidate becoming Commission President) as Hix's Electoral College model. This implies that in Hix's model the effective power to elect the President will still vest with the national governments of Member States. In this light, Hix's idea to involve national parliaments in the European political process does not prove very successful. It rather seems that it is the national governments calling the shots in the Commission President's election.

The Best Deal for Europe: The European Parliament elects the Commission President

The European Parliament should elect the new Commission President every five years following its own election by the EU citizens. Making the EP elect the Commission President is the best option to achieve an accountable and legitimate political position for the future head of the European executive. This proposal is certainly less provocative and innovative than Hix' model, yet it is the most effective one. During the EP election campaign each of the European party federations nominates a candidate, which would become Commission President if his or her party obtained the majority in the European Parliament elections. This would bring a face into the EP election campaign. It would personalise the campaign and make it much more of a media focus point than it has been so far.

Hix claims that no one is interested in European elections and no one takes part in it, and as a result the EP has no mandate to elect the Commission President. Therefore, his approach assumes a stable preference on the part of European citizens with regard to European Parliament elections. In other words, because no one is much interested in them at the moment, this fixes their legitimacy quota and hence precludes any further development of what European elections might stand for, including investing them with the importance of effectively giving citizens the chance to choose the Commission president.

However, I believe that the preference of the European citizens is not stable and that a change in the stake of the EP elections is likely to lead to a considerable increase in citizens' interest and participation. Having different presidential candidates backed by their respective party groups would be the best (and possibly only) way to stimulate media interest, public debate and voter turnout. It would allow for a European wide election campaign. The candidate would need the majority of votes in most of the Member States. So far, national parties have run the EP campaigns in their respective countries - and the EP campaigns have thus been dominated by domestic rather than European policy issues. This situation could be completely transformed. It would open up the EP elections and make them much more of a political focal point throughout the Union. It would give European elections a face (even several) and allow the elections to be run in a 'traditionally European' way; with political parties running campaigns tailored to a front-runner who is bidding for the position as head of government.

The acts of parliamentary elections and appointing (electing) a head of state are traditionally closely related in European politics. Applying this to EU politics and therefore giving the EP the power to elect the Commission President would be in line with this tradition. It would install a political procedure, which the European citizens can easily understand and hence produce a Commission President people can much more easily identify with.

It is important to bear in mind that with the European Parliament electing the Commission President smaller states do have an influence disproportionate to their population size. It is crucial that the President is only a legitimate head of the EU executive if he or she is supported by a vote representing a large number of citizens from a broad range of Member States. If there was direct election by universal suffrage, the votes coming from Luxembourg, Denmark or Ireland would be almost without any impact at all on the actual outcome. Electing the Commission President through the European Parliament, however, means that MEPs from all Member States have an equal vote and as a result of weighted seat allocations, smaller states and their MEPs would not be disadvantaged in the process.

Furthermore, it will be up to the public and the European party federations to judge the performance of the Commission President and to decide whether they want to continue to support him or her on his or her performance in office. In case the Commission President does his or her job well and delivers his or her election promises a re-election should be a logical consequence. In the case of the Electoral College systems, however, the outlook of national parliaments (and governments) might change and

the incumbent might not simply be re-elected. Therefore, the President might lose his or her job not because of bad performance but because he or she has not got the 'right' political tradition any more, due to a changing majority in national parliaments during the five years office term of the Commission President.

Giving the European Parliament the power to elect the Commission President would be a logical step upwards on the 'ladder of steadily-increased powers' which the EP has been climbing since the 1987 Single European Act. Under the current procedure, the Commission President is officially approved by the European Parliament. Crediting the Parliament with the formal power of electing the President would increase the political importance of the Parliament. In addition, a permanent and strong link would be installed between the Commission president and the EP which elected him or her.

This is a crucial point, which Hix seems to leave out in his model. An elected Commission President would considerably increase his or her political powers and the institutional prestige of his office. His or her role in European politics is bound to become much more influential than it is at present. This increase in power needs to be countered with a control mechanism. It would be a political imperative that the body electing the Commission Presidents assumes this role. However, it seems rather impractical for the national parliaments to undertake this function. The President would need to travel to all fifteen (potentially 27) national parliaments to be answerable for his or her actions. Additionally, who would be able to possibly impeach a governing President? How would 15 different parliaments meet and discuss this kind of issue? Scrutiny would be very difficult if not impossible to perform under Hix's model of an Electoral College.

The European Parliament, however, is in a prime position to carry out its potential task as the scrutinising body. The EP is by definition highly involved and up to date when it comes to current European affairs. As simple as that may sound, national parliaments are not in that position. The European Parliament is the only body able to effectively scrutinise an elected Commission President. The two institutions, Commission and European Parliament, are closely interrelated and scrutiny as well as co-operation has been a continuous feature between them. The EP would provide an ideal arena for the Commission President to announce his or her policy plans and to report on the Commission's activities. Contrary to the Electoral College model, this could take place continuously throughout a President's term on a regular basis; not only every five years in fifteen different Chambers. Indeed, a system similar to the UK's Prime Minister's Question Time would be an excellent opportunity for MEPs to check regularly on the President's activities and to provide a regular event which will potentially attract the interest of the public and media.

Hix argues that the EP has no mandate to elect the President as turn-out for European elections is low and voters use them increasingly to 'punish or reward national governments'.¹⁵ Also, he claims that European elections are (even with the EP electing the Commission President) less significant than national elections and thus attract less attention by the public, the media and political parties. According to Hix, it is therefore unlikely that the Commission presidential candidates would become 'main talking point [...] in every Member State'.¹⁶ Hix makes two viable points and it is important to address them.

One should not underestimate the effect a personalised election campaign can have. European election turnouts have been incredibly low despite the increase in EP competences, as Hix rightly points out. However, this might be due to the fact that European citizens do not know who and what they are voting for. They are not aware of the duties, the rights and the powers of the European Parliament and they certainly do not know the actual candidates they are voting for. There is no front-runner for the Labour Party in the UK for the EP elections never mind a European wide front-runner. There is simply no single face people can associate EP elections with and the media can focus its attention on. A prime example are German *Länder* elections. *Länder* competences are, though significant, clearly less important than the ones of the federal government. In Germany they are clearly considered as

second rank elections. Nevertheless, media attention, voter turnouts and public interest in these elections are relatively high. *Länder* election campaigns are often tied to personality. A so-called *Landesvater* or *Landesmutter* is elected. A personified election campaign is making up for the lack of political importance of *Länder* elections and thus leads to a considerable interest and turnout. Having a well-known face in an election is a large bonus and is likely to increase media attention and public interest. Having the Commission President elected by the European Parliament would do exactly that and is therefore provides a great opportunity to boost public interest and debate about European policy issues.

Moreover, it is also the only way to reinforce at last the structure of the European party federations. The election campaign of the presidential candidate will be managed and run by the European party federations. As argued before, election campaigns in Europe are traditionally focused on a candidate for an executive office, but they are run, managed and organised by political parties, providing programmatic input and infrastructure capacity. The European-wide party federations would be able to provide this¹⁷ and take over the job so far provided by national parties, campaigning only on a national (as opposed to European) platform. The party federations and their presidential candidates will need to produce election memoranda offering their policy suggestions and promises. The public and the press will have programmes and policies to compare and a debate can develop which will not stop at Member States' borders but is potentially transported throughout the Union. For every citizen will ultimately vote for the same party supporting the same presidential candidate. Today people feel they cannot influence what is happening in Brussels. A European election which gives the EP a mandate to elect the Commission President transfers more accountability to EU institutional order and also more power back to the European citizens. Hix's model fails to do that and leaves the power ultimately with the national governments.

Hix argues that having the EP elect the President is a bad idea because it would lead to a weakening of the EP's legislative powers. Yet the Commission President is not likely to turn the Commission into a machine which churns out nothing but legislative proposals. Neither the Commission President nor his Commissioners will be members of the European Parliament. They will have no vote there and will not be able to influence voting behaviour the way it is possible in Whitehall. Therefore, Hix's scenario of the EP turning into a 'talking shop [...] rubber-stamping legislation' is not viable. The institutional order of the European Union would prevent this scenario. It has to be emphasised that despite the increase in its powers, the European Parliament has had a stable relationship with the Commission; their 'balance of power' has not been altered. The fact that the EP effectively has to give its assent under the current system to the nomination of the Commission President and all the Commissioners, has no impact on their political and institutional relationship. The institutional order in the EU allows the two agencies to be linked yet to continue to perform their tasks as foreseen by the Treaties.

Additionally, one must not forget that the European Council remains no less a legislator than the European Parliament. The Council is very likely to counterbalance legislative ambitions on the part of any activist Commission President. In respect of all legislation falling under the co-decision procedure, the Council and the European Parliament both have to give their approval. Therefore, even with an EP-elected Commission President (and an institutional rapprochement) the Council would still hold the power to block their combined legislative and executive powers. In what ever way the Commission President is going to be elected, the legislative checks and balances produced by the co-decision procedure will not be altered.

Finally, Hix's model would alter the institutional order in important ways and is inimical to many aspects of the idea of 'multi-level' governance. National parliaments have no mandate to elect the Commission President. They are elected to fulfil their constitutional powers, which are connected to

the national political process. What Europe needs is a political system which acts effectively at the regional, national and supranational level. The concept of subsidiarity (which is often undersold) promotes that decisions should be taken at the most effective level possible. That would include every level of decision making commands over its own, legitimate, accountable and capable decision-making bodies.

Decisions that are best taken at the European level should be taken by European institutions, acting in accordance with the principles of legitimacy, accountability and democracy. Reforms should aim at improving the legitimacy, accountability and democracy of the European institutions; which they are no doubt in need of. National parliaments have no legitimate mandate to elect the Commission President. They have not been elected to carry out this role. Hix's proposal would thus indirectly increase the lack of legitimacy within the European political process.

Conclusion

Hix's model of an Electoral College consisting of the national parliaments of Member States would add another institutional layer to the already complicated institutional order of the EU. It would alienate citizens even further from the European political process rather than involving them more in it. The idea of having an Electoral College electing the head of the executive is unheard of in the political tradition of the EU Member States. It would thus be highly questionable whether citizens would feel that Europe is more democratic, accountable and legitimate if the head of its government is elected in a way they cannot relate to and they may possibly fail to understand.

Having the European Parliament elect the Commission President would be highly beneficial to the European political process. It would make the President accountable to a political body which is directly involved in European politics and which has the expertise to do so. It would mean that European citizens elect a European Parliament which is then responsible for electing the head of the executive. This is in line with the long political tradition of parliamentary democracy in Europe. It is a system which works and which people understand. It would bring a face to the EP election campaign and stimulate public debate and media interest. It would also allow European parties to develop further and use their institutional capacity and infrastructure to fight a European wide campaign on European policy issues, an element which has hitherto been missing in European elections. The EU needs a political system which is efficient whilst being accountable, legitimate and democratic. Having the Commission President elected by the European Parliament is a first, yet crucial, step to achieve exactly this.

Notes

¹ Simon Hix, *Linking National Politics to Europe*, Network Europe Policy Brief, <http://network-europe.net/political-competition/test/>

² These figures are based on the EP seat allocations in a post Nice scenario.

³ Hix p.31

⁴ The nomination of national parliamentary representatives for the Convention on the Future of Europe is a very recent example for this. The SPD holds currently the majority of seats in the *Bundestag*. So instead of sending the very experienced and well-known CDU MP Wolfgang Schäuble who has also an excellent record on European politics, SPD MPs insisted on sending a rather unknown and low-profile SPD MP, Jürgen Meyer.

⁵ Hix p.31

⁶ Corbett, Jacobs, Shackleton *The European Parliament*, John Harper Publishers, London, 2000, p.213.

⁷ Hix p.31

⁸ This is a point which the Tories painfully realised after their 2001 general election defeat, which came after a campaign focused on the Euro rather than public services.

⁹ Hix p.31

¹⁰ Hix p.32

¹¹ All the figures used are post-enlargement figures based on the numbers agreed on in the not yet ratified Nice treaty.

¹² Hix p.31

¹³ Holding 55% of the seats in the parliament.

¹⁴ Holding 45% of the seats in the parliament.

¹⁵ Hix, p.17

¹⁶ Hix p.17

¹⁷ In this context, an important condition is that the European party statute and financing regulations are properly put in place per Article 191 - currently vetoed by Austria.

Appendix - post-Nice scenario

	Government Party	Seats in Nat. Parliament	Socialists Government. votes (55%) + anti-Cons. Gov. votes (45%)	Cons. Govt. Votes + anti-Socialist Govt. Votes	Soc. Govt. votes + Opposn (Hix' ECV)	Cons. Govt. Votes + Opposn (Hix' ECV)	Socialist QMV in Council	Conservative QMV in Council
<i>Sweden</i>	Socialist	349	192	157	9.5	8.5	10	0
<i>Finland</i>	Grande Coalition (S)	200	110	90	7	6	7	0
<i>Denmark</i>	Conservative	179	81	98	6	7	0	7
<i>Germany</i>	Socialist	656	361	295	54.5	44.5	29	0
<i>Netherlands</i>	Conservative	150	67.5	82.5	11	14	0	13
<i>Belgium</i>	Grande Coalition (C)	150	67.5	82.5	10	12	0	12
<i>Luxembg</i>	Conservative	60	27	33	2.5	3.5	0	4
<i>France</i>	Conservative	577	260	317	32.5	39.5	0	29
<i>Austria</i>	Conservative	183	82	101	7.5	9.5	0	10
<i>Spain</i>	Conservative	350	157.5	192.5	22.5	27.5	0	27
<i>Portugal</i>	Conservative	230	103.5	126.5	10	12	0	12
<i>Greece</i>	Socialist	300	165	135	12	10	12	0
<i>Britain</i>	Socialist	659	362	297	39.5	32.5	29	0
<i>Ireland</i>	Conservative	166	75	91	5.5	6.5	0	7
<i>Italy</i>	Conservative	630	283.5	346.5	32.5	39.5	0	29
Total		4839	2394.5	2444.5	262.5	272.5	87	150