



Leaders' Agenda

February 2018

The next institutional cycle

2019 will mark the transition to a new institutional cycle. Two sets of issues must be discussed now, as a result of European Council conclusions in June 2014 and March 2017 on appointments as well as legal obligations (Article 14(2) TEU on the composition of the European Parliament). Later on, before June 2019, the European Council will have to review the decision on the number of European Commissioners. The Commission has also proposed the merging of the positions of President of the European Council and President of the Commission in the future, but has indicated that this issue is not for the next institutional cycle.

1. High-level appointments

The European Parliament proposes that «European political parties come up with lead candidates ('Spitzenkandidaten') in order to give European citizens the choice whom to elect as President of the Commission». It also «warns that the European Parliament will be ready to reject any candidate in the investiture procedure of the President of the Commission who was not appointed as a 'Spitzenkandidat' in the run-up to the European elections».

In June 2014, a number of members of the European Council expressed concerns about the compatibility of the 'Spitzenkandidaten' process with the Treaty, the risk that the pool of potential candidates would become more limited, and the politicisation of the Commission. The European Council therefore decided to come back to this issue and consider the process of appointment of the President of the European Commission for the future, respecting the European Treaties.

The Treaty foresees that the European Council shall propose a candidate for President of the Commission «taking into account the elections to the European Parliament and after having held the appropriate consultations. This candidate shall be elected by the European Parliament (...)». This formulation means that the European Council cannot deprive itself of its prerogative to choose the person it proposes as President of the European Commission without a change of the Treaty.

The 'Spitzenkandidaten' process is linked to the issue of 'balances' in the context of high-level nominations, which was referred to by the March 2017 European Council. At the time, in particular political balances were discussed. In this respect, it should be recalled that Declaration No 6 to the Treaty requires that «due account is to be taken of the need to respect the geographical and demographic diversity of the Union and its Member States» when appointing the President of the European Council, the President of the Commission and the High Representative. There is also a more general Treaty provision on the need to ensure gender balance. If the President of the Commission were to be selected in accordance with the logic of the 'Spitzenkandidaten' process, and if such balances are to be taken into account, the choice of the European Council regarding other nominations will be more limited.

It is not for the European Council to decide how the European parties decide to organise themselves for European Parliament elections. The question is rather how the European Council intends to go about its own decision to propose a candidate for President of the Commission.

- **What are your views on this issue? Should the European Council automatically accept the outcome of a 'Spitzenkandidaten' process or should the European Council autonomously decide how to take account of the elections, having held appropriate consultations?**

2. Future composition of the European Parliament

The European Parliament has now made a proposal to revise the decision on the composition of the European Parliament. On this basis, the European Council will have to adopt a decision by unanimity, at the latest in June, to enable Member States to adopt the necessary national measures for holding the elections for the 2019-2024 parliamentary term. This discussion takes place in the context of the United Kingdom's withdrawal from the European Union, which frees the 73 seats currently allocated to the UK.

One aspect relates to the application of the so-called principle of 'degressive proportionality', i.e. the bigger the population, the more 'expensive' each mandate in terms of votes. The European Parliament proposes that, in the case that the UK will have left the EU by the next elections, 27 of the 73 seats currently allocated to the UK be re-distributed to 14 Member States in order to reflect demographic changes and respect the principle of degressive proportionality. The proposal also allows to reduce the number of seats in the European Parliament from 751 to 705 in line with the principle «fewer Member States, fewer MEPs».

A second aspect concerns the idea of a joint constituency ('transnational list'). A joint constituency would require modification of the Electoral Act, which must be adopted at least one year before the elections. It requires the unanimity of the Member States, the European Parliament's consent and the ratification by all the national parliaments. If introduced without changing the Treaty, it would also require a mechanism to ensure that the principle of degressive proportionality and the maximum number of MEPs per Member State apply to all seats, including those part of the joint constituency.

This idea has not been taken up in the European Parliament proposal, and is therefore not a feasible option for the next institutional cycle. Given the political interest in it and its link to other institutional issues, it could nevertheless be worth continuing the reflection on it in view of the 2024 elections.

- **Will you be ready to support the proposal of the European Parliament on its future composition after Brexit?**
- **Will you be ready to continue the reflection on the idea of a European constituency and transnational lists in view of the 2024 European Parliament elections?**