

## The Spitz to the Top: Only a “Spitzenkandidat” Should become President of the Next EU Commission

by Jana Puglierin and Julian Rappold

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*Now that the European elections are over, the European Parliament and the European Council are battling for the upper hand in the process to name the next president of the European Commission. While the European Parliament wants to establish the Spitzenkandidat (or lead candidate) process once and for all, opposition is building in the European Council. A face-saving compromise is needed to avoid a protracted tug of war. And this simply won't work without one of the Spitzenkandidaten.*

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After the European Election on May 26, 2019, and the subsequent, informal European Council of heads of state and government, the race to succeed Jean-Claude Juncker as President of the European Commission is still completely open. The European Parliament and the European Council both claim a right to dictate the process – and there is a danger of a protracted showdown.

In order to preserve the EU's ability to act, the two sides need to find a solution that guarantees good working relations between the institutions. It is precisely because the only directly elected EU body was boosted by Europe's citizens' significantly increased electoral turnout that the EU should retain the *Spitzenkandidat* process. It is a matter of demonstrating that the leadership of the future European Commission reflects the parliamentary majority. That does not mean, however, that the *Spitzenkandidat* of the strongest party grouping should automatically become the next president. Rather, it should be whichever candidate can win a majority in Parliament.

### The European Council Wants to Win Back the Prerogative of Interpretation

The *Spitzenkandidat* process made its debut at the 2014 European elections. The vague formulation of the relevant clause of the Treaty of Lisbon (Article 17 (7)) made it possible for the EP to establish the process in the public debate as a sign of democratic progress. After the elections, the Parliament succeeded in installing Juncker in office against the will of many heads of state and government because the two largest party groupings – the European People's Party (EPP) of the Christian Democrats and the Progressive Alliance of Socialists & Democrats (S&D) – were able, with the support of the Alliance of Liberals and Democrats for Europe (ALDE), to quickly agree on a deal and present the Council with a *fait accompli*.

While from Parliament's perspective the 2014 process set a precedent that should be repeated and thereby cemented in 2019, many heads of state and government harbor reservations and want to win back the prerogative of interpretation. They point out that it wouldn't reflect

the real balance of power in the EU if the European Council merely rubber-stamped the new Commission president and emphasize that there is no guarantee that the nominee for Commission president will be a *spitzenkandidat*. In particular, French President Emmanuel Macron has spoken out against the *spitzenkandidat* process, since in his eyes, it gives the two biggest European party groupings a structural advantage. He has repeatedly expressed his opposition to EPP candidate Manfred Weber and favors his countryman and non-*spitzenkandidat*, Michel Barnier.

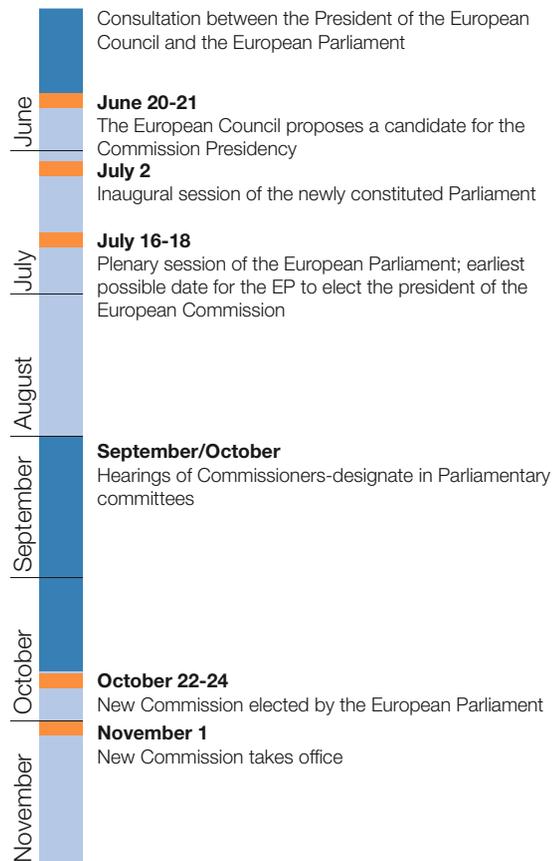
Other representatives in the European Council support the lead candidates – not least for party-political reasons. Whereas members of the conservative party grouping – such as Angela Merkel and Irish Prime Minister Leo Varadkar – went on record with their continued support for their candidate Manfred Weber on the margins of the Council meeting, Social Democratic representatives like Spanish Prime Minister Pedro Sanchez were still backing Franz Timmermans, their lead candidate.

### Surrendering the Spitzenkandidat Process Would Weaken the EP

The majority of party groupings in the European Parliament support the *spitzenkandidat* process and don't want to lose the influence that they won over the EU executive in 2014. After all, back then, they succeeded in bucking the general trend of the European Council playing an ever-bigger role in the decision-making processes of the EU. However, so far, the parties have not been able to agree on a common candidate, partly because this time around the EPP and S&D do not possess the absolute majority necessary to bring a deal through Parliament. In order to find a majority to support a common candidate, it is now necessary to bring in additional political forces – above all, the liberal ALDE group and the Greens. Both will expect policy concessions in exchange for their support. That is the EP's big chance, since forming a broad alliance behind a common Parliament candidate would significantly increase the institution's legitimacy vis-à-vis the Council.

Should the European Council nevertheless try to undermine the *spitzenkandidat* process and push through another candidate for the office of Commission president, the parliament would once again forfeit some importance. Therefore, it is unlikely that a majority of MEPs will put the power of their political family ahead of the power of their institution and approve a European Council candidate that is not "one of their own." In the end, the EP elects the Commission president by a simple majority vote.

It could, therefore – as it already stated it would in 2018 – reject any Council-nominated candidate who was not a *spitzenkandidat* of a party grouping in the run-up to the elections.



### It Will Not Work without One of the Lead Candidates – in the Broadest Sense of the Word

The consequence of this would be a long tug-of-war and, in the worst-case scenario, an institutional crisis. Instead of quickly dedicating themselves to the strategic priorities for the next five years, the institutions would impede each other. There is no time for that. The foreign and domestic challenges are too big; the EU must be capable of action. So it is important to nominate a candidate who enjoys the trust of both the EP and the Council and whose election would not automatically discredit the *spitzenkandidat* process. The two biggest European party families in particular, having repeatedly insisted that using lead candidates was the silver bullet for the democratization of the EU, cannot now back down without losing face. If the heads of state and government circumvent the *spitzenkandidat* process to reach a deal, it would only play into the hands of the right-wing populists, who accuse the EU

of having a democratic deficit, of being too far from its citizens, and who would denounce the broken promises of the established parties should the latter carry out any alternative procedure.

Admittedly, the *spitzenkandidat* process has so far been unable to have its full effect: in 2014, voter turnout was at a record low, and the possibility of electing the Commission president had only a small influence on voters' decisions. This is primarily due to the national parties, which in national elections hardly campaigned with the lead candidates, thereby missing a chance to give life to the process. If the candidates were more visible in general, it would make for a more personalized campaign process, which in the long-term would increase citizens' consciousness and interest in European issues and the European elections, as well as advance the Europeanization of public debate.

By voting in increased numbers in 2019, Europe's citizens gave politicians a clear task: to ensure that the leadership of the European Commission reflects the majority in Parliament. That is why the Commission president needs to come from the field of lead candidates this time too. The winner, however, does not need to be the candidate of the strongest party grouping, but rather the candidate who receives the votes of a majority of MEPs. All of the lead candidates, including Margarete Vestager – who took part in the public debate between lead candidates but did not declare her candidacy until the night of the elections – should have their ability to build bridges between institutions and bring about compromises openly tested. The European Council will now give the party groupings in the EP some time to organize this majority. The ball is in the EP's court. And the Parliament

can now take the initiative – but it also has an obligation to identify a common, consensus candidate.

### Council, Commission, and Parliament Need to Pull in the Same Direction

Linking the personnel decision with policy and content could build a bridge between the EP and the European Council. The next institutional cycle will be characterized by significantly more fragmentation between the member states. This considerably limits the room for maneuvering on the European level. For this reason, the European Parliament and the European Council should expand the personnel negotiations and link it to a discussion of policy. Both institutions should negotiate how to achieve as much coordination as possible between the priorities of the next Commission president – and, therefore, also of the majority of the EP – and the core, strategic interests shared by a majority of the European Council. Putting policy on the table would help the heads of state and government get over the fact that the *spitzenkandidat* process is sticking around. At the same time, the national leaders could use their party-political influence in the EP's coalition negotiations to put on the Council's agenda issues that would otherwise fail to get there.

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