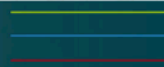




The European Union election process : a way forward democracy

Pr. Dr. Quentin Michel



Who is elected and who is nominated or ... both?

Focus on EU main institutions

- President of the European Council;
- President of the Commission;
- Commissioners;
- Members of Parliament (MEPs);
- President of the Parliament;
- Rotating Presidency of the Council of Ministers;
- High Representative/Vice-President of the Commission (HR/VP).

President of the EU Council

President of the European Council

Art. 15(5) TEU:

The **European Council** shall **elect** its President, by a **qualified majority**, for a term of **two and a half years**, renewable once.

In the event of an impediment or serious misconduct, the European Council can end the President's term of office in accordance with the same procedure.

Herman Van Rompuy

Started in November 2009 until present.



*At their informal meeting in Brussels today, the Heads of State or Government **reached a political agreement** on the following appointments : President of the European Council Mr Herman VAN ROMPUY will be the President of the European Council. He will be elected by the European Council, for a period of two and a half years, renewable once.*

Term expires 30 November 2014.

President of the EU Commission

President of the EU Commission

Art. 214.2 TCE (before Lisbon):

The **Council**, meeting in the composition of Heads of State or Government and acting by a **qualified** majority, shall **nominate** the person it intends to appoint as President of the Commission; the nomination shall be approved by the European Parliament.

...

The President and the other Members of the Commission thus nominated shall be subject as a body to a vote of **approval** by the European Parliament. After approval by the European Parliament, the President and the other Members of the Commission shall be **appointed** by the Council, acting by a qualified majority.

José Manuel Barroso



Term of office:
Started on 22 November
2004 (second mandate)
until present.
*Term expires 31 October
2014*



New procedure for 2014

Art. 17(7) TEU:

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 or she 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.

To sum up

- Candidate selected by the EU Council (qualified majority);
- proposed to the EP;
- approval by EP;
- If no approval : EU Council following the same procedure proposes another candidate within one month.

EU elections



- **European political parties have elected/ appointed candidates** for the position of President of the European Commission;
- the European Council, while proposing candidates for the Commission Presidency, would have to take into account the **results of the Parliamentary elections.**
- Objective of this new procedure ?.

Candidates for Commission Presidency as appointed by European Political Parties

- **PES** : Martin Schulz;
- **EPP**: Jean-Claude Juncker;
- **ALDE**: Guy Verhofstadt;
- **Greens**: Ska Keller and José Bové;
- **EL**: Alexis Tsipras.

N.B. Not all the European political parties have presented a candidate.

Commission President Candidates Declaration after Parliament election



Jean-Claude Juncker (EPP)

If the European leaders do not respect the principle that they have to choose one of the candidates, it is their problem. A clear pro-European majority can be built in the European Parliament. I think we will find common ground with the other parties. I want to work together with the Socialists in a positive way

Commission President Candidates Declaration after Parliament election



Martin Schulz (S&D)

My suggestion is that all people speak to each other on the basis of political content. One thing is clear - the EPP is losing 60 seats in the Parliament and another thing is clear as well - without an agreement with the socialist and democrat wing in the Parliament, no majority is possible. ...

Commission President Candidates Declaration after Parliament election



Guy Verhofstadt (ALDE)

When we look at the projections it is clear, that a very stable majority is needed. The EPP & SD lost around 70 to 80 seats. There is a need of a broader negotiation with the third group. Negotiations should be based on content - the program of the next Commission is vital, and should be different than the last 5 years. We do not want to continue the conservative policies. A new majority in this house should agree on a new leap forward in the integration of the European Union. Integration for growth.

Commission President Candidates Declaration after Parliament election



Ska Keller (Greens)

The introduction of official candidates for the Commission Presidency was a good experience and brought more life into the European debate.

Commission President Candidates Declaration after Parliament election



Alexis Tsipras (EL)

SYRIZA won a historic victory in Greece today. Coalitions are part of our program and we wish to build consensus on the basis of the rejection of austerity. Europe today made a decisive step, an important step to stop the disastrous policy of austerity and return to democracy. The Greens are a possible partner, but we can join forces with the Social Democrats, if they break the austerity alliance with Conservatives.

Informal EU Council May 27

Remarks by President Herman Van Rompuy following the informal dinner of Heads of State or Government :

Leaders have given me a mandate to conduct these consultations on behalf of the European Council.

I intend to be in touch with the presidents of the newly constituted political groups as soon as these groups are formed and their presidents elected.

I will also have bilateral talks on this with the members of the European Council...

EU Commissioners

Commissioners

Art. 17(7) TEU:

*The Council, by common accord with the President elect, shall **adopt the list** of the other persons whom it **proposes for appointment as members of the Commission.***

*They shall be **selected, on the basis of the suggestions made by Member States,** in accordance with the criteria set out in paragraph 3, second subparagraph, and paragraph 5, second subparagraph. ...*

...The President, the High Representative of the Union for Foreign Affairs and Security Policy and the other members of the Commission shall be **subject as a body to a vote of consent by the European Parliament.**

On the basis of this consent **the Commission shall be appointed by the European Council, acting by a qualified majority.**

To sum up

- Commissioners are selected by the President of the Commission and the Council (QMV) within three names proposed by each Member States;
- EP has to approve by simple majority : EU President, HR and Commissioners
- the Commission is appointed by the European Council (QMV).

Commissioners hearings by European Parliament

2004 difficulties with :

- **Buttiglione (Italy)** rejected for previous political declaration considered as not compatible with the proposed portfolio (Justice, Freedom and Security):

I may think that homosexuality is a sin, and this has no effect on politics, unless I say that homosexuality is a crime.

- **Kovacs (Hungary)** mostly “lack” of competencies in its portfolio field (taxation and custom union).

2009 Difficulties with :

- **Roumiana Jeleva** mostly “lack” of competencies in its portfolio field International Cooperation, Humanitarian Aid and Crisis Response.

Commissioners: criteria and conditions

Article 17(3) TEU:

The **Commission's term of office shall be five years.**

The members of the Commission shall be chosen on the ground of their general competence and European commitment from **persons whose independence is beyond doubt.**

In carrying out its responsibilities, **the Commission shall be completely independent.**

....

Independence (Art. 16.3 TEU)

(...)the members of the Commission shall **neither seek nor take instructions** from any Government or other institution, body, office or entity. They shall refrain from any action incompatible with their duties or the performance of their tasks .

How to guarantee independence?

1. Commissioners' Code of Conduct (art. 245 TFEU)

Commissioners may not engage in any other occupation;

Political parties' active members but cannot exercise a public mandate

Possibility to benefit of an « electoral unpaid leave »

2. Commissioners' declarations of interests

This declaration includes all the interests that Members of the Commission are required to declare under their Code of Conduct.

It includes:

- Information on former and current outside activities;
- Financial interests and assets;
- Spouses' activities.

3. Salaries, allowances and pensions of Commissioners

- The basic salary of a member of the Commission is currently € 20.667,20 per month (the Vice-Presidents earn €22.963,55 , the High Representative earns €23.882,09 and the President earns €25.351,76).
- The salary is subject to Community tax. There are 14 marginal tax rates, ranging from 8% to 45% and to a solidarity levy (7% of the basic salary
- Commissioners are entitled to a residence allowance of 15% of the basic salary.
- Commissioners are entitled to a monthly allowance for representation expenses of € 607,71 (Vice-Presidents and the High Representative receive € 911.38, the President receives € 1418.07).

4. After mandate activities

- Occupation during the year after they have ceased to hold office should be declared to the Commission and if in relation with the portfolio, it should be referred to an ethical committee
- Transitional allowance is paid for three years, beginning on the day after leaving office. This allowance is between 40% and 65% of the final basic salary, depending on the length of service.
- The transitional allowance is capped. If the former Commissioner takes up any new gainful activity, the amount of the new job's salary, added together with the allowance, cannot exceed the remuneration as a member of the Commission

4. Deliberation procedure

Article 250 TFEU

Commission's decisions are taken by the majority vote.

The internal regulation establishes the quorum.

Commissioners: number

Article 17(4-5):

*The Commission appointed between the date of entry into force of the Treaty of Lisbon and 31 October 2014 **shall consist of one national of each Member State**, including its President and the High Representative who shall be one of its Vice-Presidents.*

Commissioners: number

From 1 November 2014, the Commission shall consist of a number of members, including its President and the High Representative, corresponding to **two thirds** of the number of Member States, unless the European Council, acting unanimously, decides to alter this number.

Commissioners: number

The members of the Commission shall be chosen from among the nationals of the Member States on the basis of a system of **equal rotation** between the Member States, reflecting the demographic and geographical range of all the Member States.

This system shall be established unanimously by the European Council in accordance with Article 244 of the TFEU.

BUT...

Following Irish people's concerns, in 2009 and putting into effect the political agreement reached at the European Council meetings of 11-12 December 2008 and 18-19 June 2009, the EU Council agreed to continue the principle of one Commissioner per Member State...

Brussels, European Council 18-19 June 2009

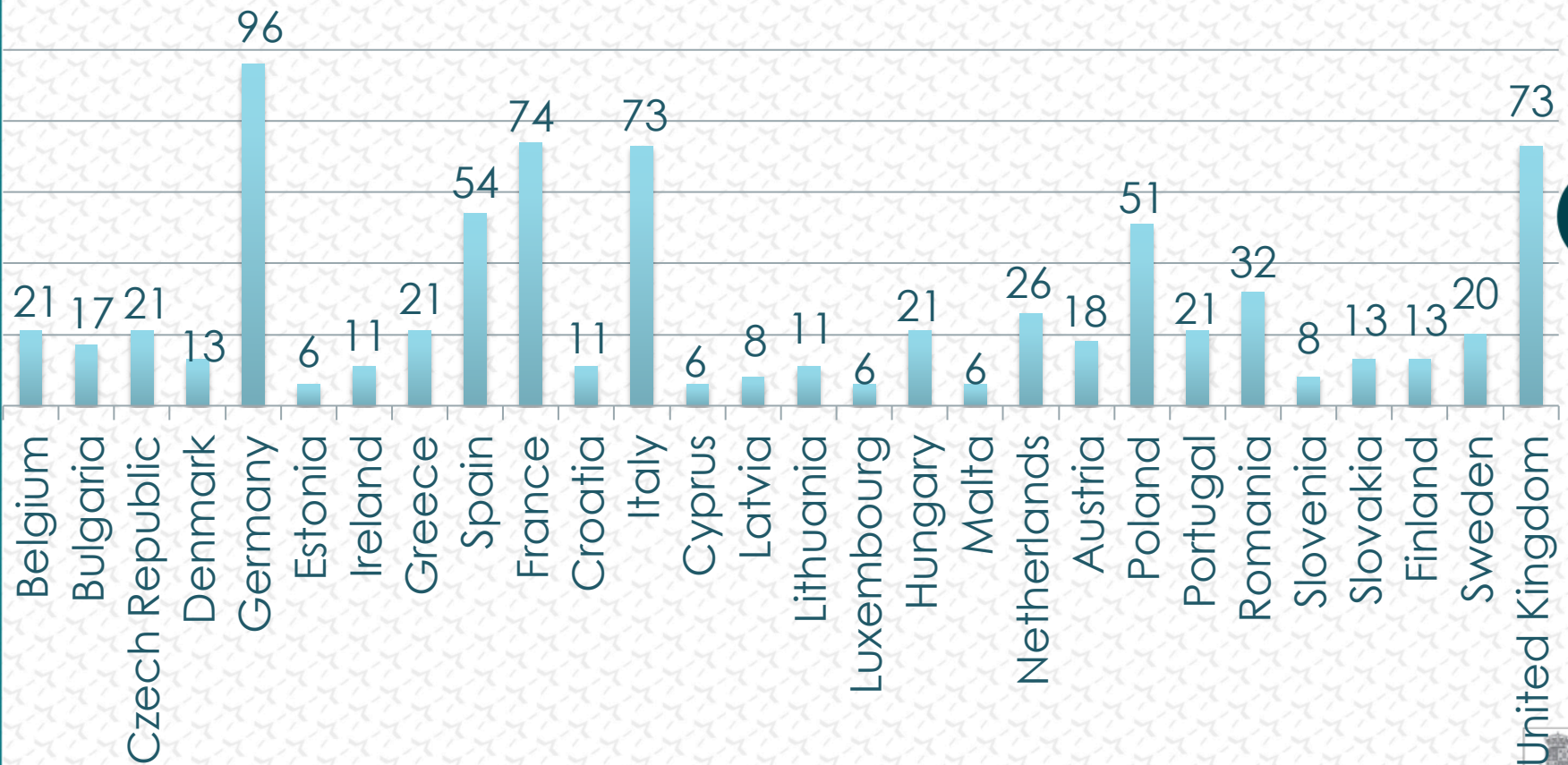
*Having carefully noted the concerns of the Irish people as set out by the Taoiseach, the European Council, at its meeting of 11-12 December 2008, agreed that, provided the Treaty of Lisbon enters into force, a decision would be taken, in accordance with the necessary legal procedures, to the effect that the Commission shall continue to include **one** national of each Member State.*

Members of the EU Parliament

- Elected for a term of 5 years by **direct universal suffrage** in a free and secret ballot (article 14(3) TEU);
- It shall not exceed 750 MP, plus the President (article 14(2) TEU);
- Representation of citizens shall be **degressively proportional**
Minimum 6 seats per MS and maximum 96 seats per MS;
- Number is **decided** by the European Council on the initiative of the European Parliament and with its consent.

Article 3 of Council Decision of 17 June 2013 establishing the composition of the European Parliament (for the 2014-2019 parliamentary term:

MEPs per Member State



Election procedure behind the decision

Article 223 TFEU

1. *The European Parliament shall draw up a proposal to lay down the provisions necessary for the **election of its Members by direct universal suffrage** in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.*

*The Council, acting **unanimously** in accordance with a **special legislative procedure** and **after** obtaining the **consent** of the European **Parliament**, which **shall act by a majority** of its component Members, shall lay down the necessary provisions. These provisions shall enter into force **following their approval by the Member States** in accordance with their respective constitutional requirements .*

EP elections organised by each Member States

- **Voting practices vary across the EU**, although there are some common elements, the most important of which is that some form of proportional representation should be used.
- Each MS decide on main elements of the voting procedure (e.g. some split their territory into regional electoral districts, while others have a single electoral district).

EP elections organised by each Member States

- Countries may also decide on the exact day of the elections according to their voting traditions. European elections usually last four days, with voting in the UK and the Netherlands taking place on Thursday and residents of most other countries casting their vote on Sunday.

EP Political Parties



European People's Party (EPP);

Party of European Socialists (PES);



Alliance of Liberals and Democrats for Europe (ALDE);



Greens;



Alliance of European Conservatives and Reformists (AEER);



The Party of the European Left (EL);

EP Political Parties



Movement for a Europe of Liberties and Democracy (MELD);



European Democratic Party;



European Free Alliance (EFA);



European Alliance for Freedom (EAF);



Alliance of European National Movements (EAMN);



European Christian Political Movement (ECPM);



EU Democrats (EUD).

Political parties vs political groups at the EP

European political parties

- 1) European People's Party;
- 2) Party of European Socialists;
- 3) Alliance of Liberals and Democrats for Europe;
- 4) Greens;
- 5) Alliance of European Conservatives and Reformists;
- 6) The Party of the European Movement for a Europe of Liberties and Democracy;
- 7) European Democratic Party;
- 8) European Free Alliance;
- 10) European Alliance for Freedom;
- 11) Alliance of European National Movements;
- 12) European Christian Political Movement;
- 13) EU Democrats.

European political groups

- 1) Group of the European People's Party (1) ;
- 2) Group of the Progressive Alliance of Socialists and Democrats in the European Parliament (2 + 8) ;
- 3) Group of the Alliance of Liberals and Democrats for Europe (3) ;
- 4) Group of the Greens/European Free Alliance (4+9) ;
- 5) European Conservatives and Reformists Group (5) ;
- 6) Confederal Group of the European United Left - Nordic Green Left (6) ;
- 7) Europe of freedom and democracy Group (11) ;
- 8) Non-attached Members.

Difference(s)?

All MEPs are member of a political group

Affiliation is decided on

- **Through the political party of reference**

All MEPs belonging to an European party will be automatically members of the political group of reference ;

- **On the ground of political affinities**

even without belonging to an European Political Party.

Calendar elections 2014

- **22-25 May:** election days;
- **June:** formation of political groups; verification of credentials;
- **1-3 July:** EP constitutive session: MEPs officially take up their seats in the Parliament. Election of EP President, Vice-Presidents and quaestors;

Calendar elections 2014

- **7-10 July:** official political group meetings;
- **14-17 July:** session of the Parliament - election of Commission President;
- **September:** hearings of designated Commissioners;
- **October** (tbc): Vote on the full Commission.

2014 EU election : A first flavour...

In some Member States compulsory voting



22 May	23 May	24 May	25 May																					
Netherlands UK	Czech Rep. Ireland	Latvia Malta Slovakia	<table border="0"> <tr> <td>Austria</td> <td>Finland</td> <td>▲ Luxembourg</td> </tr> <tr> <td>▲ Belgium</td> <td>France</td> <td>Poland</td> </tr> <tr> <td>Bulgaria</td> <td>Germany</td> <td>Portugal</td> </tr> <tr> <td>Croatia</td> <td>▲ Greece</td> <td>Romania</td> </tr> <tr> <td>▲ Cyprus</td> <td>Hungary</td> <td>Slovenia</td> </tr> <tr> <td>Denmark</td> <td>Italy</td> <td>Spain</td> </tr> <tr> <td>Estonia</td> <td>Lithuania</td> <td>Sweden</td> </tr> </table>	Austria	Finland	▲ Luxembourg	▲ Belgium	France	Poland	Bulgaria	Germany	Portugal	Croatia	▲ Greece	Romania	▲ Cyprus	Hungary	Slovenia	Denmark	Italy	Spain	Estonia	Lithuania	Sweden
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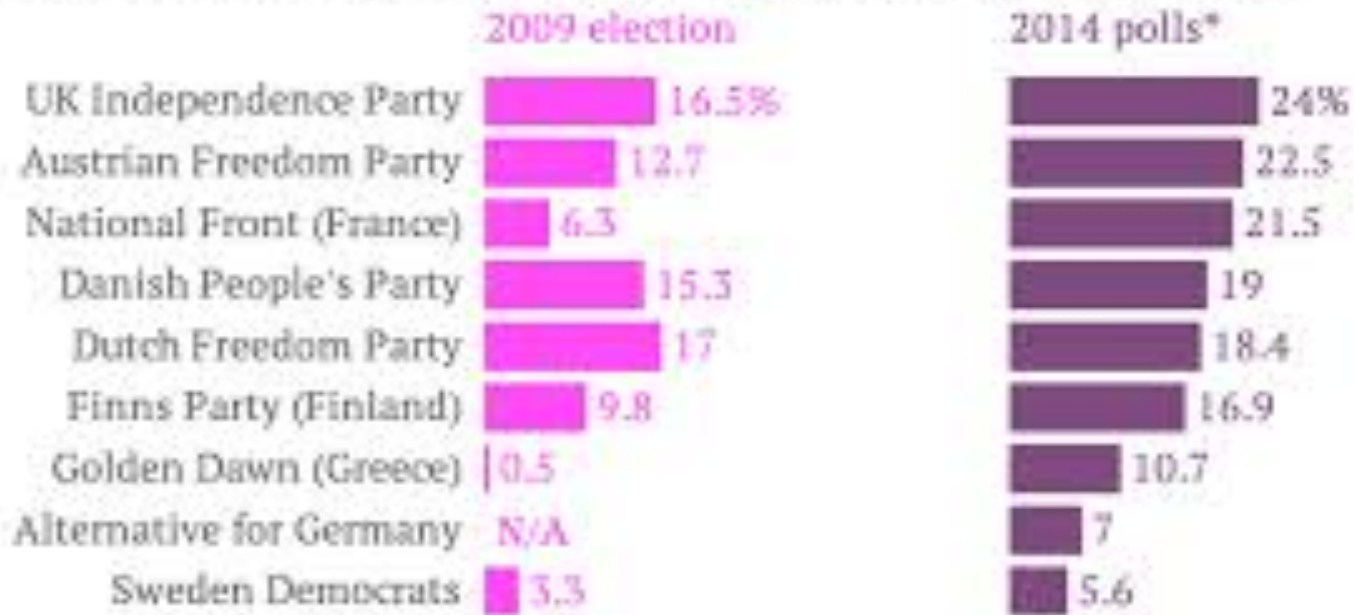
▲ Compulsory voting

Seats at the EP per political group



Facing Euroskepticism: the new challenge?

Support for euroskeptic rightwing parties in the European parliament

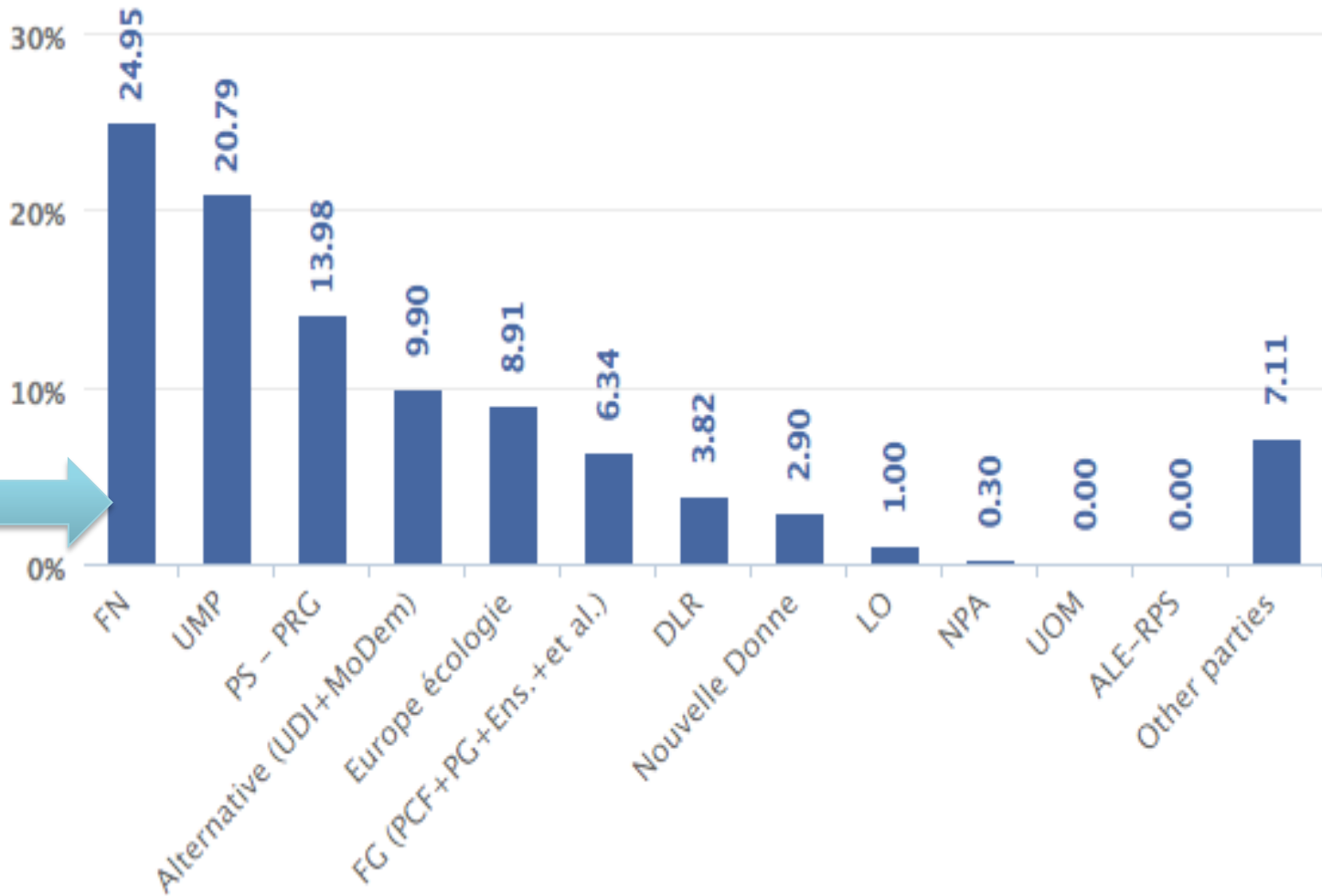


Quartz | qz.com

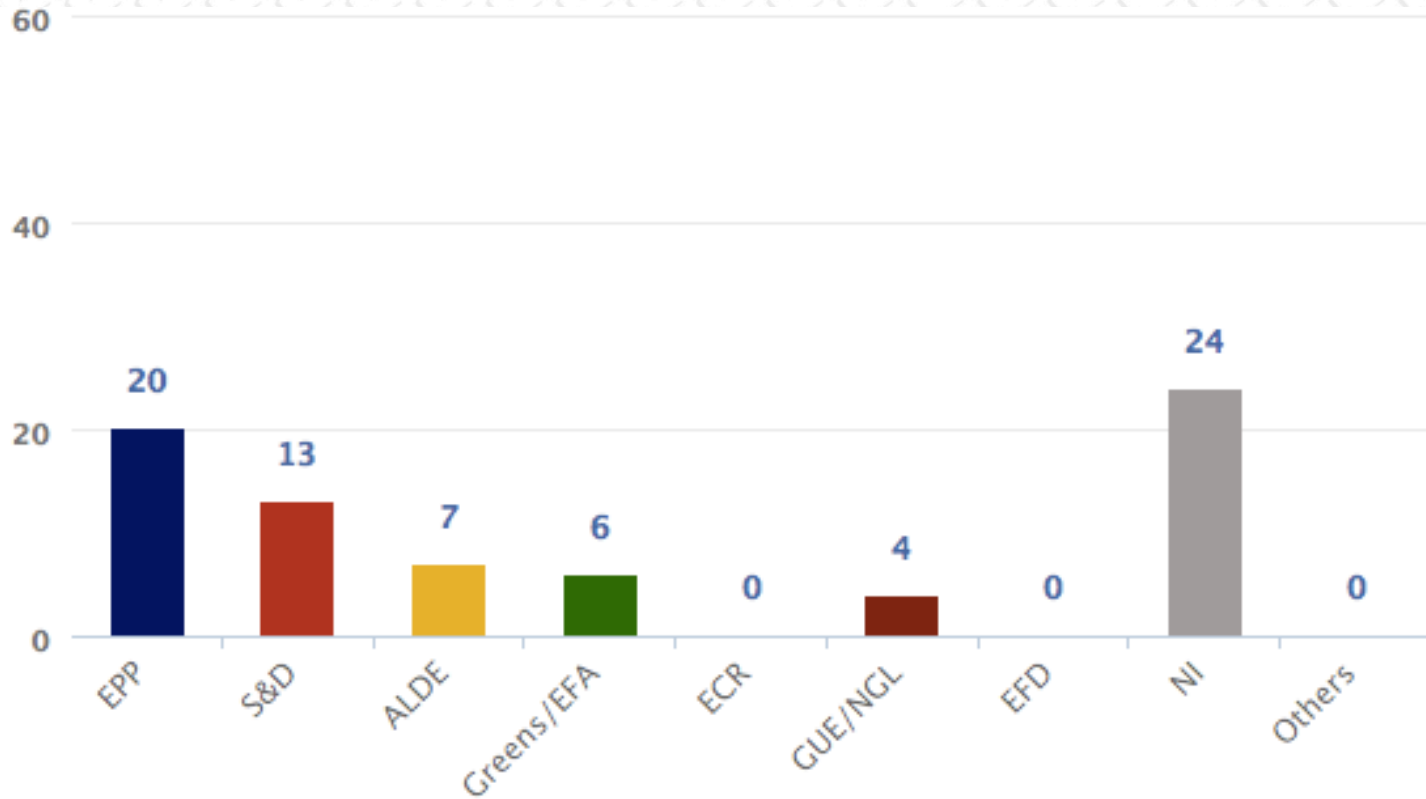
* Average of polls over past month | Data: Electionista

- **Participation : 43.09%** (one of the lowest since 1979 – the lowest being a 43% of the EP election in 2009).
- Highest Belgium and Luxembourg (90%) follows by Malta with a 74.81% and Italy with a 60%.
- Greece and Cyprus, respectively of 58.20% and 43.97%.
- Lowest participation registered in Slovakia (13%).
- Bulgaria 35.5%

France: the victory of the FN

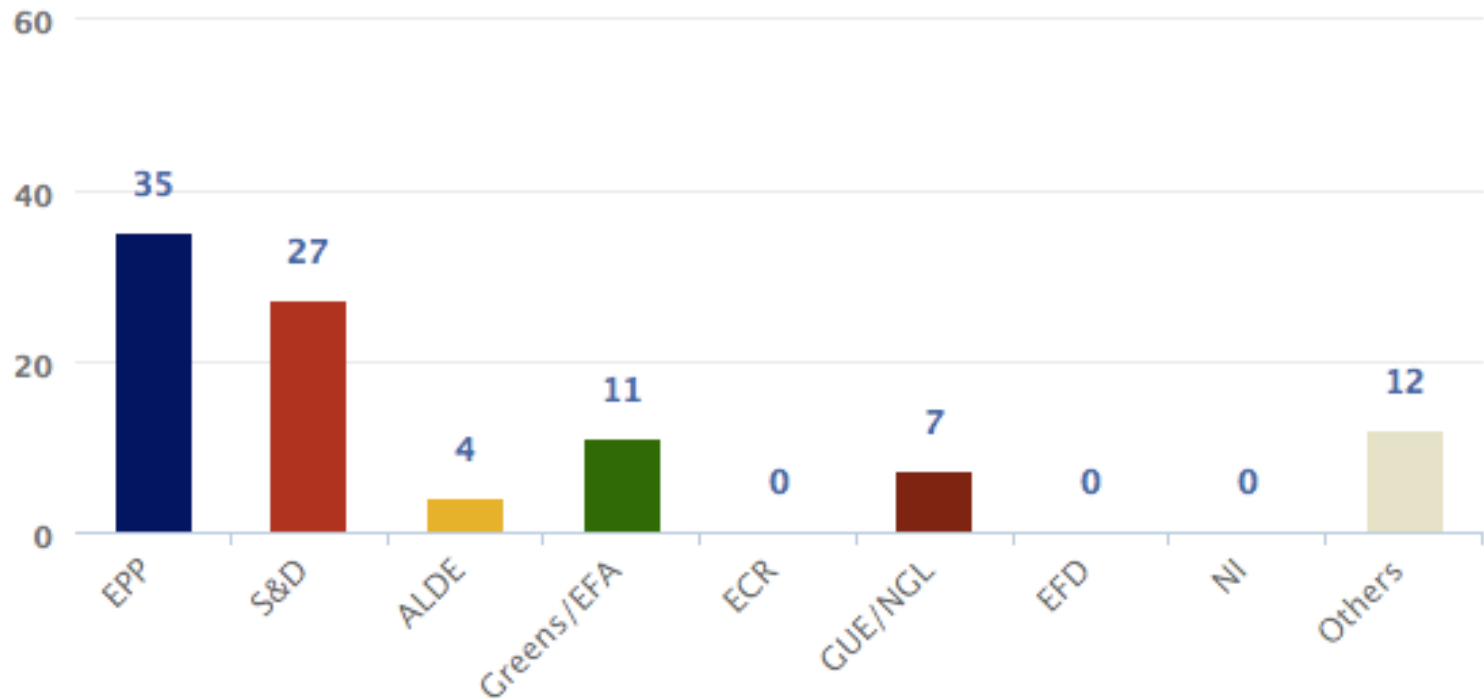


France: EP political groups



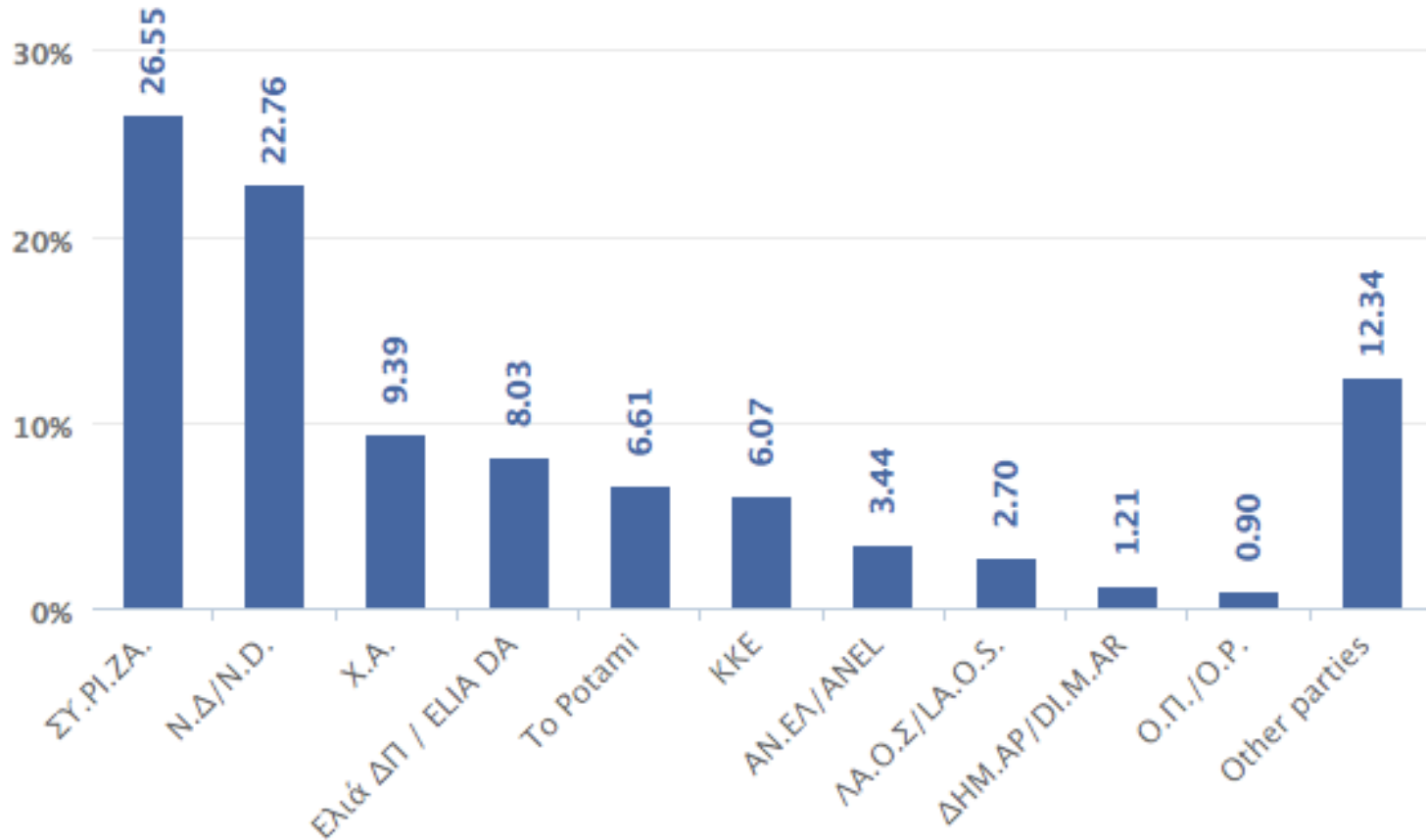
EPP : Group of the European People's Party (Christian Democrats)

Germany: EP political groups

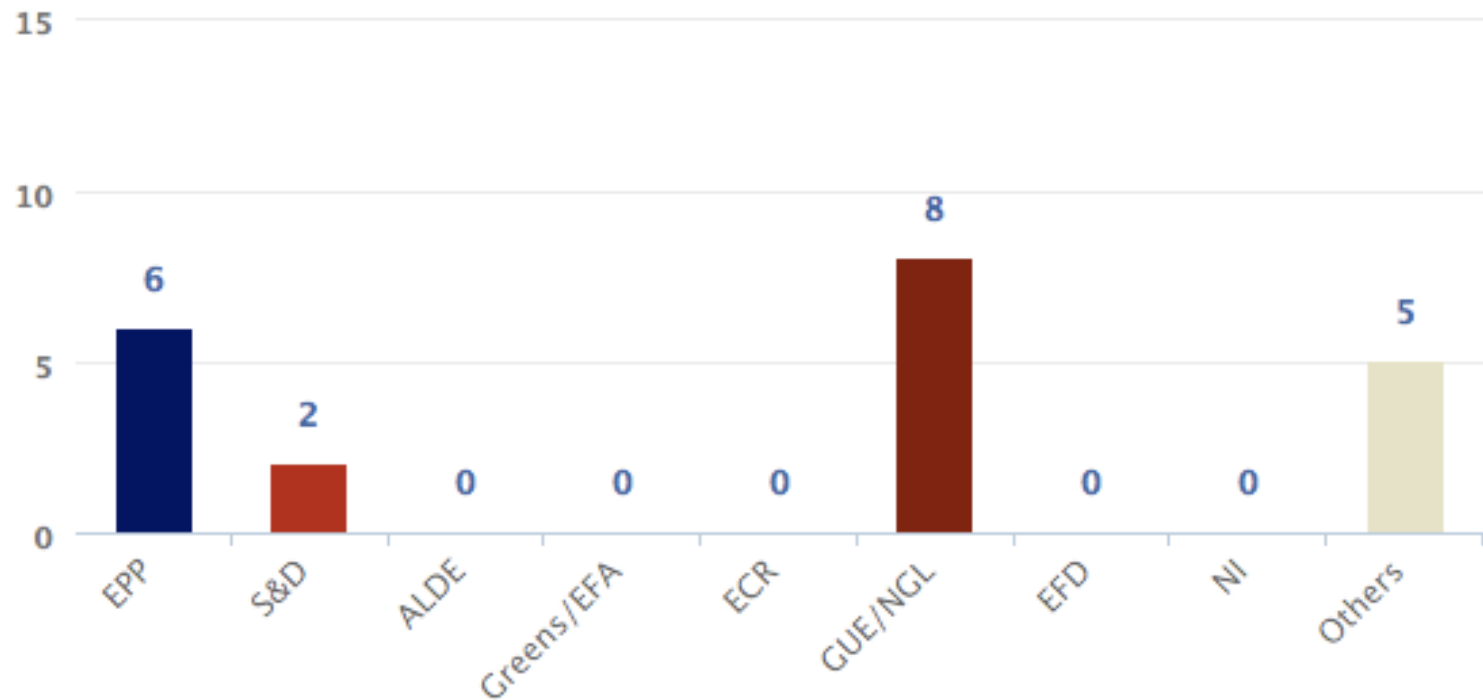


EPP : Group of the European People's Party (Christian Democrats)

Greece: the victory of the left

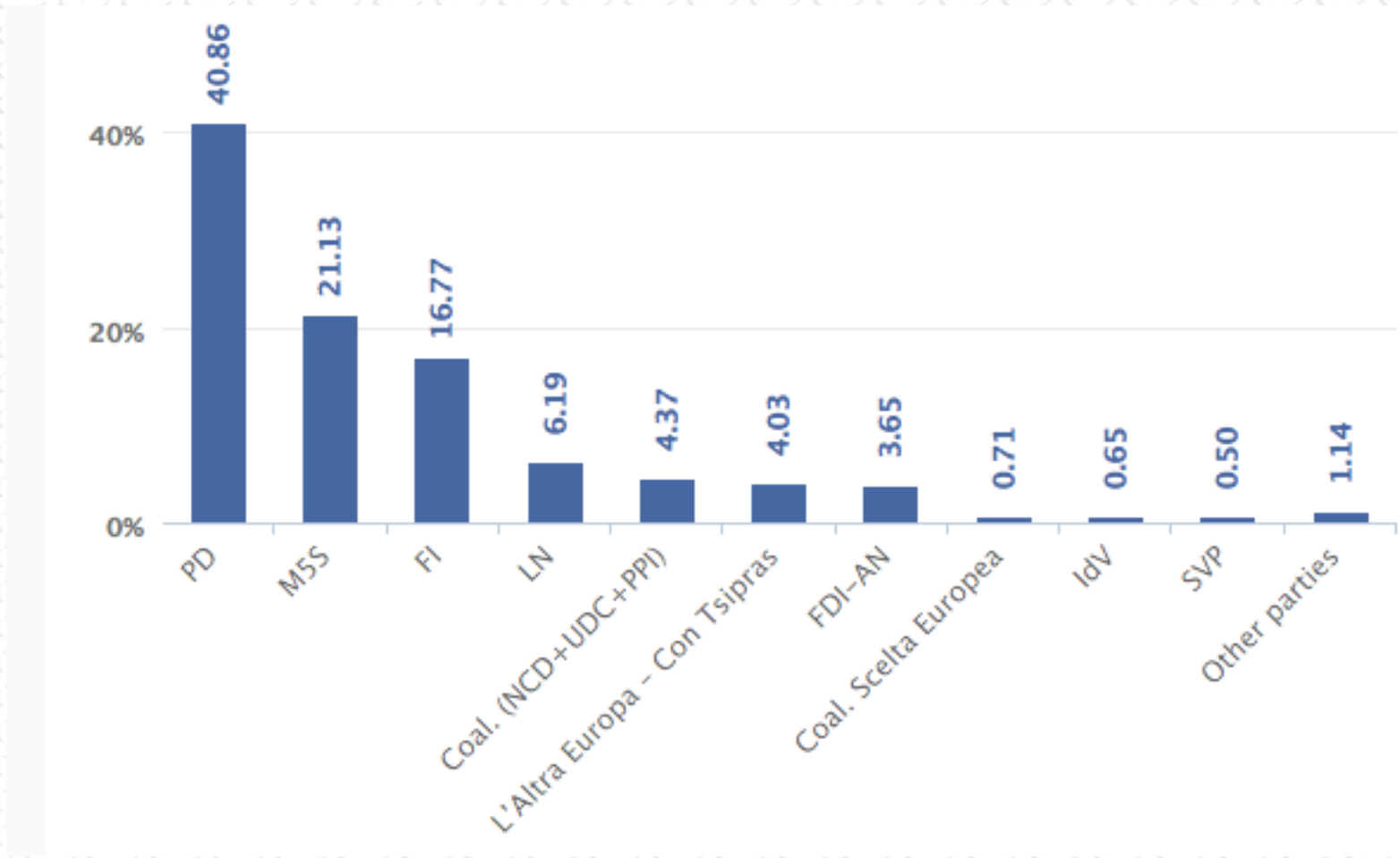


Greece: EP Political groups

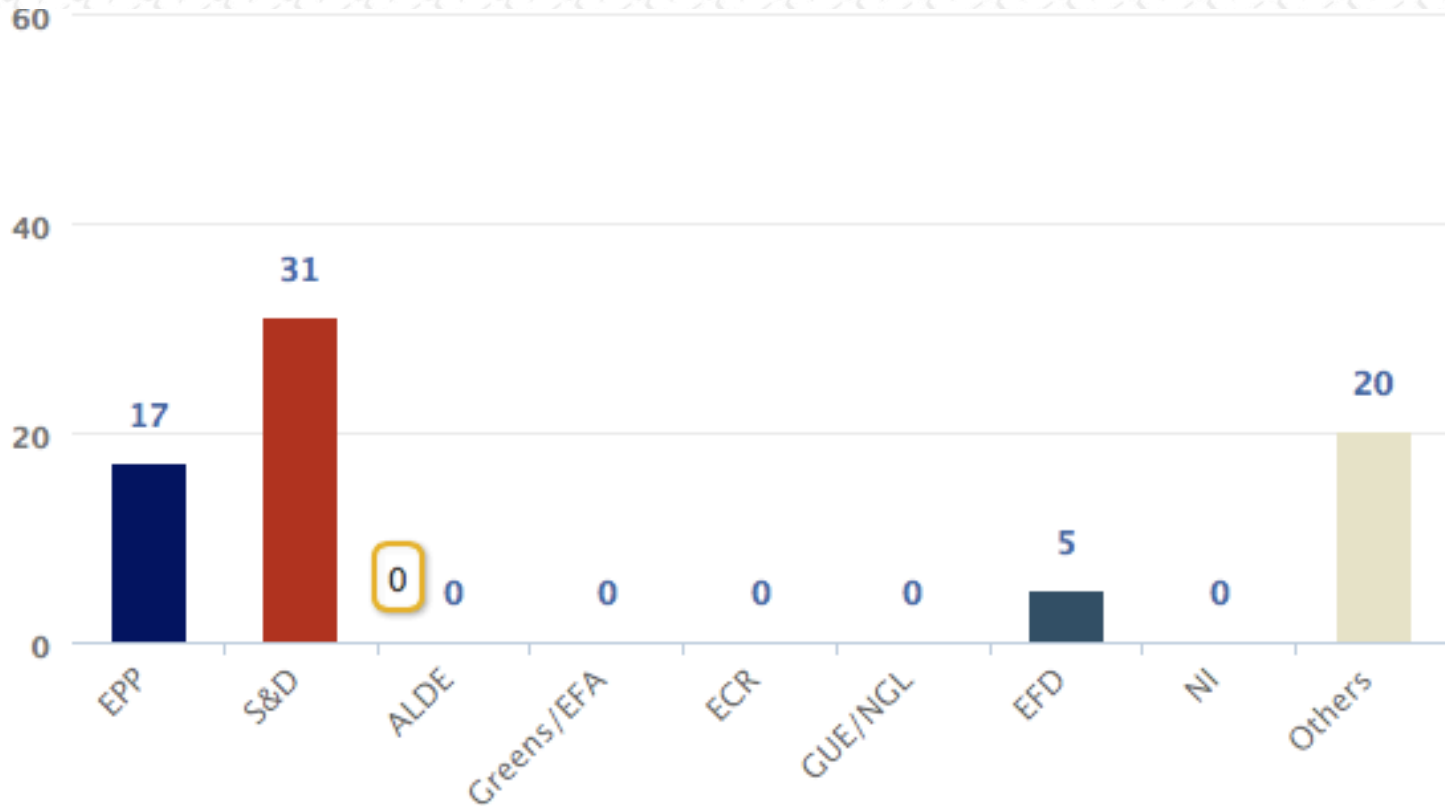


EPP : Group of the European People's Party (Christian Democrats)

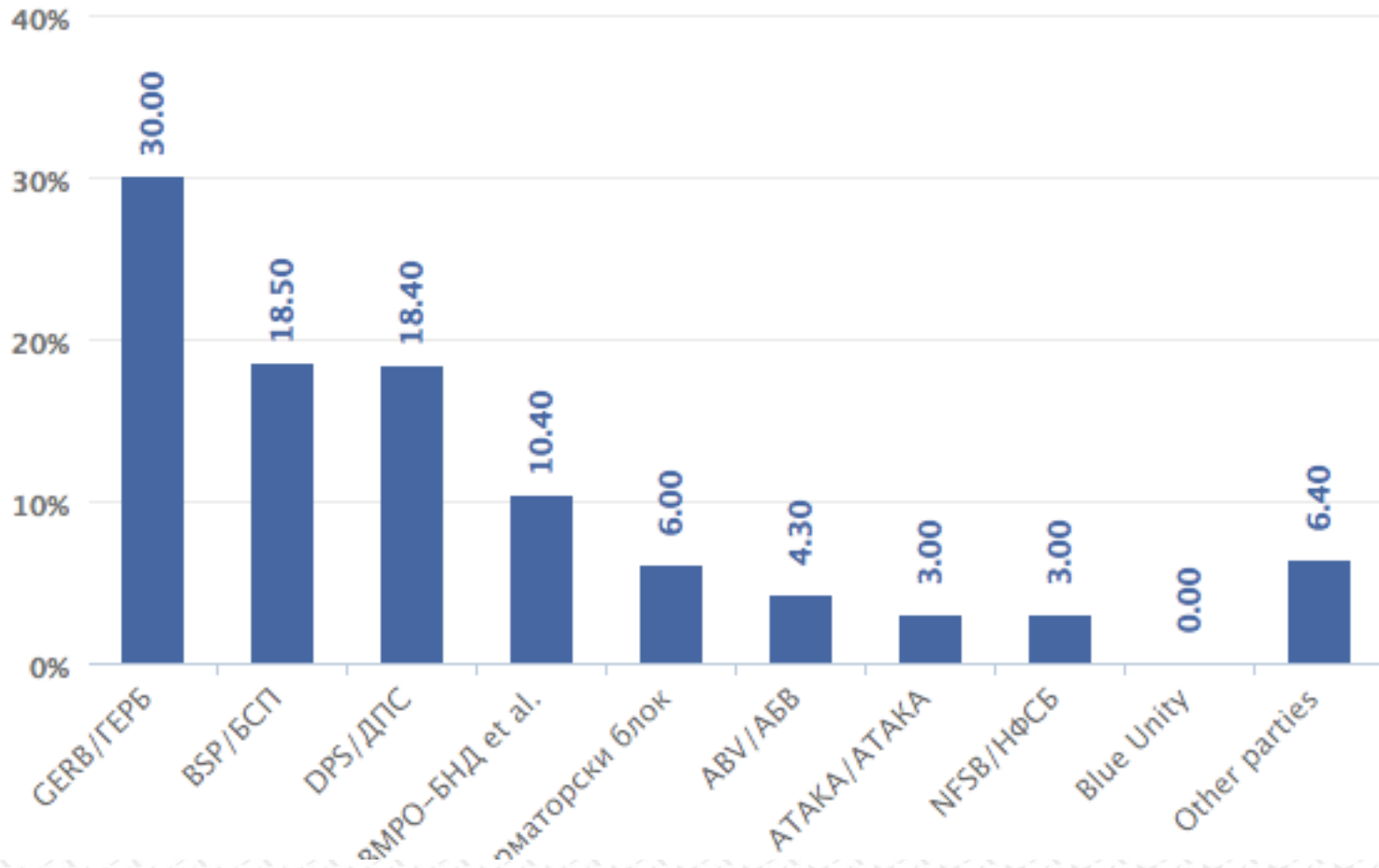
Italy: the victory against the Eurosceptics (M5S)



Italy: EP political groups



EPP : Group of the European People's Party (Christian Democrats)



Bulgaria: EP Political groups



EPP : Group of the European People's Party (Christian Democrats)

S&D : Group of the Progressive Alliance of Socialists and Democrats in the European Parliament

ALDE : Alliance of Liberals and Democrats for Europe

Greens/EFA : The Greens/European Free Alliance

ECR : European Conservatives and Reformists

GUE/NGL : European United Left/Nordic Green Left

EFD : Europe of freedom and democracy Group

NI : Non-attached Members – Members not belonging to any political group

President of the EU Parliament

Article 14(4)TEU:

The European Parliament shall elect its President and its officers from among its members.

The President of the European Parliament is elected for **a renewable term of two and a half years** (half a parliamentary term).

How is the EP President elected?

- Candidates for the Presidency of the EP may be proposed either by a **political group** or by **a minimum of forty MEPs**.
- The election is held on the first session day by **secret paper ballot**.
- To be elected, a **candidate has to obtain an absolute majority** of the valid votes cast,
- If after three rounds no candidate has obtained an absolute majority of the votes cast, only the two members with the most votes can take part in the fourth ballot.

Martin Schultz



Term of office:

Started 17 January
2012

until present;

Term expires:
incumbent.

Rotating Presidency of the Council of Ministers

Article 16(9) TEU:

*The Presidency of Council configurations, other than that of Foreign Affairs, shall be held by Member State **representatives in the Council on the basis of equal rotation**, in accordance with the conditions established in accordance with Article 236(b) of the Treaty on the Functioning of the European Union.*

Article 236(b) TFEU:

*The Council adopts a **decision at the qualified majority** to establish the Presidency of Council configurations, other than that of Foreign Affairs, in accordance with Article 16(9) of the Treaty on European Union.*

Council Decision of 1 January 2007 determining the order

2007 – Germany and Portugal



2008 – Slovenia and France



2009 – Czech Republic and Sweden



2010 – Spain and Belgium



2011 – Hungary and Poland



2012 – Denmark and Cyprus



2013 – Ireland and Lithuania



2014 – Greece and Italy





Next...

- 2015 – Latvia and Luxembourg
- 2016 – Netherlands and Slovakia
- 2017 – Malta and United Kingdom
- 2018 – Estonia and Bulgaria
- 2019 – Austria and Romania
- 2020 – Finland and ...



The High Representative of the Union for Foreign Affairs and Security Policy

Article 18(1) TEU:

The European Council, acting by a **qualified majority**, with the **agreement of the President of the Commission**, shall **appoint** the High Representative of the Union for Foreign Affairs and Security Policy. The European Council may end his term of office by the same procedure .

But also Vice-President of the Commission

Article 17 TEU:

The **President of the Commission** shall **appoint** the vice-Presidents other than the High Representative of the Union for Foreign Affairs and Security Policy, from among the members of the Commission.

Art. 18(4) TEU:

The High Representative shall be one of the Vice-Presidents of the Commission.

Catherine Ashton

Term of office:

Started 1 December
2009

until present

Term expires: incumbent



To conclude

Who wants to be consistent? The dullards and the doctrinaire, the tedious people who carry out their principles to the bitter end of action, to the reductio ad absurdum of practice. Not I

Oscar Wilde