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Changing places in the European Union

The elections of 23-26 May 2019 were something of a revolution for the European Parliament. The very best news is the increase in voter turnout from 42% in 2014 to 51% - the only upturn since the Parliament was first directly elected in 1979. The electorate has begun to pay attention to the European Union. Whether they love or loathe the Parliament, voters apparently agree it matters.

The final reconfiguration of the House will not be known until 2 July, when the new MEPs take their seats in Strasbourg for the first time. But two remarkable changes will have taken place. First, the turnover in membership now surpasses 60%, which means the new Parliament will take some time to settle down. Many well-known names from previous mandates have retired, were deselected by their parties or failed to get re-elected. These notables include the father of the outgoing House, Elmar Brok, as well as Jo Leinen, Mercedes Bresso, Alain Lamassoure, Pervenches Berès, David Martin and Inge Gräßle.

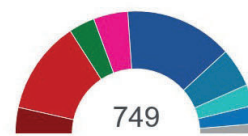
The second change, also unprecedented since 1979, is that both the two large mainstream groups of Christian Democrats and Social Democrats lost seats. Together the European People's Party (EPP) and the Progressives (S&D) command only 44% of the House and cannot expect to run things in a cosy coalition as they used to. A centre-left coalition of Social Democrats, Liberals and Greens also constitute 44%. A centre-right coalition of EPP and Liberals reach only 34%, roughly the same size as a left-wing coalition of S&D, Greens and far left together. In such a pluralistic Parliament, reliable majorities for controversial legislation will be hard to come by.

The good news is that the surge of the right-wing, so confidently forecast by many poorly informed commentators, did not happen. All the disparate nationalists and populists to the right of the EPP constitute only 23% of the new House, roughly the same proportion as in 2014.

An important anomaly, of course, is that 751 MEPs will assemble in Strasbourg as against the 705 that

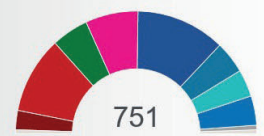
were scheduled to do so had the UK left the EU on time on 29 March. This means that 27 MEPs have been pre-elected but cannot take their seats until the Brits have left. The belated Brexit, now scheduled for 31 October, will further disrupt the operation of the new House, although it will not change the overall balance of power.

European Union 2014-2019
Outgoing Parliament



Political groups	Seats
EPP Group of the European People's Party (Christian Democrats)	216 ●
S&D Group of the Progressive Alliance of Socialists and Democrats in the European Parliament	185 ●
ECR European Conservatives and Reformists Group	77 ●
ALDE Group of the Alliance of Liberals and Democrats for Europe	69 ●
GUE/NGL Confederal Group of the European United Left - Nordic Green Left	52 ●
Greens/EFA Group of the Greens/European Free Alliance	52 ●
EFDD Europe of Freedom and Direct Democracy Group	42 ●
ENF Europe of Nations and Freedom Group	36 ●
NI Non-attached Members	20 ●

European Union 2019-2024
Provisional results



Political groups	Seats
EPP Group of the European People's Party (Christian Democrats)	179 ●
S&D Group of the Progressive Alliance of Socialists and Democrats in the European Parliament	153 ●
ALDE&R Group of the Alliance of Liberals and Democrats for Europe + Renaissance + USR PLUS	106 ●
Greens/EFA Group of the Greens/European Free Alliance	74 ●
ECR European Conservatives and Reformists Group	64 ●
ENF Europe of Nations and Freedom Group	58 ●
EFDD Europe of Freedom and Direct Democracy Group	54 ●
GUE/NGL Confederal Group of the European United Left - Nordic Green Left	38 ●
NI Non-attached Members	9 ●
Others Newly elected Members not allied to any of the political groups set up in the outgoing Parliament	16 ●

Source: European Parliament in collaboration with Kantar

Top jobs

In the aftermath of the elections, the search for the EU's new leadership is underway. There are five important posts to be filled. Of those, the European Council only has complete control of one, that of its own President (to succeed Donald Tusk in Decem-

ber).¹ It is generally understood that candidates for the top job must be either serving or previous heads of government.

The European Council also appoints the next President of the European Central Bank (to succeed Mario Draghi in November), but only after consulting the European Parliament and the national central bank governors of the 19 eurozone states. And the treaty stipulates that the ECB President must be picked “from among persons of recognised standing and professional experience in monetary or banking matters”.² Having been a mere finance minister, therefore, might not qualify: conversely, being Managing Director of the International Monetary Fund might.

The Union’s foreign minister — the so-called ‘High Representative / Vice-President’ — is appointed by the European Council, but with the explicit consent of the President of the European Commission.³ As part of the incoming Commission, he or she is then subject to a vote of consent by the European Parliament.⁴

Famously, the European Council is also responsible for nominating Jean-Claude Juncker’s successor as President of the Commission. This involves delicate negotiations with the Parliament which promised to pre-empt the European Council’s decision by promoting in advance its own Spitzenkandidat.⁵ The treaty, however, is impossible to ignore. It is up to the European Council to make the nomination regardless of the identity of the Spitzenkandidaten. If Parliament then rejects the nominee of the heads of government, the latter have one month to come up with someone more acceptable. That same process can be repeated, month by month.

A successful candidate needs a dual majority of at least 21 member states in the European Council and an absolute majority of the House (that is, at least 376 MEPs). No specific criteria are laid down for the job, but it is a tough one, demanding high-level diplomatic and administrative experience as well as political and linguistic skills. A sense of humour helps. It is not necessary, however, to have been a head of government — as the careers of Jean Monnet, Walter Hallstein, Roy Jenkins and Jacques Delors bear witness.

Beyond the reach of the European Council is the presidency of the European Parliament. He or she will be elected in Strasbourg on 3 July by a simple

majority of MEPs.⁶ The deputies may be influenced by the shape of the package deal emerging at the level of the European Council, but they should not be swayed by the heads of government into voting for a parliamentary president who would not serve the House well. Nor can MEPs delay the election of their own president even if the European Council has dithered over nominating the new Commission president at its scheduled meeting on 20-21 June.

Timing matters. The new Commission is due to take office on 1 November. Election of the college can take place only after the completion of the audition by MEPs of its individual members. Alarming, there is already some lazy talk in Brussels of a possible delay to the start of the new regime on the grounds that the appointments are going to be difficult. Nothing would squander the popular success of the European Parliamentary elections more absolutely than a lengthy squabble into the autumn about jobs for the boys.

Correcting imbalance

Everyone wants to reach a better balance among the five top jobs than we have at present, in which there are three Italians (Draghi, Tajani, Mogherini), three members of the EPP (Juncker, Tusk, Tajani), and only one woman (Mogherini). Mr Tusk has made a lot of the need to see the appointments as a package where there is fair play among party, gender, region and nationality.

So should it really be so difficult to agree on the package? On the face of it, the European Council has an easier job than in 2014 when the Parliament united behind Mr Juncker immediately after the elections, leaving the heads of government with no real choice in the matter.

This time, MEPs disagree among themselves. As both the EPP and S&D lost support at the election, neither of their Spitzenkandidaten, Manfred Weber or Frans Timmermans, can lay a moral claim on the top job.

Mr Weber’s unfortunate liaison with Viktor Orban does not help his conservative cause. Mr Timmermans is personally qualified for any number of top jobs, but his elevation to the presidency is unlikely. He has made enemies in Hungary, Poland, Bulgaria and Romania in his present Commission role overseeing the rule of law and the independence of the judiciary. Even if Frans Timmermans were to secure

the nomination from the European Council, where socialist leaders are scarce, his election by the Parliament would be far from certain.

Better next time

Moreover, neither the EPP nor S&D Spitzenkandidat has the wholehearted backing of his own prime minister. Mr Timmermans has to contend with Mark Rutte, a Liberal, who dislikes the European Parliament's power grab against the European Council.

Somewhat belatedly, Chancellor Merkel, ever the EPP loyalist, has swung behind the Spitzenkandidat process, but she is clearly unconvinced that Mr Weber has all the necessary qualifications to lead the Commission. She seems now more inclined to support President Macron in his efforts to reform the electoral process by introducing transnational lists for a portion of the Parliament in time for 2024 — a reform that would clearly confer popular legitimacy on the champions of truly federal political parties.⁷

The chances grow for Margrete Vestager, who would be the first female President of the Commission and the first Liberal for forty years.⁸ The ALDE group, led by Guy Verhofstadt, along with Emmanuel Macron, eschewed the Spitzenkandidat process in protest at the EPP's rejection of transnational lists. Since the election, however, the Vestager star has risen confidently. As a successful and independent-minded Commissioner, and former deputy prime minister of Denmark, she is clearly qualified to lead the college. She would be a popular choice.

Other choices and several wild cards are available. Michel Barnier seems keen on a new job, once liberated from Brexit. Lars Lokke Rasmussen lost an election in Denmark on 5 June. Alexis Tsipras faces defeat at the Greek general election on 7 July. Dalia Grybauskaitė is due to stand down as President of Lithuania before the summer. Enda Kenny and Helle Thorning-Schmidt could always be recalled for duty.

Donald Tusk is consulting the three main party groups. He will also talk to the Greens who did very

well at the election and are a rising force. Furthermore, outwith the mainstream parties are the Italian and Polish prime ministers, as well as Theresa May who will do her best to represent the UK at the June meeting. The British certainly have a vested interest in the choice of the new EU leadership as they exit finally from membership and begin to tackle the negotiation of their long-term association agreement.

With great foresight, the Lisbon treaty provides for the European Council to take all these decisions on appointments by qualified majority vote — meaning 72% of the states representing 65% of the population.⁹ David Cameron and Viktor Orban were indeed outvoted in opposing Mr Juncker's nomination in 2014: it was right that they were so. Voting is a good way to fill a vacancy, and the surest way to provide the European Union with the calibre of leadership it has grown to deserve. Finding those leaders in a balanced package and in an efficient manner will further enhance the democratic character of the emerging federal polity.

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References:

¹ Article 15(5) TEU.

² Article 283(2) TFEU.

³ Article 18(1) TEU.

⁴ Article 17(8) TEU.

⁵ Article 17(7) TEU and Declaration 11.

⁶ Article 14(4) TEU.

⁷ Note their joint commitment to transnational lists in the Meseberg Declaration of 19 June 2018.

⁸ Gaston Thorn, President of the Commission, 1981-85.

⁹ Article 238(2) TFEU.