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TOWARDS A EUROPEAN ELECTORAL AND PARTY SYSTEM?

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ABSTRACT

Although much progress has been achieved in the last sixty years, the European Union still lacks a unique electoral system and a proper party system. Recently some changes have been proposed or introduced in order to homogenise the national electoral systems of the EP and to strengthen political parties at the EU level. Andrew Duff's proposal for a transnational party list; the establishment of European political foundations in 2007; the updating of the Statute of the European political parties in 2014; the designation of the *Spitzekandidaten* by Europarties were all useful attempts. More could be done. National democracies can become sources of inspiration for new proposals. Some suggestions may require new formal regulations. Others are more informal or political, and would give political actors new opportunities on voluntary bases.

Keywords: European Union | European Parliament | Political parties | Elections | Democratic legitimacy

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1. The EU democracy vs "normal democracies"

Speculating about the existence of an electoral system and a party system in the European Union (EU) leads directly to the question of whether it is possible to speak about a proper European democracy. Any discussion on democracy can only start from the existing models and notions. Inevitably, those models are furnished by the political systems of the EU Member States (MS), i.e. those systems that are considered "normal" by Europeans.[1]

For them, political elections must be conducted freely and recurrently, but also must be effective in producing political consequences, such as the appointment of new/old politicians in the institutional positions and the release of policy outcomes. When the consequences of the electoral process seem to not be clear and when the institutions which are to be elected appear to have no significant power (as has long been the case with the European Parliament, EP), citizens use that election as a "second order" one.[2] This has many consequences, including lower turnouts, greatest electoral percentages for smaller, anti-system, anti-European, or opposition parties, and, overall, the fact that citizens vote to influence national issues, rather than on the basis of truly European issues.

Another element of "normal" democracies is that political parties primarily manage the electoral campaigning and the post-election strategies. This does not happen at the EU level, where the post-election appointments of institutional charges are managed mainly by national governments, rather than by political parties.

This difference between the EU's democracy and "normal" democracies is intimately linked to the notion of the "democratic deficit."[3] For a long time, however, the European Union enjoyed a "permissive consensus"[4] regarding such deficit. This was because the integration process was considered positive in itself.

When the positive outcomes have become less evident, such as after the 2008 financial crisis, the democratic deficit of the EU started to become more clearly a public problem, with respect to the democratic legitimacy of MS. The reaction has been twofold: on the one hand, many advocate for coming back to the nation-state as it represents the most democratic polity possible; on the

[1] Luciano Bardi, Richard S. Katz and Peter Mair, "Verso una politica europea", in *Rivista italiana di scienza politica*, Vol. 41, No. 3 (December 2011), p. 347-368.
[2] Pippa Norris and Karlheinz Reif, "Second-order elections", in *European Journal of Political Research*, Vol. 31, No. 1 (January 1997), p. 109-124.
[3] David Marquand, *Parliament for Europe*, London, Jonathan Cape, 1979.
[4] Clifford J. Carrubba, "The Electoral Connection in European Union Politics", in *The Journal of Politics*, Vol. 63, No. 1 (February 2001), p. 141-158.

other, many seek to overcome the "deficit" and make the EU more democratic. In this paper, we try to explore the second way, analysing the current situation of the party and electoral systems in the EU, what has been done or attempted to improve them, and what could be done in the short-term future.

2. Forty-nine-and-one-half proportional electoral systems

No, the EU has not secretly included other 21 MS. The provocative title is because four MS (Belgium, Ireland, France, and the United Kingdom) have sub-national constituencies[5] in which they elect their own Members of the European Parliament (MEPs). Even if all the MS adopt proportional electoral systems, the fact that some MS elect their national delegations through several constituencies causes the presence of implicit electoral thresholds that affect the electoral systems and probably the electoral behavior of voters as well. The even more provocative one-half is because Belgium assigns one of its seats to its German-speaking minority (77,000 people), making that election more similar to a single-member-district plurality election rather than a proportional one.[6]

Another structural problem that regularly affects the EU is the different "weights" of European citizens' votes. It is stated in the treaties that apportionment of seats has to be "degressively proportional" to the population of the MS. As a consequence smaller MS are, in terms of national delegations, overrepresented in the EP, while bigger ones are underrepresented. For example, in Spain a MEP is assigned every 859,997 inhabitants and in the United Kingdom every 884,888, while in Luxemburg an MEP is assigned every 93,826 inhabitants and in Malta only every 69,572.

The division of seats has represented one of the main points of negotiation and friction amongst MS. Until 1995, the extant 12 MS were in five "classes" according to their population: West Germany, Italy, the UK, and France had the same number of seats; Spain was a single-class; the Netherlands, Belgium, Portugal, and Greece represented the third class; Ireland and Denmark were in the fourth; and the small Luxemburg was in the fifth. The importance of the criterion adopted for the seats assignment was also due to the functioning of the Council of the European Union (also known as the Council of Ministers), as its internal weighted votes were assigned to MS in a similar way to the apportionment of the EP seats. This explains why modifying the seats assignment criteria has always been a difficult task and a Pandora's box that MS preferred not to open.

Concerning the electoral formulas, in 1979 the Commission recommended the MS adopt proportional electoral systems. This recommendation was in line with the prevalent perceptions of the European Parliament at the time. First, in the seventies, the EP was far from being a deliberative arena,[7] as it was basically a representative assembly. Therefore, it was considered

[5] Germany, Italy, and Poland, too, have subnational constituencies, but the assignment of seats is determined by the nation-wide result.

[6] The basic feature of proportional representation (PR) is that divisions in an electorate are reflected proportionately in the elected body. For this reason, proportional electoral systems require the use of multiple-member voting districts. The opposite, majoritarian voting systems (with one round or two rounds), are used in single-member districts, where only the majority of electors appoints representatives.

[7] Before the Single European Act of 1986, the consultation procedure, according to which the decision of the EP is not binding, was the most widely-used legislative procedure.

useful to represent the greatest possible number of interests in the EP – something that only a proportional voting system can guarantee. The second reason for the recommendation was in order to not interfere with the majority of electoral systems already adopted in the MS. The proportional system was coherent with most of MS electoral customs and strongly at odds with only a few national traditions (like the French case and, even more, the British case). Proportional systems were quickly adopted by all MS with the exception of the UK, which needed 20 years to abandon the plurality for the proportional. However, the fact that now all the MS adopt a proportional system is not sufficient to make their electoral systems similar; other electoral elements still matter. Overall, the presence of thresholds (implicit or explicit), the choice of sub-national electoral constituencies or the unique national-level district, and the degree of openness of party lists (closed, flexible, or open) are all relevant features that characterise an electoral system. In addition, because of the specific multi-level nature of the EU, the degree of consistency between the electoral systems for national elections and for the EP elections also matters: it influences both the results of the elections and the voting behavior of citizens. Table 1 shows the level of diversification of electoral systems in the EU MS.

Table 1 | Electoral system's features in EU Member States

Countries	*Preference vote*	*Sub-national constituencies*	*Threshold*	*Homogeneity with national electoral system*
Austria	**yes**	**no**	**yes**	**no**
Belgium	**yes**	**yes**	**no**	**yes**
Bulgaria	**yes**	**no**	**no**	**no**
Croatia	**yes**	**no**	**yes**	**no**
Cyprus	**yes**	**no**	**yes**	**no**
Czech Rep.	**yes**	**no**	**yes**	**yes**
Denmark	**yes**	**no**	**no**	**no**
Estonia	**yes**	**no**	**no**	**no**
Finland	**yes**	**no**	**no**	**yes**
France	**no**	**yes**	**yes**	**no**
Germany	**no**	**no**	**yes**	**yes**
Greece	**no**	**no**	**yes**	**no**
Hungary	**no**	**no**	**yes**	**no**
Ireland	**yes**	**yes**	**no**	**yes**
Italy	**yes**	**yes**	**yes**	**no**
Latvia	**no**	**no**	**yes**	**yes**
Lithuania	**no**	**no**	**yes**	**no**
Luxembourg	**no**	**no**	**no**	**no**
Malta	**yes**	**no**	**no**	**no**
Netherlands	**yes**	**no**	**no**	**yes**
Poland	**no**	**yes**	**yes**	**yes**
Portugal	**no**	**no**	**no**	**no**
Romania	**no**	**no**	**yes**	**no**
Slovakia	**no**	**no**	**yes**	**yes**
Slovenia	**yes**	**no**	**no**	**no**
Spain	**no**	**no**	**no**	**no**
Sweden	**yes**	**no**	**yes**	**no**
UK	**no**	**yes**	**no**	**no**

Source: Author's own calculations.

3. The never-emerging European party system

According to Giovanni Sartori,[8] a government's actions and the representation of citizens are fully democratic when there is party pluralism, i.e. a system in which parties compete in the electoral arena and subsequently operate and interact in various roles of government and opposition.

The European Parliament has long been accused of being the main reason for the "democratic deficit" of the European Union. There is no doubt that in most "normal" democracies parliaments are the main places of parties' activities. This is certainly true for all parliamentary systems, where parties submit to the government the popular legitimacy they receive during the elections, but also, to a lesser extent, for the presidential and semi-presidential systems, where parliaments exercise the legislative powers and balance the powers of the executive. However, all this is true only if the powers of parliament are sufficiently developed. The EP's legislative prerogatives, after the Treaty of Lisbon, have greatly improved, but its ongoing limited power in the legislative initiative, as well as the incomplete ability to control – and then to legitimise – the executive, continue to undermine the role of the EP as the (potentially) most democratic institution of the Union. This situation is not likely to change substantially in the short-term because this would require reforms that only a new treaty, currently difficult to achieve, could make.

In addition to the above, there are two other reasons for the absence of a genuine party system: a) at the level of units, the weak relations between the "faces" of party organisations at the European level, and b) at the level of the proper system, the scarce integration between the three competitive arenas that usually characterise "normal" political systems.[9]

3.1 *Weak relations between the "faces" of party organisations*

Richard Katz and Peter Mair proposed an analytical scheme to study party organisations, dividing their structure in "faces": the party in public office (party representatives present in the institutions), the party in central office (the extra-institutional bodies of the party), and the party on the ground (members and local units).[10] The three faces of party politics at the European level are represented by the European political party (the party in central office), the parliamentary group in the EP (the party in public office), and national parties (the party on the ground). Europarties[11] have evolved according to the internal genetic model, i.e. initially developing within the EP,[12] rather than along an external model, i.e. representing pre-existing social groups.[13] Even if

[8] Giovanni Sartori, *Parties and Party Systems. A Framework for Analysis*, Cambridge, Cambridge University Press, 1976.
[9] Luciano Bardi et al., *How to Create a Transnational Party System*, Brussels, European Parliament, 2010, http://www.europarl.europa.eu/committees/en/studiesdownload.html?languageDocument=EN&file=32371.
[10] Richard S. Katz and Peter Mair, "Changing Models of Party Organization and Party Democracy. The Emergence of the Cartel Party", in *Party Politics*, Vol. 1, No. 1 (January 1995), p. 5-28, available at: https://politicacomparata.files.wordpress.com/2011/03/katz-and-mair-1995-changing-models-of-party-organization.pdf.
[11] We use the term "Europarties" to define the complexes of relations between these faces. See Enrico Calossi, *Organizzazione e funzioni degli europartiti. Il caso di Sinistra europea*, Pisa, Plus, 2011, p. 12.
[12] Luciano Bardi and Enrico Calossi, "Models of Party Organization and Europarties", in Joan DeBardeleben and Jon H. Pammett (eds.), *Activating the Citizen. Dilemmas of Participation in Europe and Canada*, Basingstoke and New York, Palgrave Macmillan, 2009, p. 151-172.
[13] Maurice Duverger, *Political Parties. Their Organization and Activity in the Modern State*, New York, Wiley, 1954.

Regulation 2004/2003 has assigned public funds to the extraparliamentary face of Europarties,[14] nowadays the institutional face – the EP party groups – is in a clear advantage from the point of view of resources.[15] In addition, it can be observed that the relation between the central party and the party on the ground is even more unbalanced in favor of the second, as the connection with civil society is guaranteed to Europarties by their national counterparts. Efforts to introduce the individual membership to Europarties have been so far unsuccessful, leading to Europarties working in fact as networks of national parties.

National parties largely prevail on the other faces. They not only maintain direct contact with the electorate, but also are responsible for the selection of candidates for the EP elections and, through their MS government representatives, influence the appointment of institutional positions, including the High Representative for Foreign Policy[16] and the Presidents of the Commission and of the European Council. In fact, the biggest problem for Europarties is that the national parties, although they represent their membership, behave as real competitors, benefiting, in this, the direct access to the European policy level through the Council of Ministers. To conclude, in "normal" political parties the "central office" face manages the link between citizens and government, and deals with the making of legislation and policy-making. This is not the case at the European level, because of the limited power of the "central office" in comparison with the other two faces. However, as Table 2 shows, Europarties do not differ from each other only from an ideological point of view, but also from an organisational point of view. Their relative organisational strengths varies from the point of view of their age, public funding, number of member parties, etc.

[14] Regulation (EC) No 2004/2003 on the regulations governing political parties at European level and the rules regarding their funding, 4 November 2003, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32003R2004.

[15] Enrico Calossi, "European Parliament Political Groups and European Political Parties: Between Cooperation and Competition", in Yves Bertoncini et al., *Challenges in Constitutional Affairs in the New Term. Taking Stock and Looking Forward,* Brussels, European Parliament, 2014, p. 87-102, http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU%282014%29509992.

[16] Luciano Bardi and Eugenio Pizzimenti, "Old Logics for New Games: The Appointment of the EU's High Representative for Foreign Affairs and Security Policy", in *Contemporary Italian Politics*, Vol. 5, No. 1 (2013), p. 55-70.

Table 2 | Currently recognised Europarties

Europarty	*Acronym*	*Ideology*	*First Recognised*	*2015 grants*	*N. of member parties*	*EP political group*	*Spitzenkandidat*
European People's Party	EPP	Christian Democracy, Conservatism	2004	€8.09m	51 + 24	EPP	Jean-Claude Juncker
Party of European Socialists	PES	Social democracy	2004	€6.54m	32 + 21	S&D	Martin Schulz
Alliance of Liberals and Democrats for Europe Party *(formerly Alliance European of Liberal Democrat and Reform Party)*	ALDE	Liberalism	2004	€2.09m	41 + 17	ALDE	Guy Verhofstadt
Alliance of European Conservatives and Reformists	AECR	Conservatism, Neoliberalism, Eurorealism	2010	€1.95m	19 + 5	ECR	none
European Green Party	EGP	Green politics	2004	€1.70m	39 + 3	Greens-EFA	Ska Keller / José Bové
Party of the European Left	PEL	Left-wing, Socialism, Communism	2004	€1.63m	29 + 7	GUE-NGL	Alexis Tsipras
Alliance for Direct Democracy in Europe	ADDE	Populism, Euroscepticism	2015	€1.24m	7	EFDD	n/a
Movement for a Europe of Nations and Freedom	MENF	Euroscepticism, Nationalism, Right-wing	2015	€1.17m	5	ENF	n/a
European Free Alliance	EFA	Regionalism, Independence movements	2004	€0.71m	41 + 7	Greens-EFA	none
European Democratic Party	EDP	Centrism	2004	€0.65m	14	ALDE	Guy Verhofstadt
European Alliance for Freedom	EAF	Euroscepticism, Nationalism, Right-wing	2011	€0.52m	Individual MEPs	ENF, non-Inscrits	none
European Christian Political Movement	ECPM	Christian right	2010	€0.46m	18 + 28	ECR	none
Movement for a Europe of Liberties and Democracy	MELD	Euroscepticism,National Conservativism	2012	€0.43m	7	EFDD, non-Inscrits	none
Europeans United for Democracy *(formerly EUDemocrats)*	EUD	Eurorealism	2006	€0.39m	11	GUE-NGL, ALDE	none
Alliance of European National Movements	AENM	Anti-Europeanism, Far-right	2012	€0.35m	7	Non-Inscrits	none

Source: European Parliament's website and author's own calculation

3.2 Scarce integration between the competitive arenas

In national party systems, there are at least three competitive arenas (at the national or sub-national levels) in which parties compete: the electoral arena, the parliamentary arena, and finally the government. A party system, to be such, provides a series of interactions in all three arenas.

In "normal" democracies, parties compete in the electoral arenas according to the electoral rules and are influenced by the number, the relative size, and the ideological distance of parties in the system. In Parliament, their interactions are largely determined by their being within the majority or the opposition, and the size of the various coalitions. In the governmental arena the party system is less developed, but it can become fully meaningful especially in the presence of multi-party governments.

As seen in the previous paragraph, the heterogeneity of the electoral rules in the MS makes the electoral arena of the EU completely different from those of "normal" democracies. As for the parliamentary arena, a preliminary *caveat* is that it is divided into two chambers. The Council of Ministers, considered in its legislative connotation, has a system that consists only of the parties that are in government in their MS and that produces dynamics based on national interests, rather than on values and political ideologies or on the relationship between the opposition and the government majority. On paper, the European Parliament is a competitive arena that is much more "normal," being characterised by the presence of political groups formed at the European level and theoretically competing along an ideological spectrum. The dynamics that follow are not yet competitive enough to make the parliamentary arena a real party system and above all are not characterised by an explicit assignment of roles to the governing majority and the opposition to the constituent units.

The absence of a continuous relationship of confidence between the EP and the still-missing "European government" is another limit for the parliamentary arena. In fact, the EP votes the election of the Commission only once for term and eventual censorships may be called only during exceptional and serious cases. However, an emerging role is played by the preliminary hearing procedure, during which the EP has twice been able to stop unwanted candidates to become commissioners.

Another point of weakness is that only partially do the political groups correspond to their respective European political parties. For the biggest and most institutionalised groups (the European People's Party and the Socialists & Democrats), virtually all MEPs of the group are members of national parties that belong to the respective European political party (the EPP and the Party of European Socialists). This correlation cannot be observed for the other, smaller and newer, groups.

At the time of the big enlargement of 2004, there were many concerns about the capability of extant Europarties to include the new and often naïve national parties of the new MS. Quite surprisingly, the EP party system responded well and its existing political groups were able to accommodate almost all of those new national parties.[17] In 2014, for the first time in twenty years,

[17] Edoardo Bressanelli, *Europarties after Enlargement. Organization, Ideology and Competition*, Basingstoke and New York, Palgrave Macmillan, 2014.

the number of the EP groups grew again, but this was accompanied by the decrease of the number of the not-affiliated MEPs (see Table 3).

Table 3 | Political groups in the EP and not-aligned MEPs

	1979	*1984*	*1989*	*1994*	*1999*	*2004*	*2009*	*2014*
Legislature	1st	2nd	3rd	4th	5th	6th	7th	8th
Number of Groups	7	8	9	9	7	7	7	8
MEPs Non Inscrits	9	7	12	27	26	30	30	14
Total MEPs	410	434	518	567	626	732	736	751
% Non Inscrits	2.20	1.61	2.32	4.76	4.15	4.10	4.08	1.86

Source: www.parties-and-elections.eu

To conclude, certainly the absence of a party system in the government arena is not surprising. Within the Commission there are not in fact signs of party politics. The Commissioners are selected primarily based on their expertise and on the political orientation and will of national governments. Only the President is chosen in a way that takes into account the outcome of the elections of the EP. Only recently, and in a subsidiary way than other criteria, did political considerations play a role in the choice of the other commissioners, but without consequences for the operational dynamics of the Commission. In fact, it operates as a collegial body, based on a consensus painstakingly built into working groups and through contacts between different departments. When coalitions emerge, they are based on functional convergences (between Commissioners with similar portfolios and competencies) and not on relations of opposition-majority or on political-ideological differences. To conclude, in the European Council there is not a party system either, for the same reasons already presented for the Council of Ministers.

4. Recent attempts to overcome the fragmented European electoral and party systems

Since the EP is the most important *locus* of political parties' activity at the EU level, any strengthening of the EP prerogatives has a positive influence on the strength of Europarties. The history of the strengthening of the EP is, like that of the European Union itself, a mix of formal and informal change. The ability of the EP to obtain the resignation of the Santer Commission in 1999 and the rejection of three proposed members of the Barroso Commission in 2004 are two examples of critical (and informal) junctures in which the EP has publicly increased its power and its influence. In addition, the Lisbon Treaty (in continuity with the previous treaties) has followed the path of strengthening the EP, putting it nowadays on an equal footing with the other chamber of the "parliamentary system of the EU," the Council of the European Union.

Alongside these changes, other attempts have been proposed or implemented recently in order to consolidate the European party system and the autonomy of the European parties from their national counterparts. These are 1) Andrew Duff's proposal for a transnational party list; 2) the establishment of European political foundations; 3) the updating of the Statute of the European

political parties; 4) the designation by the Europarties of candidates for the Presidency of the Commission.

Andrew Duff in the 2009-2014 term was a very active British liberal MEP of the Constitutional Affairs Committee. Until March 2012, when it was frozen, his proposal for a reform of the electoral procedures of MS towards greater harmonisation (at least for those MS with more than 20 million inhabitants) represented the most ambitious proposal on the floor.[18] The best-known and potentially most effective – albeit very controversial – provision included in the Duff report was the proposal for the creation of a 25-MEP strong transnational constituency. Certainly, if implemented, this would have fostered closer party cooperation at the EU level by promoting genuine transnational campaigning and EU-level party programmes. It would enhance EU-level electoral competition and therefore help create a better-working EU party system. This is the only provision that could, over time, help to reduce transnational differences in party support across Europe, thus making the party system more homogeneous. In addition, the nomination by Europarties of their candidates for the Commission presidency was part of the proposal. Actually, this has been the only part of the proposal that had (although not in a formal way) a concrete implementation. The fact that Mr. Duff has not been reelected in the last European elections has not stopped him from being proactive, but it has surely diminished his power of influence.

The European foundations at the European level were introduced by Regulation (CE) 1524/2007, as "an entity or network of entities [… to be] affiliated with a political party at European level, and which through its activities, within the aims and fundamental values pursued by the European Union, underpins and complements the objectives of the political party at European level."[19] The intent was to give Europarties a new tool to help them carry out their functions and to strengthen their direct contacts with citizens. This should overcome the intermediating role of national parties and free the Europarties from their national counterparts. European political foundations have performed this role through publications and the organisation of conferences, seminars, and summer schools.[20] Some of these activities are organised by foundations jointly with the correspondent Europarties (thus putting the European party in direct contact with citizens). Other activities are organised in collaboration with national foundations, for which Eurofoundations sometimes function as "umbrella" organisations. Obviously, some differences among the Eurofoundations are due to their differing sizes. Smaller ones prefer to adopt a decentralised approach, without a head office in Brussels; on the contrary, the larger (better-funded) foundations seem to adopt a more centralised top-down approach. Another difference is that bigger foundations, from an organisational point of view, have connections in all member countries. This, for example, is a key strategic support for the affiliated Europarty because it

[18] European Parliament, *Report on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976* (A7-0176/2011), 28 April 2011, http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2011-0176&language=EN.

[19] Regulation (EC) No 1524/2007 amending Regulation (EC) No 2004/2003 on the regulations governing political parties at European level and the rules regarding their funding, 18 December 2007, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32007R1524.

[20] Wojciech Gagatek and Steven Van Hecke, "Towards Policy-Seeking Europarties? The Development of European Political Foundations", in *EUI Working Papers RSCAS*, No. 2011/58 (November 2011), http://hdl.handle.net/1814/19156.

allows them to have a contact, even if still indirect, with the national level (media, voters, associations, etc.) without the collaborating action, often competing, of national parties.

The early origin of the European political parties was the Maastricht Treaty, which stated that "[p]olitical parties at European level are important as a factor for integration within the Union. They contribute to forming a European awareness and to expressing the political will of the citizens of the Union." They officially saw the light under Regulation (EC) No 2004/2003 (later amended in 2007), which gave them a clear definition and public funding. Suddenly a debate began in order to further amend this regulation and to overcome some shortcomings, such as their weak positions against their national counterparts, their weak effectiveness in their duty of forming "a European awareness," etc. The "Giannakou report," released in 2011 by the EP Constitutional Affairs Committee (AFCO), aimed to favor the political transnationalisation at the EU level.[21] This led in 2014 to Regulation (EU) No 1141 of the European Parliament and of the Council, which focused on the centrality of the European legal personality for European political parties and established an authority for the purpose of registering, controlling and imposing sanctions on European political parties.[22] However, compared to the Giannakou report, the new regulation (which shall be applied only from 1 January 2016) seems less keen to promote an effective autonomisation of Europarties.

Currently, the choice of the President of the Commission still takes place through an intergovernmental agreement in the European Council. This agreement, "[t]aking into account the elections to the European Parliament" (Art. 17.7 TEU), proposes that a candidate needs to receive a confirmation vote from the European Parliament. This means that the appointed President must be chosen from the ranks of the winning Europarty, but the actual choice nonetheless reflects what the governments of the MS consider an acceptable compromise.

In view of the 2014 elections, unlike in the past – and thanks to the "suggestion" provided by the Constitutional Affairs Committee (AFCO) of the European Parliament in May 2013 – all the most relevant political parties decided explicitly to indicate their candidate for President of the Commission.

The major (pro-European) Europarties advanced six candidates, known by the German word *Spitzenkandidaten*. The idea of the proponents was that the competition at the European level of two or more candidates, credibly able to get the nomination of the Commission through the EP elections, would also create the conditions for the presence of different political options and therefore for a real politicisation of the European elections. In fact, during the campaign, also thanks to ten televised debates, the figures of Jean-Claude Juncker, (People's Party) and Martin Schulz (Socialists) emerged as the leading candidates with concrete chances to be elected as Commission President. The other candidates, Guy Verhofstadt (Liberals), Alexis Tsipras (European

[21] European Parliament, *Report on the application of Regulation (EC) No 2004/2003 on the regulations governing political parties at European level and the rules regarding their funding* (A7-0062/2011), 18 March 2011, http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2011-0062&language=EN.

[22] Regulation (EU, Euratom) No 1141/2014 on the statute and funding of European political parties and European political foundations, 22 October 2014, http://eur-lex.europa.eu/legal-content/en/TXT/?uri=celex:32014R1141.

Left), and the couple José Bové and Ska Keller (Greens), played a supporting role, without real chances of being elected.

The experiment can be deemed a success because the exponent of the winning party, Juncker, was finally proposed by the European Council as President of the Commission. However, this procedure was not placidly and universally accepted. The UK Conservative PM James Cameron – a member of a Europarty that did not propose any *Spitzenkandidat* – explicitly admitted to not recognising the procedure. The positive aspect was that the main Europarties (so even the "losers") declared they would accept only Juncker as President. This clearly was a victory for Europarties and for the EP, which will be able to use this procedure as a precedent for future elections. The only problem is that the Commission is also composed of representatives of the losing Europarties (because Commissioners are proposed by national governments). This has reinforced the impression of a "grand coalition" executive. Very different from the opposition-majority logic, it is considered a desirable feature for the politicisation of the European party politics.

5. Possible steps towards more integrated electoral and party systems

A sword of Damocles is over the head not only of the EP but also of the other EU institutions, and it will be even more in the near future. The EU is facing growing potential inadequacy of its institutions because of its multi-speed or multi-tiered configuration.[23] A big West Lothian question, similar to that which has happened in the United Kingdom,[24] is likely to affect the whole EU institutions' legitimisation and, consequently, efficiency. In fact, it is already debatable nowadays whether MEPs elected in non-Euro MS would have the legitimacy to discuss and take decisions on monetary issues, or whether a Commissioner nominated by a non-Schengen MS would be entitled to address issues on migration or workers' circulation.

Beyond this *caveat*, three other preliminary observations need to be exposed. The first is a longstanding limit to the establishment of a real democracy in Europe: the lack of a common public sphere.[25] Although there have been some technological improvements (above all, the spread of the use of the Internet), European citizens still watch their own national TV programs, read their national newspapers, and listen to their own national radio broadcastings. There is no doubt that such a failure prevents the construction of common European identity and that only in the long-term, because of the language barriers, could it be overcome. However, any improvement in this field would have side effects also relevant to the birth of a political sphere, potentially offering good soil as well for the growth of a party system.

[23] See Marta Dassù, "Risks and Opportunities in a Two-Tiered Europe", in *The State of the Union 2013: Collected Perspectives*, Florence, European University Press, 2013, p. 41-44, http://hdl.handle.net/1814/27460.
[24] The "West Lothian question" refers to whether MPs from Northern Ireland, Scotland, and Wales, sitting in the House of Commons of the United Kingdom, should be able to vote on issues that affect only England. In fact, on the other side, MPs from England are unable to vote on matters that have been devolved to the Northern Ireland Assembly, the Scottish Parliament, and the Welsh Assembly. See Sean Curran, "Scottish Referendum: What is the 'English Question'?", in *BBC News*, 19 September 2014, http://www.bbc.com/news/uk-politics-29281818.
[25] On the limits of the European public sphere, see Paul Statham and Hans-Jörg Trenz, *The Politicization of Europe. Contesting the Constitution in the Mass Media*, London and New York, Routledge, 2013.

The second observation stresses that any suggestion for the harmonisation of the electoral systems or the emergence of an EU party system should be brought within the boundaries of the existing treaties. In fact, if a treaty revision process should start today, on the eve of an in-out referendum in the UK and in the middle of the EU's ongoing crisis of legitimacy, the results could be far from a greater harmonisation policy and closer to a disintegration process.[26]

The third observation is that any reform of its activities that the European Parliament should adopt independently not only would change its functioning, but also its power to negotiate with the other EU institutions. Therefore, this would ensure more power and legitimacy to its internal actors, the most important of which are the political parties.

Having said that, suggestions can take different forms. Some require **formal** decisions (and regulations), others a more **informal or political** approach.

A first suggestion concerns the **apportionment** of EP seats to the MS. As we have seen, until now this process has been dealt with through negotiation between political leaders, which has secured only the simple principle of digressive proportionality. Surely, a constant revision of seats distribution will be necessary in the future, as the populations of MS are growing (and decreasing) at different paces. Thus, while a political revision could be acceptable when few members formed the EU, it is not feasible nowadays with 28 MS. So, in line with what even the European Council has recognised, this issue should be removed from the political sphere and placed into a technical domain. In brief, a mathematical-statistical criterion should be adopted to automatically allocate seats to MS.

The EU has several times intervened, recommending some criteria to harmonise the different electoral systems applied in the MS for the European elections. Keeping in mind the impossibility of having a unique electoral system in a short time, at least two other recommendations could be advanced in order to improve the level of harmonisation of the electoral systems. One would be establishment of a unique **Election Day** (in order to avoid going against strong national traditions, the day could change at every European election). The benefits of a unique electoral day are mostly symbolic, such as the presence of the European flag and anthem, but could lead to some practical consequences, like instituting a more visible Europe Day.[27]

Another recommendation could be more effective for its harmonising potential and is represented by the introduction of the preferential vote within the party lists (with the exception of the Maltese and Irish cases, where the preferential vote is implicitly present in their single transferable vote electoral systems). The introduction of **preferential vote**, according to what

[26] The boundaries of existing treaties make some deeper changes impossible to be implemented, for example the introduction of a majoritarian voting system at the EU level. The first reason is that majoritarian voting systems are perfect to guarantee clear and solid parliamentary majorities to the executives. With the existing treaties, however, the EU still lacks an executive power concentrated in only one institution. Therefore, a majoritarian system would lose one of its prominent positive aspects. The second reason is related to the small population of several EU MS. If a majoritarian system were adopted each MEP would to be elected by around 8-900,000 EU citizens; that is larger than the population of at least two MS, which, therefore, would likely be without representation in the EP. This would require a deep rethinking of concepts too complex nowadays to be addressed, such as sovereignty of the MS and legitimacy of the EU.

[27] Currently the 9th of May is Europe Day for the European Union, while the 5th of May is Europe Day for the Council of Europe.

scientific studies conducted on this system affirm,[28] would increase the level of knowledge of the members of the list and, hopefully, the turnout of the electorate. Having more people than usual go to the polls on Europe Day would be a steady improvement in the uniqueness of European identity.

A couple of suggestions are linked to a change of the freshly-approved statute of the European political parties, in particular with the introduction of new additional requirements to be registered as European political parties. These could have positive effects on both the harmonisation of the electoral systems and the strengthening of Europarties.

Nowadays, even if Europarties mainly work as networks of national parties, they are not required to indicate officially the national parties that are members of the European political parties. This obligation could be introduced, with the additional provision for national member parties, at this point officially recognised, to **add on the electoral ballot a reference of the correspondent Europarty** to their electoral symbol or name, while contesting the European elections. Until now only national parties with an enthusiastic pro-European profile or with a scarcely-autonomous internal legitimacy have added to their electoral label their European affiliation. The others, even those that are pro-European, have avoided explicitly indicating their supranational involvement. This behavior has sometimes allowed electoral campaigns with anti-European tones (especially of horizontal euroscepticism[29]) as well as national parties with an official pro-European attitude, which have not refrained from criticising their sister parties. Another consequence is that the presence in the electoral ballot of only the symbols and names of national actors and the absence of any clear European reference have reinforced in the electorate the idea that European elections are only second-order national elections.[30] However, the presence of a European reference in the ballot must not be compulsory for all the parties, but only for those national parties that are officially registered as members of Europarties, which receive public funds from the EU budget. It is important to remember, in fact, that in 2003 the first of the targets foreseen by the EU regulation establishing the political parties at the European level was to "contribute to forming a European awareness." Urging national member parties to show their European affiliation during the European elections is completely in line with the spirit of the EU regulation. Thus, European political parties that failed or did not want to make their member parties declare their supranational affiliation should be deprived of funds by the EU budget.

One of the shortcomings of the experience of the *Spitzenkanditaten*, however positive, has been the limited individual participation in the selection process of the top leading candidates. One way to favor the introduction of individual membership, alongside the collective membership represented by national parties, could be the introduction of **primary elections**, which the

[28] See Pippa Norris, "Ballot Structures and Legislative Behavior. Changing Role Orientations via Electoral Reform", in Timothy J. Power and Nicol C. Rae (eds.), *Exporting Congress? The Influence of the U.S. Congress on World Legislatures*, Pittsburgh, University of Pittsburgh Press, 2006, p. 157-184.
[29] Luciano Bardi, "Political Parties, Responsiveness, and Responsibility in Multi-Level Democracy: The Challenge of Horizontal Euroscepticism", in *European Political Science*, Vol. 13, No. 4 (December 2014), p. 352-364.
[30] For the current situation of the different balloting papers used nowadays in EU MS and about the potential benefices deriving from their future harmonization, see Luciano Bardi and Lorenzo Cicchi, *Electoral Rules and Electoral Participation in the European Elections: the Ballot Format and Structure*, Brussels, European Parliament, 2015,
http://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU%282015%29536464.

Europarties should adopt in order to select their candidate. In this case, too, "normal" democracies give us some examples that could be followed. Even if party primaries have an American origin, they are no longer a complete novelty in European politics. Party primary elections have been used, to recall some of the several cases, to choose the national electoral leaders for the British Labour Party, the French Socialists, and the Italian Democratic Party. However, in all of these cases party officials handled primaries internally, without any involvement of public institutions. In the European case, the idea would be that the Union will convene a cycle of primary elections, as happens in the US, in which citizens could participate in choosing their preferred Europarty frontrunner amongst a preliminary list of names chosen by the national member parties. Obviously, voters could only vote in the primaries for one Europarty.[31] This solution would maintain a compromise between member parties and future individual members, guaranteeing the former a preliminary selective role, but also leading to the establishment of individual membership for Europarties.

Lastly, a final recommendation should be addressed specifically to the **pro-European political actors**. Especially during the 2014 European elections, the pro-European political parties (at both the national and the European levels) tended to counteract the political campaign of the eurosceptics through the simple message that can be summarised in the motto "Vote for us because we are the only possible barrier against who wants to destroy the European Union." In practice, one of the main themes of the last European elections was the pro/anti attitude towards the EU. However, this is very risky. In fact, as the former Portuguese Minister for Regional Development, Miguel Maduro, also affirmed, "In a democratic Europe citizens can disagree about the right policies to respond to the current economic and financial crisis. If they are not presented with alternative EU policies then the only alternative that remains for them is to be for or against Europe."[32] In fact, this time results were positive for the pro-Europeans, but one should think of the consequences that may occur if the only issue of the campaign were the yes/no to Europe and the anti-Europeanists actually won. In practice, a politicisation of the European elections and consequently of European politics on different cleavages other than the pro/anti dichotomy would secure the existence of the European Union. Currently, the only relevant political cleavage that binds together all the European "normal" democracies is the left-right divide. Thus, a left-right competition should become the prominent one during the European electoral campaign. Obviously, the eurosceptic forces would refuse that while they have an interest in focusing all their attention on the pro/anti divide. Thus, the two main pro-European political actors, the center-right European People's Party and the center-left Party of the European Socialists, should adopt a long-term perspective and favor highlighting the differences between their own proposals rather than being tempted to dichotomise the electoral competition with the popular (but short-term-focused) slogan of defending Europe from the anti-Europeanists. The consequences of a defeat would be disastrous for the integration process itself and difficult to reverse.

[31] This is the same procedure used in most of the US states, where voters must declare in which party's primary they will be voting. A very similar procedure was also applied between 2000 and 2010 in the regional elections of Tuscany in Italy.

[32] Miguel Maduro, "Fiscal Capacity and Constitutional Reform in the EMU", in *The State of the Union 2013: Collected Perspectives*, Florence, European University Press, 2013, p. 29, http://hdl.handle.net/1814/27460.

To conclude, the implementation of these multifaceted suggestions (institutional and political) should not be interpreted as a definitive ground which could automatically result in the emergence of real electoral and party systems at the EU level. More realistically, the implementation of these possible suggestions could give the political actors (the national parties included) strong incentives to run the elections as real EU elections based on European themes. It is finally a political actors' decision whether to conform or not to these new stimuli.

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