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KEEP CALM AND CARRY ON WITH THE *SPITZENKANDIDATEN*

by Kara Sutton

British Prime Minister David Cameron and the UK press' furious trashing of future European Commission President Jean-Claude Juncker has come to naught. Though portrayed as an alcoholic and staunch federalist, Juncker was overwhelmingly elected at the June 26-27 EU summit. The real setback, however, is elsewhere. Cameron's desperate attempts to block Juncker's nomination have undermined the prime minister's valid arguments about the new process of nominating *Spitzenkandidaten*, or leading candidates, for the Commission presidency. The process, he justifiably claimed, raises concerns about democratic legitimacy, the balance between the European Council and European Parliament, and the ability to select the best candidates. The Council should address these concerns if the *Spitzenkandidat* process is to continue.

Neither Cameron nor German Chancellor Angela Merkel took the idea of *Spitzenkandidaten* seriously when the Social Democrats (S&D) first proposed Martin Schulz for Commission president in October 2013. The other parliamentary factions quickly followed with their own lead candidates, yet Cameron and Merkel believed heads of government would still control the process for selecting a Commission president at an EU summit that followed European elections, as tradition dictated. The naming of leading candidates initially spurred only muted opposition from the prime minister and the chancellor.

The new process aimed to increase voter turnout and enhance democratic legitimacy. A vote for a parliamentary contender would also count as a vote for the *Spitzenkandidat* proposed by the contender's political group. As far as those groups were concerned, the Council would then select as new Commission president the candidate representing the group that won the most parliamentary votes.

Though not enthusiastic about the process, the center-right European People's Party (EPP), to which Merkel's Christian Democrats belong, nominated Juncker as its *Spitzenkandidat*.

Cameron's Conservatives could have participated in that decision had he not previously pulled his party out of the EPP. Compounding the error, the prime minister believed the chancellor shared his opposition to Juncker and would ultimately put forward an alternative. In the aftermath of the EPP's victory, however, Merkel succumbed to domestic pressures and supported the controversial Luxembourgger.

The backroom wheeling and dealing that characterized previously disputed Commission-president selections was not an option this time. In fact, avoiding that scenario was key since Brussels as a whole is coming under increasing criticism for its democratic deficits.

The actual procedure, however, will do little to reverse that trend. Cameron correctly argued that the current *Spitzenkandidat* process does not significantly enhance democratic legitimacy. Most EU voters had no idea their votes would reflect support for a group's leading candidate. Despite public debates among the candidates and "campaigning" throughout the EU, no presidential candidates' names appeared on ballots. It is a reach to argue that Juncker was democratically elected by voters who selected their local EPP candidates.

The current *Spitzenkandidat* model also creates a gray area for future elections. The process outlined in the Lisbon Treaty instructs the Council to nominate a candidate while giving consideration to the European Parliament election results. Political group leaders say this means a *Spitzenkandidat* should be nominated because voters are aware of the options when they go to the polls. Cameron argues this interpretation shifts the balance of power created by the Lisbon Treaty between member states, whose leaders have complete democratic legitimacy, and the European Parliament. Merkel's reluctance to push for a replacement EPP candidate even though she was not enamored with Juncker demonstrates this shift.

Lastly, according to Cameron, the current process prevents the "very best" candidate from becoming Commission president. It instead promotes only EU insiders with Brussels experience. That is not necessarily bad, but it could shut out sitting heads of government who would be reluctant to undergo the political embarrassment of losing a European election while in national office. If the best qualified individual is to be selected, the process will need to adapt in order to allow more diversity of candidates.

Agreement between the Council and the Parliament on the Lisbon Treaty's meaning is necessary to legitimize the *Spitzenkandidat* process. Heads of government were generally supportive of Juncker's nomination, but forming future majorities may be more difficult. Heads of government could decide against another controversial *Spitzenkandidat* if they cannot endorse the selection process. A new balance between Council and Parliament would go far to prevent this uncomfortable scenario.

A more direct and representative procedure must be put into place if *Spitzenkandidaten* are to have more democratic legitimacy. This procedure must also restore the Council-Parliament balance of power to give both bodies equal roles. A variety of options could do this. Voters could elect, subject to Council and Parliament confirmation, a *Spitzenkandidat* at the same time they choose their local parliamentarian. In this case, the Council could convene before the political groups do and recommend potential *Spitzenkandidaten*. A second option would allow voters to select the political group from which the Commission president should be chosen. The groups would not place a lead candidate on the ballot but make public a list of multiple candidates. Following the elections, the Council would then select an individual from that list.

Cameron and Merkel were unlikely to be the only Europeans surprised by the support the *Spitzenkandidaten* process received. Though the process has its flaws, the support demonstrates a trend — and the need for that trend — towards a more democratic process for choosing a Commission president.

Following the Council’s vote to nominate Juncker, Cameron tweeted a warning that EU leaders “could live to regret the new process”. But the prime minister should keep calm. With a few reforms, a legitimate *Spitzenkandidaten* procedure can carry on.

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